


State party	Date of entry into force	Initial reports	Second periodic reports					
								
<i>Articles 6 D</i>	<i>Articles 10 A2</i>	<i>Articles 13 A5</i>	<i>Articles 6 D</i>	<i>Articles 10 A2</i>	<i>Articles 13 A5</i>			
<i>(Summary records of consideration of reports)</i>								
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4 I6 and 8)	Overdue					
2. Albania	4 January 1992	E/1990/5/Add.67 (Received on 5 January 2005 - pending consideration)						
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46 and 47)	E/1990/6/Add.26 (E/C.12/2001/SR.65 and 66)					
4. Angola	10 April 1992	Overdue						
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.30 I32)	E/1988/5/Add.4 and Add.8 (E/C.12/1990/SR.18 I20)	E/1990/6/Add.16 (E/C.12/1999/SR.33 I36)				
6. Armenia	13 December 1993	E/1990/5/Add.36 (E/C.12/1999/SR.38 I40)	Overdue					
7. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12 and 13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13 and 14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)	
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3 and 4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39 I41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39 I41)	
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39 I41)	E/1990/6/Add.37 (E/C.12/2004/SR.41 I43)					
10. Bangladesh	5 January 1999	Overdue						
11. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6 and 7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14 and 15)	Overdue			

## Annex I (continued)

State party	Date of entry into force	Initial reports	Second periodic reports					
<i>Articles 6 D</i>	<i>Articles 10 A2</i>	<i>Articles 13 A5</i>	<i>Articles 6 D</i>	<i>Articles 10 A2</i>	<i>Articles 13 A5</i>			
<i>(Summary records of consideration of reports)</i>								
12. Belarus	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9 and 10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13 I15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10 I12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)	
13. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15 I17)	E/1990/6/Add.18 (E/C.12/2000/SR.64 I66)					
14. Benin	12 June 1992	E/1990/5/Add.48 (E/C.12/2002/SR.8 I10)	Due on 30 June 2007					
15. Bolivia	12 November 1982	E/1990/5/Add.44 (E/C.12/2001/SR.15 I17)	Overdue (Was due on 30 June 2005)					
		E/1990/5/Add.65						

16. Bosnia and Herzegovina	6 March 1993	(E/C.12/2005/SR.41-43)	Due on 30 June 2010					
17. Brazil	24 April 1992	E/1990/5/Add.53 (E/C.12/2003/SR.8 I10)	Due on 30 June 2006					
18. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/SR.12)	E/1980/6/Add.29 (E/1982/WG.1/SR.8)	E/1982/3/Add.23 (E/1983/WG.1/SR.11 I13)	E/1984/7/Add.18 (E/1985/WG.1/SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/SR.17 I19)		
19. Burkina Faso	4 April 1999	Overdue						
20. Burundi	9 August 1990	Overdue						
21. Cambodia	26 August 1992	Overdue						
22. Cameroon	27 September 1984	E/1990/5/Add.35 (E/C.12/1999/SR.41 I43)	E/1986/3/Add.8 (E/C.12/1989/SR.6 and 7)	E/1990/5/Add.35 (E/C.12/1999/SR.41 I43)	Overdue			
23. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/SR.1 and 2)	E/1980/6/Add.32 (E/1984/WG.1/SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6 and 7)		
24. Cape Verde	6 November 1993	Overdue						
25. Central African Republic	8 August 1981	Overdue						
26. Chad	9 September 1995	Overdue						
27. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/SR.8 and 9)	E/1980/6/Add.4 (E/1981/WG.1/SR.7)	E/1982/3/Add.40 (E/C.12/1988/SR.12, 13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/SR.11 and 12)	E/1986/4/Add.18 (E/C.12/1988/SR.12, 13 and 16)	Overdue	
28. China	27 June 2001	E/1990/5/Add.59* (E/C.12/2005/SR.6-10)	Due on 30 June 2010					
29. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/SR.15)	E/1986/3/Add.3 (E/1986/WG.1/SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/SR.15, 21 and 22)	E/1984/7/Add.21/Rev.1 (E/1986/WG.1/SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/SR.12 I14 and 17)	E/1990/7/Add.4 (E/C.12/1991/SR.17, 18 and 25)	
30. Congo	5 January 1984	Overdue (Without report: E/C.12/2000/SR.16 and 17)						
31. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)	Overdue					
32. Côte d'Ivoire	26 June 1992	Overdue						
33. Croatia	8 October 1991	E/1990/5/Add.46 (E/C.12/2001/SR.69 I71)	Due on 30 June 2006					
34. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/SR.17)	E/1980/6/Add.3 (E/1981/WG.1/SR.6)	E/1982/3/Add.19 (E/1983/WG.1/SR.7 and 8)	E/1984/7/Add.13 (E/1984/WG.1/SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/SR.2, 3 and 5)		
35. Czech Republic	1 January 1993	E/1990/5/Add.47 (E/C.12/2002/SR.3 I5)	Due on 30 June 2007					
36. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/SR.21 and 22)	E/1986/3/Add.5 (E/C.12/1987/SR.21 and 22)	E/1988/5/Add.6 (E/C.12/1991/SR.6, 8 and 10)	E/1990/6/Add.35 (E/C.12/2003/SR.44 I46)			
37. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18 E/1986/3/Add.7 E/1982/3/Add.41 (E/C.12/1988/SR.16 I19)	Overdue					
38. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/SR.10)	E/1980/6/Add.15 (E/1981/WG.1/SR.12)	E/1982/3/Add.20 (E/1983/WG.1/SR.8 and 9)	E/1984/7/Add.11 (E/1984/WG.1/SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/SR.8 and 9)		
39. Djibouti	5 February 2003	Overdue (Was due on 30 June 2005)						
40. Dominica	17 September 1993	Overdue						
41. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43)	E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30)					

		145 and 47)	(E/C.12/1997/SR.29 131)				
42. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4 and 5)	E/1986/3/Add.14 E/1988/5/Add.7 (E/C.12/1990/SR.37 139 and 42)	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	E/1990/6/Add.36 (E/C.12/2004/SR.15 117)		
43. Egypt	14 April 1982	E/1990/5/Add.38 (E/C.12/2000/SR.12 and 13)	Overdue				
44. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15, 16 and 18)	E/1990/6/Add.39 (Pending consideration)				
45. Equatorial Guinea	25 December 1987	Overdue					
46. Eritrea	17 July 2001	Overdue					
47. Estonia	21 January 1992	E/1990/5/Add.51 (E/C.12/2002/SR.41 143)	Due on 30 June 2007				
48. Ethiopia	11 September 1993	Overdue					
49. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7 and 8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17 and 18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8, 9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
50. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18, 19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12 and 13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	E/1990/6/Add.27 (E/C.12/2001/SR.67 and 68)		
51. Gabon	21 April 1983	Overdue					
52. Gambia	29 March 1979	Overdue					
53. Georgia	3 August 1994	E/1990/5/Add.37 (E/C.12/2000/SR.3 15)	E/1990/6/Add.31 (E/C.12/2002/SR.35 and 36)				
54. Germany	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5 and 6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17 and 18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22 123 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19 and 20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35 and 36)
55. Ghana	7 December 2000	Overdue					
56. Greece	16 August 1985	E/1990/5/Add.56 (E/C.12/2004/SR.6 18)	Due on 30 June 2009				
57. Grenada	6 December 1991	Overdue					
58. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11 114)	E/1990/Add.34/Rev.1 (E/C.12/2003/SR.38 and 39)				
59. Guinea	24 April 1978	Overdue					
60. Guinea Bissau	2 October 1992	Overdue					
61. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)	E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)				
62. Honduras	17 May 1981	E/1990/5/Add.40 (E/C.12/2001/SR.5 18)	Due on 30 June 2006				
63. Hungary	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6 17 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6 17 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)
64. Iceland	22 November 1979	E/1990/5/Add.6 (E/C.12/1993/SR.29 131) and Add.14 and Corr.1	E/1990/6/Add.15 (E/C.12/1999/SR.3 15)				
65. India	10 July 1970	E/1984/6/Add.13 (E/1986/WG.1/ SR.6)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6)	E/1988/5/Add.5 (E/C.12/1990/ SR.6)	Overdue		

	1717	SR.20 and 24)	and 8)	SR.16, 17 and 19)		
66. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7 I9 and 20)	E/1982/3/Add.43 (E/C.12/1990/SR.42, 43 and 45)	Overdue		
67. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/SR.12)	E/1982/3/Add.26 (E/1985/WG.1/SR.3 and 4)	E/1986/4/Add.3 (E/1986/WG.1/ and 11)	E/1990/7/Add.15 (E/C.12/1994/SR.11 and 14)
68. Ireland	8 March 1990	E/1990/5/Add.34 (E/C.12/1999/SR.14 I16)	E/1990/6/Add.29 (E/C.12/2002/SR.6 and 7)			
69. Israel	3 January 1992	E/1990/5/Add.39 (E/C.12/1998/SR.31 I33)	E/1990/6/Add.32 (E/C.12/2003/SR.17 -19)			
70. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/SR.3 and 4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)	
71. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/SR.20)	E/1986/3/Add.12 (E/C.12/1990/SR.10 I12 and 15)	E/1988/5/Add.3 (E/C.12/1990/SR.10 I12 and 15)	E/1984/7/Add.30 (E/C.12/1990/SR.10 I12 and 15)	E/1990/6/Add.28 (E/C.12/2001/SR.73)
72. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/SR.9 and 10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/SR.20, 21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/SR.12 and 13)	E/1990/6/Add.21 and Corr.1 (E/C.12/2001/SR.42 and 43)	
73. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/SR.6 I8)	E/1986/3/Add.6 (E/C.12/1987/SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/SR.30 I32)	E/1990/6/Add.17 (E/C.12/2000/SR.30 I33)	
74. Kenya**	3 January 1976	Overdue	Overdue			
75. Kuwait	31 August 1996	E/1990/5/Add.57 (E/C.12/2004/SR.9 I11)	Due on 30 June 2009			
76. Kyrgyzstan	7 January 1995	E/1990/5/Add.42 (E/C.12/2000/SR.42 I44)	Overdue (Was due on 30 June 2005)			
77. Latvia	14 July 1992	E/1990/5/Add.70 (Received on 12 August 2005 - pending consideration)				
78. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)	Overdue			
79. Liberia	22 December 2004	Due on 30 June 2006				
80. Lesotho	9 December 1992	Overdue				
81. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20 and 21)	E/1982/3/Add.6 and 25 (E/1983/WG.1/SR.16 and 17)	E/1990/6/Add.38 (E/C.12/2005/SR.44 I46)		
82. Liechtenstein	10 March 1999	E/1990/5/Add.66 (Pending consideration)				
83. Lithuania	20 February 1992	E/1990/5/Add.55 (E/C.12/2004/SR.3 I5)	Due on 30 June 2009			
84. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33 I36)	E/1990/6/Add.9 (E/C.12/1997/SR.48 and 49)			
85. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/SR.2)	E/1980/6/Add.39 (E/1986/WG.1/SR.2, 3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/SR.14 and 18)	Overdue
86. Malawi	22 March 1994	Overdue				
87. Mali	3 January 1976	Overdue				
88. Malta	13 December 1990	E/1990/5/Add.58 (E/C.12/2004/SR.32 and 33)	Due on 30 June 2009			
89. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43)	Overdue			
90 Mauritania	17 February 2007	Due on 30 June 2007				

	2005	2007						
91. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/SR.14 and 15)	E/1990/6/Add.4 (E/C.12/1993/SR.32 I35)			
92. Monaco	28 November 1997	E/1990/5/Add.64 (Pending consideration)						
93. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/SR.7)	E/1980/6/Add.7 (E/1981/WG.1/SR.8 and 9)	E/1982/3/Add.11 (E/1982/WG.1/SR.15 and 16)	E/1984/7/Add.6 (E/1984/WG.1/SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/SR.5 and 7)		
94. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8 I10)	E/1990/6/Add.20 (E/C.12/2000/SR.70 I72)					
95. Namibia	28 February 1995	Overdue						
96. Nepal	14 August 1991	E/1990/5/Add.45 (E/C.12/2001/SR.44 I46)	Due on 30 June 2006					
97. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/SR.5 and 6) (E/C.12/1989/SR.14 and 15)	E/1980/6/Add.33 (E/1984/WG.1/SR.4 I6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/SR.14 and 18) (E/C.12/1989/SR.14 and 15)	E/1990/6/Add.11-13 (E/C.12/1998/SR.13 I17)	E/1986/4/Add.24 (E/C.12/1989/SR.14 and 15)	E/1990/6/Add.11-13 (E/C.12/1998/SR.13 I17)	
98. New Zealand	28 March 1979	E/1990/5/Add.5, Add.11 and 12 (E/C.12/1993/SR.24 I26)	E/1990/6/Add.33 (E/C.12/2003/SR.11 and 12)					
99. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/SR.16, 17 and 19)	E/1986/3/Add.15 and 16 (E/C.12/1993/SR.27 and 28)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/SR.15)	Overdue			
100. Niger	7 June 1986	Overdue						
101. Nigeria	29 October 1993	E/1990/5/Add.31 (E/C.12/1998/SR.6 I8)	Overdue					
102. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/SR.5)	E/1980/6/Add.5 (E/1981/WG.1/SR.14)	E/1982/3/Add.12 (E/1982/WG.1/SR.16)	E/1984/7/Add.16 (E/1984/WG.1/SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/SR.14 and 15)	E/1990/7/Add.7 (E/C.12/1992/SR.4, 5 and 12)	
103. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/SR.5)	E/1988/5/Add.9 (E/C.12/1991/SR.3, 5 and 8)	E/1990/6/Add.24 (E/C.12/2001/SR.36)	E/1986/4/Add.22 (E/C.12/1991/SR.3, 5 and 8)	E/1990/6/Add.24 (E/C.12/2001/SR.36)	
104. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1, 2 and 4)	Overdue					
105. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/SR.14 I17)	Overdue				
106. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/SR.11)	E/1986/3/Add.17 (E/C.12/1995/SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/SR.8, 9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/SR.15 and 20)	Overdue		
107. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/SR.18 and 19)	E/1980/6/Add.12 (E/1981/WG.1/SR.11)	E/1982/3/Add.21 (E/1983/WG.1/SR.9 and 10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/SR.25 I27)	E/1986/4/Add.12 (E/C.12/1989/SR.5 and 6)	E/1990/7/Add.9 (E/C.12/1992/SR.6, 7 and 15)	
108. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/SR.6 and 9)	E/1984/7/Add.6 (E/C.12/1995/SR.7, 8 and 10) E/1990/6/Add.8 (Macau) (E/C.12/1996/SR.31 I33)			
109. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4 and 6)	E/1990/6/Add.23 (E/C.12/2001/SR.12 I14)					
110. Republic of Moldova	26 March 1993	E/1990/5/Add.52 (E/C.12/2003/SR.32 I34)	Due on 30 June 2008					
111. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/SR.16 and 17)	E/1980/6/Add.1 (E/1981/WG.1/SR.5)	E/1982/3/Add.13 (E/1982/WG.1/SR.17 and 18)	E/1984/7/Add.17 (E/1985/WG.1/SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/SR.6)	E/1990/7/Add.14 (E/C.12/1994/SR.5, 7 and 13)	
112. Russian Federation	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/SR.14)	E/1980/6/Add.17 (E/1981/WG.1/SR.14 and 15)	E/1982/3/Add.1 (E/1982/WG.1/SR.11 and 12)	E/1984/7/Add.7 (E/1984/WG.1/SR.9 and 10)	E/1986/4/Add.14 (E/C.12/1987/SR.16 I18)	E/1990/7/Add.8 (Withdrawn)	
113. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/SR.10 I12)	E/1984/7/Add.29 (E/C.12/1989/SR.10 I12)	Overdue		

114. Saint Vincent and the Grenadines	9 February 1982	Overdue						
115. San Marino	18 January 1986	Due on 31 May 2006						
116. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/SR.37 and 38 )	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14 I16)	E/1990/6/Add.25 (E/C.12/2001/SR.32 and 33)			
117. Serbia and Montenegro	12 March 2001	E/1990/5/Add.61 (Pending consideration)	E/C.12/2005/SR.5, 11-13	Due 30 June 2010				
118. Seychelles	5 August 1982	Overdue						
119. Sierra Leone	23 November 1996	Overdue						
120. Slovakia	28 May 1993	E/1990/5/Add.49 (E/C.12/2002/SR.30 I32)	Due on 30 June 2007					
121. Slovenia	6 July 1992	E/1990/5/Add.62 (E/C.12/2005/SR.32-34 - pending consideration)	Due on 30 June 2010					
122. Solomon Islands	17 March 1982	Overdue (Without report: E/C.12/1999/SR.9) E/1990/5/Add.50 (E/C.12/2002/SR.38 and 39)	Due on 30 June 2005					
123. Somalia	24 April 1990	Overdue						
124. Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10 and 11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)	
125. Sri Lanka	11 September 1980	E/1990/5/Add.32 (E/C.12/1998/SR.3 I5)	Overdue					
126. Sudan	18 June 1986	E/1990/5/Add.41 (E/C.12/2000/SR.36 and 38 I41)	Overdue					
127. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13, 15 and 16)	Overdue					
128. Swaziland	26 June 2004	Due on 30 June 2006						
129. Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19 and 20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10 and 11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11 I13 and 18)	
130. Switzerland	18 September 1992	E/1990/5/Add.33 (E/C.12/1998/SR.37 I39)	Overdue					
131. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)	E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)				
132. Tajikistan	4 April 1999	E/1990/5/Add.68 (Received on 15 May 2005 - pending consideration)						
133. Thailand	5 December 1999	Overdue						
134. The former Yugoslav Republic of Macedonia	17 September 1991	E/C.12/MKD/1 (Received on 21 July 2005 - pending consideration)						
135. Timor Leste	16 July 2003	Overdue (Was due on 30 June 2005)						
136. Togo	24 August 1984	Overdue (Without report: E/C.12/2001/SR.19 and 25)						
137. Trinidad and Tobago	8 March 1970	E/1984/6/Add.21 E/1986/3/Add.11 E/1988/5/Add.1	E/1990/6/Add.30 (E/C.12/2002/SR.15)					

and 100 ago	17/7	(E/C.12/1989/SR.17 and 16) I19)						
138. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5 and 6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)			E/1990/6/Add.14 (E/C.12/1999/SR.17 I19)		
139. Turkey	23 December 2003	(Was due on 30 June 2005)						
140. Turkmenistan	1 August 1997	Overdue						
141. Uganda	21 April 1987	Overdue						
142. Ukraine	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5 and 6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11 and 12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13 I15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9 I11)	E/1990/7/Add.11 (Withdrawn)	
143. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16 and 17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19 I21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/SR.16 and 17) E/1986/4/Add.27 and 28 (E/C.12/1994/SR.33, 34, 36 and 37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33, 34, 36 and 37)	
144. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue				
145. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)	E/1990/6/Add.10 (E/C.12/1997/SR.42 I44)					
146. Uzbekistan	28 December 1995	E/1990/5/Add.63 (E/C.12/2005/SR.38-40)	Due on 30 June 2010					
147. Venezuela (Bolivarian Republic of)	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7, 8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	E/1990/6/Add.19 (E/C.12/2001/SR.3 I5)			
148. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9 I11)	Overdue					
149. Yemen	9 May 1987	E/1990/5/Add.54 (E/C.12/2003/SR.35 I37)	Due on 30 June 2008					
150. Zambia	10 July 1984		E/1990/5/Add.60 (E/C.12/2005/ SR.3-5)			Due on 30 June 2010		
151. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8 I10 and 14)	Overdue					

## Annex I (continued)

### B. Third and fourth periodic reports

<i>State party</i>	<i>Date of entry into force (Summary records of consideration of reports)</i>	<i>Third periodic reports</i>	<i>Fourth periodic reports</i>
1. Afghanistan	24 April 1983		
2. Albania	4 January 1992		
3. Algeria	12 December 1989	Due on 30 June 2006	
4. Angola	10 April 1992		
5. Argentina	8 November 1986	Overdue	
6. Armenia	13 December 1993		
7. Australia	10 March 1976	E/1994/104/Add.22 (E/C.12/2000/SR.45-47)	Overdue (Was due on 30 June 2005)
8. Austria	10 December 1978	E/1994/104/Add.28 (E/C.12/2005/SR.35-37)	Due on 30 June 2010
9. Azerbaijan	13 November 1992	Due on 30 June 2009	
10. Bangladesh	5 January 1999		
11. Barbados	3 January 1976		
12. Belarus	3 January 1976	E/1994/104/Add.6 (E/C.12/1996/SR.34 I36)	Overdue

13. Belgium	21 July 1983	Overdue (Was due on 30 June 2005)	
14. Benin	12 June 1992		
15. Bolivia	12 November 1982		
16. Bosnia and Herzegovina	6 March 1993		
17. Brazil	24 April 1992		
18. Bulgaria	3 January 1976	E/1994/104/Add.16 (E/C.12/1999/SR.30132)	Overdue
19. Burkina Faso	4 April 1999		
20. Burundi	9 August 1990		
21. Cambodia	26 August 1992		
22. Cameroon	27 September 1984		
23. Canada	19 August 1976	E/1994/104/Add.17 (E/C.12/1998/SR.46148)	E/C.12/4/Add.15 (Pending consideration)
24. Cape Verde	6 November 1993		
25. Central African Republic	8 August 1981		
26. Chad	9 September 1995		

**Annex I**  
**(continued)**

<i>State party</i>	<i>Date of entry into force (Summary records of consideration of reports)</i>	<i>Third periodic reports</i>	<i>Fourth periodic reports</i>
27. Chile	3 January 1976	E/1994/104/Add.26 (E/C.12/2004/SR.44146)	Due on 30 June 2009
28. China	27 June 2001		
29. Colombia	3 January 1976	E/1994/104/Add.2 (E/C.12/1995/SR.32, 33 and 35)	E/C.12/4/Add.6 (E/C.12/2001/SR.63 and 64); fifth periodic report due on 30 June 2006
30. Congo	5 January 1984		
31. Costa Rica	3 January 1976		
32. Côte d'Ivoire	26 June 1992		
33. Croatia	8 October 1991		
34. Cyprus	3 January 1976	E/1994/104/Add.12 (E/C.12/1998/SR.34136)	Overdue
35. Czech Republic	1 January 1993		
36. Democratic People's Republic of Korea	14 December 1981	Due on 30 June 2008	
37. Democratic Republic of the Congo	1 February 1977		
38. Denmark	3 January 1976	E/1994/104/Add.15 (E/C.12/1999/SR.11113)	E/C.12/4/Add.12 (E/C.12/2004/SR.35137)
39. Djibouti	5 February 2003		
40. Dominica	17 September 1993		
41. Dominican Republic	4 April 1978	Overdue	
42. Ecuador	3 January 1976	Due on 30 June 2009	
43. Egypt	14 April 1982		
44. El Salvador	29 February 1980		
45. Equatorial Guinea	25 December 1987		
46. Eritrea	17 July 2001		



47. Estonia	21 January 1992		
48. Ethiopia	11 September 1993		
49. Finland	3 January 1976	E/1994/104/Add.7 (E/C.12/1996/SR.37, 38 and 40)	E/C.12/4/Add.1 (E/C.12/2000/SR.61163)
50. France	4 February 1981	Due on 30 June 2006	
51. Gabon	21 April 1983		
52. Gambia	29 March 1979		
53. Georgia	3 August 1994	Due on 30 June 2007	
54. Germany	3 January 1976	E/1994/104/Add.14 (E/C.12/1998/SR.40142)	E/C.12/4/Add.3 (E/C.12/2001/SR.48 and 49); fifth periodic report due on 30 June 2006
55. Ghana	7 December 2000		
56. Greece	16 August 1985		
57. Grenada	6 December 1991		
58. Guatemala	19 August 1988	Due on 30 June 2008	
59. Guinea	24 April 1978		
60. Guinea-Bissau	2 October 1992		
61. Guyana	15 May 1977		
62. Honduras	17 May 1981		
63. Hungary	3 January 1976	E/C.12/HUN/3 (Received on 29 September 2005 -pending consideration)	
64. Iceland	22 November 1979	E/1994/104/Add.25 (E/C.12/2003/SR.14116)	Due on 30 June 2008
65. India	10 July 1979		
66. Iran (Islamic Republic of)	3 January 1976		
67. Iraq	3 January 1976	E/1994/104/Add.9 (E/C.12/1997/SR.33135)	Was due on 30 June 2000
68. Ireland	8 March 1990	Due on 30 June 2007	
69. Israel	3 January 1992	Due on 30 June 2008	
70. Italy	15 December 1978	E/1994/104/Add.19 (E/C.12/2000/SR.618)	E/C.12/4/Add.13 (E/C.12/2004/SR.38140); fifth periodic report due on 30 June 2009
71. Jamaica	3 January 1976	Overdue	
72. Japan	21 September 1979	Due on 30 June 2006	
73. Jordan	3 January 1976	Overdue	
74. Kenya	3 January 1976		
75. Kuwait	31 August 1996		
76. Kyrgyzstan	7 January 1995		
77. Latvia	14 July 1992		
78. Lebanon	3 January 1976		
79. Lesotho	9 December 1992		
80. Liberia	22 December 2004		
81. Libyan Arab Jamahiriya	3 January 1976	Due on 30 June 2007	
82. Liechtenstein	10 March 1999		

83. Lithuania	20 February 1992		
84. Luxembourg	18 November 1983	E/1994/104/Add.24 (E/C.12/2003/SR.5 and 6)	Due on 30 June 2008
85. Madagascar	3 January 1976		
86. Malawi	22 March 1994		
87. Mali	3 January 1976		
88. Malta	13 December 1990		
89. Mauritania	17 February 2005		
90. Mauritius	3 January 1976		
91. Mexico	23 June 1981	E/1994/104/Add.18 (E/C.12/1999/SR.44146)	E/C.12/4/Add.16 (Received on 20 December 2004 - pending consideration)
92. Monaco	28 November 1997		
93. Mongolia	3 January 1976	E/1994/104/Add.21 (E/C.12/2000/SR.34137)	Overdue
94. Morocco	3 August 1979	E/1994/104/Add.29 (Pending consideration)	
95. Namibia	28 February 1995		
96. Nepal	14 August 1991		
97. Netherlands	11 March 1979	E/1994/104/Add.30 and E/C.12/ANT/3 (Netherlands Antilles) (Received on 5 August 2005 and 18 August 2005 - pending consideration)	
98. New Zealand	28 March 1979	Due on 30 June 2008	
99. Nicaragua	12 June 1980		
100. Niger	7 June 1986		
101. Nigeria	29 October 1993		
102. Norway	3 January 1976	E/1994/104/Add.3 (E/C.12/1995/SR.34, 36 and 37)	E/C.12/4/Add.14 (E/C.12/2005/SR.14 and 15; fifth periodic report due on 30 June 2010)
103. Panama	8 June 1977	Overdue (Due on 30 June 2004)	
104. Paraguay	10 September 1992		
105. Peru	28 July 1978		
106. Philippines	3 January 1976		
107. Poland	18 June 1977	E/1994/104/Add.13 (E/C.12/1998/SR.10112)	E/C.12/4/Add.9 (E/C.12/2002/SR.33 and 34); fifth periodic report due on 30 June 2007
108. Portugal	31 October 1978	E/1994/104/Add.20 (E/C.12/2000/SR.58160)	Overdue (Was due on 30 June 2005)
109. Republic of Korea	10 July 1990	Due on 30 June 2006	
110. Republic of Moldova	26 March 1993		
111. Romania	3 January 1976	Overdue	
112. Russian Federation	3 January 1976	E/1994/104/Add.8 (E/C.12/1997/SR.11114)	E/C.12/4/Add.10 (E/C.12/2003/SR.41143); fifth periodic report due on 30 June 2008
113. Rwanda	3 January 1976		
114. Saint Vincent and the Grenadines	9 February 1982		
115. San Marino	18 January 1986		
116. Senegal	13 May 1978	Overdue	

117. Serbia and Montenegro	12 March 2001		
118. Seychelles	5 August 1982		
119. Sierra Leone	23 November 1996		
120. Slovakia	28 May 1993		
121. Slovenia	6 July 1992		
122. Solomon Islands	17 March 1982		
123. Somalia	24 April 1990		
124. Spain	27 July 1977	E/1994/104/Add.5 (E/C.12/1996/SR.3 and 5-7)	E/C.12/4/Add.11 (E/C.12/2004/SR.12114); fifth periodic report due on 30 June 2009
125. Sri Lanka	11 September 1980		
126. Sudan	18 June 1986		
127. Suriname	28 March 1977		
128. Swaziland	26 June 2004		
129. Sweden	3 January 1976	E/1994/104/Add.1 (E/C.12/1995/SR.13, 15 and 16)	E/C.12/4/Add.4 (E/C.12/2001/SR.61 and 62); fifth periodic report due on 30 June 2006
130. Switzerland	18 September 1992		
131. Syrian Arab Republic	3 January 1976	E/1994/104/Add.23 (E/C.12/2001/SR.34135)	Due on 30 June 2006
132. Tajikistan	4 April 1999		
133. Thailand	5 December 1999		
134. The former Yugoslav Republic of Macedonia	17 September 1991		
135. Timor-Leste	16 July 2003		
136. Togo	24 August 1984		
137. Trinidad and Tobago	8 March 1979	Due on 30 June 2007	
138. Tunisia	3 January 1976	Overdue	
139. Turkey	23 December 2003		
140. Turkmenistan	1 August 1997		
141. Uganda	21 April 1987		
142. Ukraine	3 January 1976	E/1994/104/Add.4 (E/C.12/1995/SR.42, 44 and 45)	E/C.12/4/Add.2 (E/C.12/2001/SR.40 and 41); fifth periodic report due on 30 June 2006
143. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1994/104/Add.10 (Hong Kong)(E/C.12/1996/SR.39, 41, 42 and 44)E/1994/104/Add.11 (E/C.12/1997/SR.36138)	E/C.12/4/Add.5 (Overseas Dependent Territories); E/C.12/4/Add.7 (Crown Dependencies); E/C.12/4/Add.8 (E/C.12/2002/SR.11113); fifth periodic report due on 30 June 2007
144. United Republic of Tanzania	11 September 1976		
145. Uruguay	3 January 1976		
146. Uzbekistan	28 December 1995		
147. Venezuela (Bolivarian Republic of)	10 August 1978	Due on 30 June 2006	
148. Viet Nam	24 December 1982		
149. Yemen	9 May 1987		
150. Zambia	10 July 1984		
151. Zimbabwe	13 August 1991		

## C. Fifth periodic reports

<i>State party</i>	<i>Date of entry into force</i>	<i>Fifth periodic reports</i>
23. Canada	24 April 1983	E/C.12/CAN/5 (Received on 17 August 2005 - pending consideration)
49. Finland	4 January 1992	E/C.12/FIN/5 (Received on 10 October 2005 - pending consideration)

\* Including the Special Administrative Region of Hong Kong and the Special Administrative Region of Macao.

\*\* The Committee considered the situation in Kenya, without a report, at its eighth session (3rd meeting). It examined the initial report of Kenya (E/1990/5/Add.17) at its tenth session (12th meeting) and requested the State party to submit a new complete report by the end of 1994.

## ANNEX II

### States parties whose initial or periodic reports have been overdue for more than 10 years (Status as of 25 November 2005)

#### A. Initial reports

<i>State party</i>	<i>Date due: 30 June</i>
Angola	1994
Burundi	1992
Cambodia	1994
Cape Verde	1995
Central African Republic	1990
Congo	1990
Côte d'Ivoire	1994
Dominica	1995
Equatorial Guinea	1990
Ethiopia	1995
Gabon	1990
Gambia	1990
Grenada	1993
Guinea	1990
Guinea-Bissau	1994
Kenya	1995
Lesotho	1994
Mali	1990
Niger	1990
<b>Saint Vincent and the Grenadines</b>	1990
San Marino	1990
Seychelles	1994
Somalia	1992
Togo	1990
Uganda	1990
<b>United Republic of Tanzania</b>	1990

Total: 26

#### B. Second periodic reports

<i>State party</i>	<i>Date due: 30 June</i>
Afghanistan	1995
Barbados	1991
Costa Rica	1993
Democratic Republic of the Congo	1992
India	1991
Iran (Islamic Republic of)	1995
Lebanon	1995
Madagascar	1990
Mauritius	1995

Nicaragua	1995
Philippines	1995
Rwanda	1990
Suriname	1995
Viet Nam	1995

Total: 14

### C. Third periodic reports

<i>State party</i>	<i>Date due: 30 June</i>
Romania	1994
Total: 1	

## ANNEX III

### Members of the Committee on Economic, Social and Cultural Rights

<i>Name of member</i>	<b>Country of nationality</b>	<i>Term expires on 31 December</i>
Mr. Mohamed Ezzeldin ABDEL-MONEIM	Egypt	<b>2008</b>
<b>Mr. Clément ATANGANA</b>	Cameroon	<b>2006</b>
Ms. Rocío BARAHONA RIERA	Costa Rica	2008
Ms. Virginia BONOANIDANDAN	Philippines	2006
Ms. Maria Virginia BRAS GOMES	Portugal	2006
Ms. Arundhati GHOSE	India	2006
Mr. Azzouz KERDOUN	Algeria	2006
Mr. Yuri KOLOSOV	Russian Federation	2006
Mr. Giorgio MALINVERNI	Switzerland	2008
Mr. Jaime MARCHÁN ROMERO	Ecuador	2006
Mr. Sergei MARTYNOV	Belarus	2008
Mr. Ariranga Govindasamy PILLAY	Mauritius	2008
Mr. Eibe RIEDEL	Germany	2006
Mr. Andrzej RZEPLINSKI	Poland	2008
Mr. Waleed M. SADI	Jordan	2008
Mr. SHEN Yongxiang	China	2008
Mr. Philippe TEXIER	France	2008
Mr. Álvaro TIRADO MEJÍA	Colombia	2006

## ANNEX IV

### A. Agenda of the thirty-fourth session of the Committee on Economic, Social and Cultural Rights (25 April-13 May 2005)

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work.
5. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
6. Consideration of reports:
  - (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
  - (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.
7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.
8. Relations with United Nations organs and other treaty bodies.

9. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.

10. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

11. Miscellaneous matters.

## **B. Agenda of the thirtyfifth session of the Committee on Economic, Social and Cultural Rights (7-25 November 2005)**

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

(b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Adoption of the report.

10. Miscellaneous matters.

## **ANNEX V**

### **List of general comments adopted by the Committee on Economic, Social and Cultural Rights**

**The general comments adopted to date by the Committee appear in the following relevant reports: \***

No. 1 (1989): reporting by States parties (third session; E/1989/22/E/C.12/1989/5, annex III);

No. 2 (1990): international technical assistance measures (art. 22 of the Covenant) (fourth session; E/1990/23/E/C.12/1990/3 and Corr.1, annex III);

No. 3 (1990): the nature of States parties' obligations (art. 2, para. 1, of the Covenant) (fifth session; E/1991/23/E/C.12/1990/8 and Corr.1, annex III);

No. 4 (1991): on the right to adequate housing (art. 11, para. 1, of the Covenant) (sixth session; E/1992/23/E/C.12/1991/4, annex III);

No. 5 (1994): on persons with disabilities (eleventh session; E/1995/22/E/C.12/1994/20 and Corr.1, annex IV);

No. 6 (1995): on the economic, social and cultural rights of older persons (thirteenth session; E/1996/22/E/C.12/1995/18, annex IV);

No. 7 (1997): on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions (sixteenth session; E/1998/22/E/C.12/1997/10, annex IV);

No. 8 (1997): on the relationship between economic sanctions and respect for economic, social and cultural rights (seventeenth session; E/1998/22/E/C.12/1997/10, annex V);

No. 9 (1998): on domestic application of the Covenant (eighteenth session; E/1999/22/E/C.12/1998/26, annex IV);

No. 10 (1998): on the role of national human rights institutions in the protection of economic, social and cultural rights (nineteenth session; E/1999/22/E/C.12/1998/26, annex V);

No. 11 (1999): on plans of action for primary education (art. 14 of the Covenant) (twentieth session; E/2000/22/E/C.12/1999/11 and Corr.1, annex IV);

No. 12 (1999): on the right to adequate food (art. 11 of the Covenant) (twentieth session; E/2000/22/E/C.12/1999/11 and Corr.1, annex V);

No. 13 (1999): on the right to education (art. 13 of the Covenant) (twentyfirst session; E/2000/22/E/C.12/1999/11 and

Corr.1, annex VI);

No. 14 (2000):on the right to the highest attainable standard of health (art. 12 of the Covenant) (twenty-second session; E/2001/22-E/C.12/2000/22, annex IV);

No. 15 (2002):on the right to water (arts. 11 and 12 of the Covenant) (twenty-ninth session; E/2003/22E/C.12/2002/13, annex IV);

No. 16 (2005):on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the Covenant) (thirty-fourth session; E/2006/22E/C.12/2005/5, annex VIII);

No. 17 (2005):on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (art. 15 (1) (c) of the Covenant) (thirty-fifth session; E/2006/22-E/C.12/2005/5, annex IX);

No. 18 (2005):on the right to work (art. 6 of the Covenant) (thirty-fifth session; E/2006/22E/C.12/2005/5, annex X).

## **ANNEX VI**

### **List of statements adopted by the Committee on Economic, Social and Cultural Rights**

**The statements and recommendations, adopted by the Committee to date, appear in its relevant reports: \***

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

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

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

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

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

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

7.Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session; E/1999/22E/C.12/1998/26; chap. VI, sect. A, para. 515);

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

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

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

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

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

13.Statement of the Committee on human rights and intellectual property (twenty-seventh session; E/2002/22E/C.12/2001/17, annex XIII);

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

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

## **ANNEX VII**

## **Days of general discussion held by the Committee on Economic, Social and Cultural Rights**

The following issues have been the focus of discussion:

1. The right to food (third session, 1989);
2. The right to housing (fourth session, 1990);
3. Economic and social indicators (sixth session, 1991);
4. The right to take part in cultural life (seventh session, 1992);
5. The rights of the ageing and elderly (eighth session, 1993);
6. The right to health (ninth session, 1993);
7. The role of social safety nets (tenth session, 1994);
8. Human rights education and public information activities (eleventh session, 1994);
9. The interpretation and practical application of the obligations incumbent on States parties (twelfth session, 1995);
10. A draft optional protocol to the Covenant (thirteenth session, 1995, and fourteenth and fifteenth sessions, 1996);
11. Revision of the general guidelines for reporting (sixteenth session, 1997);
12. The normative content of the right to food (seventeenth session, 1997);
13. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session, 1998);
14. The right to education (nineteenth session, 1998);
15. The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (twenty-fourth session, 2000);
16. International consultation on economic, social and cultural rights in development activities of international institutions, organized in cooperation with the High Council for International Cooperation (France) (twenty-fifth session, 2001);
17. Equal right of men and women to the enjoyment of economic, social and cultural rights (art. 3 of the Covenant) (twenty-eighth session, 2002);
18. The right to work (art. 6 of the Covenant) (thirty-first session, 2003).

## **ANNEX VIII**

### **General comment No. 16 (2005) \***

### **The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the Covenant)**

#### **Introduction**

1. The equal right of men and women to the enjoyment of all human rights is one of the fundamental principles recognized under international law and enshrined in the main international human rights instruments. The International Covenant on Economic, Social and Cultural Rights protects human rights that are fundamental to the dignity of every person. In particular, article 3 of this Covenant provides for the equal right of men and women to the enjoyment of the rights it articulates. This provision is founded on Article 1, paragraph 3, of the Charter of the United Nations and article 2 of the Universal Declaration of Human Rights. Except for the reference to the International Covenant on Economic, Social and Cultural Rights, it is identical to article 3 of the International Covenant on Civil and Political Rights, which was drafted at the same time.

2. The *travaux préparatoires* state that article 3 was included in the International Covenant on Economic, Social and Cultural Rights, as well as in the International Covenant on Civil and Political Rights, to indicate that beyond a prohibition of discrimination, “the same rights should be expressly recognized for men and women on an equal footing and suitable measures should be taken to ensure that women had the opportunity to exercise their rights ... Moreover, even if article 3 overlapped with article 2, paragraph 2, it was still necessary to reaffirm the equal rights of men and women. That fundamental principle, which was enshrined in the Charter of the United Nations, must be constantly emphasized, especially as there were still many prejudices preventing its full application”.<sup>a</sup> Unlike article 26 of the International Covenant on Civil and Political Rights, articles 3 and 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights are not stand-alone provisions, but should be read in conjunction with each specific right guaranteed under part III of the Covenant.

3. Article 2, paragraph 2, of the Covenant provides for a guarantee of non-discrimination on the basis of sex, among other grounds. This provision, and the guarantee of equal enjoyment of rights by men and women in article 3, are integrally related and mutually



reinforcing. Moreover, the elimination of discrimination is fundamental to the enjoyment of economic, social and cultural rights on a basis of equality.

4. The Committee on Economic, Social and Cultural Rights has taken particular note of factors negatively affecting the equal right of men and women to the enjoyment of economic, social and cultural rights in many of its general comments, including those on the right to adequate housing,<sup>b</sup> the right to adequate food,<sup>c</sup> the right to education,<sup>d</sup> the right to the highest attainable standard of health,<sup>e</sup> and the right to water.<sup>f</sup> The Committee also routinely requests information on the equal enjoyment by men and women of the rights guaranteed under the Covenant in its list of issues in relation to States parties' reports and during its dialogue with States parties.

5. Women are often denied equal enjoyment of their human rights, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination. Many women experience distinct forms of discrimination due to the intersection of sex with such factors as race, colour, language, religion, political and other opinion, national or social origin, property, birth, or other status, such as age, ethnicity, disability, marital, refugee or migrant status, resulting in compounded disadvantage.<sup>g</sup>

## **I. CONCEPTUAL FRAMEWORK**

### **A. Equality**

6. The essence of article 3 of the Covenant is that the rights set forth in the Covenant are to be enjoyed by men and women on a basis of equality, a concept that carries substantive meaning. While expressions of formal equality may be found in constitutional provisions, legislation and policies of Governments, article 3 also mandates the equal enjoyment of the rights in the Covenant for men and women in practice.

7. The enjoyment of human rights on the basis of equality between men and women must be understood comprehensively. Guarantees of non-discrimination and equality in international human rights treaties mandate both *de facto* and *de jure* equality. *De jure* (or formal) equality and *de facto* (or substantive) equality are different but interconnected concepts. Formal equality assumes that equality is achieved if a law or policy treats men and women in a neutral manner. Substantive equality is concerned, in addition, with the effects of laws, policies and practices and with ensuring that they do not maintain, but rather alleviate, the inherent disadvantage that particular groups experience.

8. Substantive equality for men and women will not be achieved simply through the enactment of laws or the adoption of policies that are, *prima facie*, gender-neutral. In implementing article 3, States parties should take into account that such laws, policies and practice can fail to address or even perpetuate inequality between men and women because they do not take account of existing economic, social and cultural inequalities, particularly those experienced by women.

9. According to article 3, States parties must respect the principle of equality in and before the law. The principle of equality in the law must be respected by the legislature when adopting laws, by ensuring that those laws further equal enjoyment of economic, social and cultural rights by men and women. The principle of equality before the law must be respected by administrative agencies, and courts and tribunals, and implies that those authorities must apply the law equally to men and women.

### **B. Non-discrimination**

10. The principle of non-discrimination is the corollary of the principle of equality. Subject to what is stated in paragraph 15 below on temporary special measures, it prohibits differential treatment of a person or group of persons based on his/her or their particular status or situation, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth, or other status, such as age, ethnicity, disability, marital, refugee or migrant status.

11. Discrimination against women is "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".<sup>h</sup> Discrimination on the basis of sex may be based on the differential treatment of women because of their biology, such as refusal to hire women because they could become pregnant; or stereotypical assumptions, such as tracking women into low-level jobs on the assumption that they are unwilling to commit as much time to their work as men.

12. Direct discrimination occurs when a difference in treatment relies directly and explicitly on distinctions based exclusively on sex and characteristics of men or of women, which cannot be justified objectively.

13. Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory, but has a discriminatory effect when implemented. This can occur, for example, when women are disadvantaged compared to men with respect to the enjoyment of a particular opportunity or benefit due to pre-existing inequalities. Applying a gender-neutral law may leave the existing inequality in place, or exacerbate it.

14. Gender affects the equal right of men and women to the enjoyment of their rights. Gender refers to cultural expectations and assumptions about the behaviour, attitudes, personality traits, and physical and intellectual capacities of men and women, based solely on their identity as men or women. Gender-based assumptions and expectations generally place women at a disadvantage with respect to substantive enjoyment of rights, such as freedom to act and to be recognized as autonomous, fully capable adults, to participate fully in economic, social and political development, and to make decisions concerning their circumstances and conditions. Gender-based assumptions about economic, social and cultural roles preclude the sharing of responsibility between men and women in all spheres that is necessary to equality.

### **C. Temporary special measures**

15. The principles of equality and non-discrimination, by themselves, are not always sufficient to guarantee true equality. Temporary special measures may sometimes be needed in order to bring disadvantaged or marginalized persons or groups of persons to the same substantive level as others. Temporary special measures aim at realizing not only de jure or formal equality, but also de facto or substantive equality for men and women. However, the application of the principle of equality will sometimes require that States parties take measures in favour of women in order to attenuate or suppress conditions that perpetuate discrimination. As long as these measures are necessary to redress de facto discrimination and are terminated when de facto equality is achieved, such differentiation is legitimate.<sup>i</sup>

## **II. STATES PARTIES' OBLIGATIONS**

### **A. General legal obligations**

16. The equal right of men and women to the enjoyment of economic, social and cultural rights is a mandatory and immediate obligation of States parties.<sup>j</sup>

17. The equal right of men and women to the enjoyment of economic, social and cultural rights, like all human rights, imposes three levels of obligations on States parties - the obligation to respect, to protect and to fulfil. The obligation to fulfil further contains duties to provide, promote and facilitate.<sup>k</sup> Article 3 sets a non-derogable standard for compliance with the obligations of States parties as set out in articles 6 through 15 of the Covenant.

### **B. Specific legal obligations**

#### **Obligation to respect**

18. The obligation to respect requires States parties to refrain from discriminatory actions that directly or indirectly result in the denial of the equal right of men and women to their enjoyment of economic, social and cultural rights. Respecting the right obliges States parties not to adopt, and to repeal laws and rescind, policies, administrative measures and programmes that do not conform with the right protected by article 3 of the Covenant. In particular, it is incumbent upon States parties to take into account the effect of apparently gender-neutral laws, policies and programmes and to consider whether they could result in a negative impact on the ability of men and women to enjoy their human rights on a basis of equality.

#### **Obligation to protect**

19. The obligation to protect requires States parties to take steps aimed directly at the elimination of prejudices, customary and all other practices that perpetuate the notion of inferiority or superiority of either of the sexes, and stereotyped roles for men and women. States parties' obligation to protect under article 3 of the Covenant includes, inter alia, the respect and adoption of constitutional and legislative provisions on the equal right of men and women to enjoy all human rights and the prohibition of discrimination of any kind; the adoption of legislation to eliminate discrimination and to prevent third parties from interfering directly or indirectly with the enjoyment of this right; the adoption of administrative measures and programmes, as well as the establishment of public institutions, agencies and programmes to protect women against discrimination.

20. States parties have an obligation to monitor and regulate the conduct of non-State actors to ensure that they do not violate the equal right of men and women to enjoy economic, social and cultural rights. This obligation applies, for example, in cases where public services have been partially or fully privatized.

#### **Obligation to fulfil**

21. The obligation to fulfil requires States parties to take steps to ensure that in practice, men and women enjoy their economic, social and cultural rights on a basis of equality. Such steps should include:

(a) To make available and accessible appropriate remedies, such as compensation, reparation, restitution, rehabilitation, guarantees of non-repetition, declarations, public apologies, educational programmes and prevention programmes;

(b) To establish appropriate venues for redress such as courts and tribunals or administrative mechanisms that are accessible to all on the basis of equality, including the poorest and most disadvantaged and marginalized men and women;

(c) To develop monitoring mechanisms to ensure that the implementation of laws and policies aimed at promoting the equal enjoyment of economic, social and cultural rights by men and women do not have unintended adverse effects on disadvantaged or marginalized individuals or groups, particularly women and girls;

(d) To design and implement policies and programmes to give long-term effect to the economic, social and cultural rights of both men and women on the basis of equality. These may include the adoption of temporary special measures to accelerate women's equal enjoyment of their rights, gender audits, and gender-specific allocation of resources;

(e) To conduct human rights education and training programmes for judges and public officials;

(f) To conduct awareness-raising and training programmes on equality for workers involved in the realization of economic, social and cultural rights at the grass-roots level;

(g) To integrate, in formal and non-formal education, the principle of the equal right of men and women to the enjoyment of economic, social and cultural rights, and to promote equal participation of men and women, boys and girls, in schools and other education programmes;

(h) To promote equal representation of men and women in public office and decision-making bodies;

(i) To promote equal participation of men and women in development planning, decision-making and in the benefits of development and all programmes related to the realization of economic, social and cultural rights.

### C. Specific examples of States parties' obligations

22. Article 3 is a cross-cutting obligation and applies to all the rights contained in articles 6 to 15 of the Covenant. It requires addressing gender-based social and cultural prejudices, providing for equality in the allocation of resources, and promoting the sharing of responsibilities in the family, community and public life. The examples provided in the following paragraphs may be taken as guidance on the ways in which article 3 applies to other rights in the Covenant, but are not intended to be exhaustive.

23. Article 6, paragraph 1, of the Covenant requires States parties to safeguard the right of everyone to the opportunity to gain a living by work which is freely chosen or accepted and to take the necessary steps to achieve the full realization of this right. Implementing article 3, in relation to article 6, requires *inter alia*, that in law and in practice, men and women have equal access to jobs at all levels and all occupations and that vocational training and guidance programmes, in both the public and private sectors, provide men and women with the skills, information and knowledge necessary for them to benefit equally from the right to work.

24. Article 7 (a) of the Covenant requires States parties to recognize the right of everyone to enjoy just and favourable conditions of work and to ensure, among other things, fair wages and equal pay for work of equal value. Article 3, in relation to article 7 requires, *inter alia*, that the State party identify and eliminate the underlying causes of pay differentials, such as gender-biased job evaluation or the perception that productivity differences between men and women exist. Furthermore, the State party should monitor compliance by the private sector with national legislation on working conditions through an effectively functioning labour inspectorate. The State party should adopt legislation that prescribes equal consideration in promotion, non-wage compensation and equal opportunity and support for vocational or professional development in the workplace. Finally, the State party should reduce the constraints faced by men and women in reconciling professional and family responsibilities by promoting adequate policies for childcare and care of dependent family members.

25. Article 8, paragraph 1 (a), of the Covenant requires States parties to ensure the right of everyone to form and join trade unions of his or her choice. Article 3, in relation to article 8, requires allowing men and women to organize and join workers' associations that address their specific concerns. In this regard, particular attention should be given to domestic workers, rural women, women working in female-dominated industries and women working at home, who are often deprived of this right.

26. Article 9 of the Covenant requires that States parties recognize the right of everyone to social security, including social insurance, and to equal access to social services. Implementing article 3, in relation to article 9, requires, *inter alia*, equalizing the compulsory retirement age for both men and women; ensuring that women receive the equal benefit of public and private pension schemes; and guaranteeing adequate maternity leave for women, paternity leave for men, and parental leave for both men and women.

27. Article 10, paragraph 1, of the Covenant requires that States parties recognize that the widest possible protection and assistance should be accorded to the family, and that marriage must be entered into with the free consent of the intending spouses. Implementing article 3, in relation to article 10, requires States parties, *inter alia*, to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage; to ensure that men and women have an equal right to choose if, whom and when to marry - in particular, the legal age of marriage for men and women should be the same, and boys and girls should be protected equally from practices that promote child marriage, marriage by proxy, or coercion; and to ensure that women have equal rights to marital property and inheritance upon their husband's death. Gender-based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality. States parties must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors.

28. Article 11 of the Covenant requires States parties to recognize the right of everyone to an adequate standard of living for him/herself and his/her family, including adequate housing (para. 1) and adequate food (para. 2). Implementing article 3, in relation to article 11, paragraph 1, requires that women have a right to own, use or otherwise control housing, land and property on an equal basis with men, and to access necessary resources to do so. Implementing article 3, in relation to article 11, paragraph 2, also requires States parties, *inter alia*, to ensure that women have access to or control over means of food production, and actively to address customary practices under which women are not allowed to eat until the men are fully fed, or are only allowed less nutritious food.<sup>1</sup>

29. Article 12 of the Covenant requires States parties to undertake steps towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The implementation of article 3, in relation to article 12, requires at a minimum the removal of legal and other obstacles that prevent men and women from accessing and benefiting from health care on a basis of equality. This includes, *inter alia*, addressing the ways in which gender roles affect access to determinants of health, such as water and food; the removal of legal restrictions on reproductive health provisions; the prohibition of female genital mutilation; and the provision of adequate training for health-care workers to deal with women's health issues.<sup>m</sup>

30. Article 13, paragraph 1, of the Covenant requires States parties to recognize the right of everyone to education and paragraph 2 (a) stipulates that primary education shall be compulsory and available free to all. Implementing article 3, in relation to article 13, requires, *inter alia*, the adoption of legislation and policies to ensure the same admission criteria for boys and girls at all levels of education. States parties should ensure, in particular through information and awareness-raising campaigns, that families desist from giving preferential treatment to boys when sending their children to school, and that curricula promote equality and non-discrimination. States parties must create favourable conditions to ensure the safety of children, in particular girls, on their way to and from school.

31. Article 15, paragraph 1 (a) and (b), of the Covenant requires States parties to recognize the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress. Implementing article 3, in relation to article 15, paragraph 1 (a) and (b),

requires, inter alia, overcoming institutional barriers and other obstacles, such as those based on cultural and religious traditions, which prevent women from fully participating in cultural life, science education and scientific research, and directing resources to scientific research relating to the health and economic needs of women on an equal basis with those of men.

### **III. IMPLEMENTATION AT THE NATIONAL LEVEL**

#### **A. Policies and strategies**

32. The most appropriate ways and means of implementing the right under article 3 of the Covenant will vary from one State party to another. Every State party has a margin of discretion in adopting appropriate measures in complying with its primary and immediate obligation to ensure the equal right of men and women to the enjoyment of all their economic, social and cultural rights. Among other things, States parties must, integrate into national plans of action for human rights appropriate strategies to ensure the equal right of men and women to the enjoyment of economic, social and cultural rights.

33. These strategies should be based on the systematic identification of policies, programmes and activities relevant to the situation and context within the State, as derived from the normative content of article 3 of the Covenant and spelled out in relation to the levels and nature of States parties' obligations referred to in paragraphs 16 to 21 above. The strategies should give particular attention to the elimination of discrimination in the enjoyment of economic, social and cultural rights.

34. States parties should periodically review existing legislation, policies, strategies and programmes in relation to economic, social and cultural rights, and adopt any necessary changes to ensure that they are consonant with their obligations under article 3 of the Covenant.

35. The adoption of temporary special measures may be necessary to accelerate the equal enjoyment by women of all economic, social and cultural rights and to improve the de facto position of women. Temporary special measures should be distinguished from permanent policies and strategies undertaken to achieve equality of men and women.

36. States parties are encouraged to adopt temporary special measures to accelerate the achievement of equality between men and women in the enjoyment of the rights under the Covenant. Such measures are not to be considered discriminatory in themselves as they are grounded in the State's obligation to eliminate disadvantage caused by past and current discriminatory laws, traditions and practices. The nature, duration and application of such measures should be designed with reference to the specific issue and context, and should be adjusted as circumstances require. The results of such measures should be monitored with a view to being discontinued when the objectives for which they are undertaken have been achieved.

37. The right of individuals and groups of individuals to participate in decision-making processes that may affect their development must be an integral component of any policy, programme or activity developed to discharge governmental obligations under article 3 of the Covenant.

#### **B. Remedies and accountability**

38. National policies and strategies should provide for the establishment of effective mechanisms and institutions where they do not exist, including administrative authorities, ombudsmen and other national human rights institutions, courts and tribunals. These institutions should investigate and address alleged violations relating to article 3 of the Covenant, and provide remedies for such violations. States parties, for their part, should ensure that such remedies are effectively implemented.

#### **C. Indicators and benchmarks**

39. National policies and strategies should identify appropriate indicators and benchmarks on the right to equal enjoyment by men and women of economic, social and cultural rights in order to effectively monitor the implementation by the State party of its obligations under the Covenant in this regard. Disaggregated statistics, provided within specific time frames, are necessary to measure the progressive realization of economic, social and cultural rights by men and women, where appropriate.

### **IV. VIOLATIONS**

40. States parties must fulfil their immediate and primary obligation to ensure the equal right of men and women to the enjoyment of economic, social and cultural rights.

41. The principle of equality between men and women is fundamental to the enjoyment of each of the specific rights enumerated in the Covenant. Failure to ensure formal and substantive equality in the enjoyment of any of these rights constitutes a violation of that right. Elimination of de jure as well as de facto discrimination is required for the equal enjoyment of economic, social and cultural rights. Failure to adopt, implement and monitor effects of laws, policies and programmes to eliminate de jure and de facto discrimination with respect to each of the rights enumerated in articles 6 to 15 of the Covenant constitutes a violation of those rights.

42. Violations of the rights contained in the Covenant can occur through the direct action of, failure to act or omission by States parties, or through their institutions or agencies at the national and local levels. The adoption and undertaking of any retrogressive measures that affect the equal right of men and women to the enjoyment of all the rights set forth in the Covenant constitutes a violation of article 3.

## **Annex IX**

### **General comment No. 17 (2005)\***

# **The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author**

## **(art. 15, para. 1 (c), of the Covenant)**

### **Introduction and basic premises**

1. 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 is a human right, which derives from the inherent dignity and worth of all persons. This fact distinguishes article 15, paragraph 1 (c), of the International Covenant on Economic, Social and Cultural Rights and other human rights from most legal entitlements recognized in intellectual property systems. Human rights are fundamental, inalienable and universal entitlements belonging to individuals and, under certain circumstances, groups of individuals and communities. Human rights are fundamental as they are inherent to the human person as such, whereas intellectual property rights are first and foremost means by which States seek to provide incentives for inventiveness and creativity, encourage the dissemination of creative and innovative productions, as well as the development of cultural identities, and preserve the integrity of scientific, literary and artistic productions for the benefit of society as a whole.

2. In contrast to human rights, intellectual property rights are generally of a temporary nature, and can be revoked, licensed or assigned to someone else. While under most intellectual property systems, intellectual property rights, often with the exception of moral rights, may be allocated, limited in time and scope, traded, amended and even forfeited, human rights are timeless expressions of fundamental entitlements of the human person. Whereas the human right to benefit from the protection of the moral and material interests resulting from one's scientific, literary and artistic productions safeguards the personal link between authors and their creations and between peoples, communities, or other groups and their collective cultural heritage, as well as their basic material interests which are necessary to enable authors to enjoy an adequate standard of living, intellectual property regimes primarily protect business and corporate interests and investments. Moreover, the scope of protection of the moral and material interests of the author provided for by article 15, paragraph 1 (c), of the Covenant does not necessarily coincide with what is referred to as intellectual property rights under national legislation or international agreements.<sup>a</sup>

3. It is therefore important not to equate intellectual property rights with the human right recognized in article 15, paragraph 1 (c), of the Covenant. The human right to benefit from the protection of the moral and material interests of the author is recognized in a number of international instruments. In identical language, article 27, paragraph 2, of the Universal Declaration of Human Rights provides: "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." Similarly, this right is recognized in regional human rights instruments, such as article 13, paragraph 2, of the American Declaration of the Rights and Duties of Man, of 1948, article 14, paragraph 1 (c), of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, of 1988 (Protocol of San Salvador) and, albeit not explicitly, in article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, of 1952 (European Convention on Human Rights).

4. The right to benefit from the protection of the moral and material interests resulting from one's scientific, literary and artistic productions seeks to encourage the active contribution of creators to the arts and sciences and to the progress of society as a whole. As such, it is intrinsically linked to the other rights recognized in article 15 of the Covenant, i.e. the right to take part in cultural life (para. 1 (a)), the right to enjoy the benefits of scientific progress and its applications (para. 1 (b)), and the freedom indispensable for scientific research and creative activity (para. 3). The relationship between these rights and article 15, paragraph 1 (c), is at the same time mutually reinforcing and reciprocally limitative. The limitations imposed on the right of authors to benefit from the protection of the moral and material interests resulting from their scientific, literary and artistic productions by virtue of these rights will partly be explored in this general comment, partly in separate general comments on article 15, paragraphs 1 (a) and (b) and 3, of the Covenant. As a material safeguard for the freedom of scientific research and creative activity, guaranteed under article 15, paragraph 3 and article 15, paragraph 1 (c), also has an economic dimension and is, therefore, closely linked to the rights to the opportunity to gain one's living by work which one freely chooses (art. 6, para. 1) and to adequate remuneration (art. 7 (a)), and to the human right to an adequate standard of living (art. 11, para. 1). Moreover, the realization of article 15, paragraph 1 (c), is dependent on the enjoyment of other human rights guaranteed in the International Bill of Human Rights and other international and regional instruments, such as the right to own property alone as well as in association with others,<sup>b</sup> the freedom of expression including the freedom to seek, receive and impart information and ideas of all kinds,<sup>c</sup> the right to the full development of the human personality,<sup>d</sup> and rights of cultural participation,<sup>e</sup> including cultural rights of specific groups.<sup>f</sup>

5. With a view to assisting States parties' implementation of the Covenant and fulfilment of their reporting obligations, this general comment focuses on the normative content of article 15, paragraph 1 (c) (chap. I), States parties' obligations (chap. II), violations (chap. III), implementation at the national level (chap. IV) and the obligations of actors other than States parties (chap. V).

### **I. NORMATIVE CONTENT OF ARTICLE 15, paragraph 1 (c)**

6. Article 15, paragraph 1, of the Covenant enumerates, in three paragraphs, three rights covering different aspects of cultural participation, including 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 (para. 1 (c)), without explicitly defining the content and scope of this right. Therefore, each of the elements of article 15, paragraph 1 (c), requires interpretation.

#### **A. Elements of article 15, paragraph 1 (c)**

##### **"Author"**

7. The Committee considers that only the “author”, namely the creator, whether man or woman, individual or group of individuals, of scientific, literary or artistic productions, such as, inter alia, writers and artists, can be the beneficiary of the protection of article 15, paragraph 1 (c). This follows from the words “everyone”, “he” and “author”, which indicate that the drafters of that article seemed to have believed authors of scientific, literary or artistic productions to be natural persons, without at that time realizing that they could also be groups of individuals. Under the existing international treaty protection regimes, legal entities are included among the holders of intellectual property rights. However, as noted above, their entitlements, because of their different nature, are not protected at the level of human rights.<sup>i</sup>

8. Although the wording of article 15, paragraph 1 (c), generally refers to the individual creator (“everyone”, “he”, “author”), the right to benefit from the protection of the moral and material interests resulting from one’s scientific, literary or artistic productions can, under certain circumstances, also be enjoyed by groups of individuals or by communities.<sup>g</sup>

### **“Any scientific, literary or artistic production”**

9. The Committee considers that “any scientific, literary or artistic production”, within the meaning of article 15, paragraph 1 (c), refers to creations of the human mind, that is to “scientific productions”, such as scientific publications and innovations, including knowledge, innovations and practices of indigenous and local communities, and “literary and artistic productions”, such as, inter alia, poems, novels, paintings, sculptures, musical compositions, theatrical and cinematographic works, performances and oral traditions.

### **“Benefit from the protection”**

10. The Committee considers that article 15, paragraph 1 (c), recognizes the right of authors to benefit from some kind of protection of the moral and material interests resulting from their scientific, literary or artistic productions, without specifying the modalities of such protection. In order not to render this provision devoid of any meaning, the protection afforded needs to be effective in securing for authors the moral and material interests resulting from their productions. However, the protection under article 15, paragraph 1 (c), need not necessarily reflect the level and means of protection found in present copyright, patent and other intellectual property regimes, as long as the protection available is suited to secure for authors the moral and material interests resulting from their productions, as defined in paragraphs 12 to 16 below.

11. The Committee observes that, by recognizing the right of everyone to “benefit from the protection” of the moral and material interests resulting from one’s scientific, literary or artistic productions, article 15, paragraph 1 (c), by no means prevents States parties from adopting higher protection standards in international treaties on the protection of the moral and material interests of authors or in their domestic laws,<sup>j</sup> provided that these standards do not unjustifiably limit the enjoyment by others of their rights under the Covenant (see paragraphs 22, 23 and 35 below).<sup>k</sup>

### **“Moral interests”**

12. The protection of the “moral interests” of authors was one of the main concerns of the drafters of article 27, paragraph 2, of the Universal Declaration of Human Rights. Thus it was proposed that, “[a]uthors of all artistic, literary, scientific works and inventors shall retain, in addition to just remuneration of their labour, a moral right on their work and/or discovery which shall not disappear, even after such a work shall have become the common property of mankind.”<sup>l</sup> Their intention was to proclaim the intrinsically personal character of every creation of the human mind and the ensuing durable link between creators and their creations.

13. In line with the drafting history of article 27, paragraph 2, of the Universal Declaration of Human Rights and article 15, paragraph 1 (c), of the Covenant, the Committee considers that “moral interests” in article 15, paragraph 1 (c), include the right of authors to be recognized as the creators of their scientific, literary and artistic productions and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, such productions, which would be prejudicial to their honour and reputation.<sup>m</sup>

14. The Committee stresses the importance of recognizing the value of scientific, literary and artistic productions as expressions of the personality of their creator, and notes that protection of moral interests can be found, although to a varying extent, in most States, regardless of the legal system in force.

### **“Material interests”**

15. The protection of “material interests” of authors in article 15, paragraph 1 (c), of the Covenant reflects the close linkage of this provision with the right to own property, as recognized in article 17 of the Universal Declaration of Human Rights and in regional human rights instruments, as well as with the right of any worker to adequate remuneration (art. 7 (a)). Unlike other human rights, the material interests of authors are not directly linked to the personality of the creator, but contribute to the enjoyment of the right to an adequate standard of living (art. 11, para. 1).

16. The term of protection of material interests under article 15, paragraph 1 (c), need not extend over the entire lifespan of an author. Rather, the purpose of enabling authors to enjoy an adequate standard of living can also be achieved through one-time payments or by vesting an author, for a limited period of time, with the exclusive right to exploit his scientific, literary or artistic production.

### **“Resulting”**

17. The word “resulting” stresses that authors only benefit from the protection of such moral and material interests which are directly generated by their scientific, literary or artistic productions.

## **B. Conditions for States parties’ compliance with article 15, paragraph 1 (c)**

18. The right to the protection of the moral and material interests of authors contains the following essential and interrelated elements, the precise application of which will depend on the economic, social and cultural conditions prevailing in a particular State party:

(a) *Availability*. Adequate legislation and regulations, as well as effective administrative, judicial or other appropriate remedies, for the protection of the moral and material interests of authors must be available within the jurisdiction of the States parties;

(b) *Accessibility*. Administrative, judicial or other appropriate remedies for the protection of the moral and material interests resulting from scientific, literary or artistic productions must be accessible to all authors. Accessibility has three overlapping dimensions:

Physical accessibility: national courts and agencies responsible for the protection of the moral and material interests resulting from the scientific, literary or artistic productions of authors must be at the disposal of all segments of society, including authors with disabilities;

Economic accessibility (affordability): access to such remedies must be affordable for all, including disadvantaged and marginalized groups. For example, where a State party decides to meet the requirements of article 15, paragraph 1 (c), through traditional forms of intellectual property protection, related administrative and legal costs must be based on the principle of equity, ensuring that these remedies are affordable for all;

Accessibility of information: accessibility includes the right to seek, receive and impart information on the structure and functioning of the legal or policy regime to protect the moral and material interests of authors resulting from their scientific, literary and artistic productions, including information on relevant legislation and procedures. Such information should be understandable to everyone and should be published also in the languages of linguistic minorities and indigenous peoples;

(c) *Quality of protection*. Procedures for the protection of the moral and material interests of authors should be administered competently and expeditiously by judges and other relevant authorities.

## **C. Special topics of broad application**

### **Non-discrimination and equal treatment**

19. Article 2, paragraph 2, and article 3 of the Covenant prohibit any discrimination in the access to an effective protection of the moral and material interests of authors, including administrative, judicial and other remedies, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right as recognized in article 15, paragraph 1 (c).<sup>n</sup>

20. The Committee stresses that the elimination of discrimination to ensure equal access to an effective protection of the moral and material interests of authors can often be achieved with limited resources through the adoption or amendment or abrogation of legislation or through the dissemination of information. The Committee recalls general comment No. 3 (1990) on the nature of States parties' obligations, paragraph 12, which states that even in times of severe resource constraints, the disadvantaged and marginalized individuals and groups of society must be protected by the adoption of relatively low-cost targeted programmes.

21. The adoption of temporary special measures taken for the sole purpose of securing de facto equality for disadvantaged or marginalized individuals or groups, as well as those subjected to discrimination is not a violation of the right to benefit from the protection of the moral and material interests of the author, provided that such measures do not perpetuate unequal or separate protection standards for different individuals or groups and are discontinued once the objectives for which they were adopted are achieved.

### **Limitations**

22. The right to the protection of the moral and material interests resulting from one's scientific, literary and artistic productions is subject to limitations and must be balanced with the other rights recognized in the Covenant (see paragraph 35 below).<sup>o</sup> However, limitations on the rights protected under article 15, paragraph 1 (c), must be determined by law in a manner compatible with the nature of these rights, must pursue a legitimate aim, and must be strictly necessary for the promotion of the general welfare in a democratic society, in accordance with article 4 of the Covenant.

23. Limitations must therefore be proportionate, meaning that the least restrictive measures must be adopted when several types of limitations may be imposed. Limitations must be compatible with the very nature of the rights protected in article 15, paragraph 1 (c), which lies in the protection of the personal link between the author and his/her creation and of the means which are necessary to enable authors to enjoy an adequate standard of living.

24. The imposition of limitations may, under certain circumstances, require compensatory measures, such as payment of adequate compensation for the use of scientific, literary or artistic productions in the public interest.

## **II. STATES PARTIES' OBLIGATIONS**

### **A. General legal obligations**

25. While the Covenant provides for progressive realization and acknowledges constraints based on limits of available resources (art. 2, para. 1), it also imposes on States parties various obligations that are of an immediate effect, including core obligations. Steps taken to fulfil obligations must be deliberate, concrete and targeted towards the full realization of the right of everyone to benefit from the protection of the moral and material benefits resulting from any scientific, literary or artistic production of which he or she is the author.<sup>q</sup>

26. The progressive realization of that right over a period of time means that States parties have a specific and continuing obligation to

move as expeditiously and effectively as possible towards the full realization of article 15, paragraph 1 (c).r

27.As in the case of all other rights contained in the Covenant, there is a strong presumption that retrogressive measures taken in relation to the right to the protection of the moral and material interests of authors are not permissible. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after careful consideration of all alternatives and that they are duly justified in the light of the totality of the rights recognized in the Covenant.s

28.The right of everyone to benefit from the protection of the moral and material benefits resulting from any scientific, literary or artistic production of which he or she is the author, like all human rights, imposes three types or levels of obligations on States parties: the obligations to *respect*, *protect* and *fulfil*. The obligation to *respect* requires States parties to refrain from interfering directly or indirectly with the enjoyment of the right to benefit from the protection of the moral and material interests of the author. The obligation to *protect* requires States parties to take measures that prevent third parties from interfering with the moral and material interests of authors. Finally, the obligation to *fulfil* requires States parties to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of article 15, paragraph 1 (c).t

29.The full realization of article 15, paragraph 1 (c), requires measures necessary for the conservation, development and diffusion of science and culture. This follows from article 15, paragraph 2, which defines obligations that apply to each aspect of the rights recognized in article 15, paragraph 1, including the right of authors to benefit from the protection of their moral and material interests.

## B. Specific legal obligations

30.States parties are under an obligation to *respect* the human right to benefit from the protection of the moral and material interests of authors by, inter alia, abstaining from infringing the right of authors to be recognized as the creators of their scientific, literary or artistic productions and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, their productions that would be prejudicial to their honour or reputation. States parties must abstain from unjustifiably interfering with the material interests of authors, which are necessary to enable those authors to enjoy an adequate standard of living.

31.Obligations to *protect* include the duty of States parties to ensure the effective protection of the moral and material interests of authors against infringement by third parties. In particular, States parties must prevent third parties from infringing the right of authors to claim authorship of their scientific, literary or artistic productions, and from distorting, mutilating or otherwise modifying, or taking any derogatory action in relation to such productions in a manner that would be prejudicial to the author's honour or reputation. Similarly, States parties are obliged to prevent third parties from infringing the material interests of authors resulting from their productions. To that effect, States parties must prevent the unauthorized use of scientific, literary and artistic productions that are easily accessible or reproducible through modern communication and reproduction technologies, e.g. by establishing systems of collective administration of authors' rights or by adopting legislation requiring users to inform authors of any use made of their productions and to remunerate them adequately. States parties must ensure that third parties adequately compensate authors for any unreasonable prejudice suffered as a consequence of the unauthorized use of their productions.

32.With regard to the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of indigenous peoples, States parties should adopt measures to ensure the effective protection of the interests of indigenous peoples relating to their productions, which are often expressions of their cultural heritage and traditional knowledge. In adopting measures to protect scientific, literary and artistic productions of indigenous peoples, States parties should take into account their preferences. Such protection might include the adoption of measures to recognize, register and protect the individual or collective authorship of indigenous peoples under national intellectual property rights regimes and should prevent the unauthorized use of scientific, literary and artistic productions of indigenous peoples by third parties. In implementing these protection measures, States parties should respect the principle of free, prior and informed consent of the indigenous authors concerned and the oral or other customary forms of transmission of scientific, literary or artistic production; where appropriate, they should provide for the collective administration by indigenous peoples of the benefits derived from their productions.

33.States parties in which ethnic, religious or linguistic minorities exist are under an obligation to protect the moral and material interests of authors belonging to these minorities through special measures to preserve the distinctive character of minority cultures.u

34.The obligation to *fulfil* (provide) requires States parties to provide administrative, judicial or other appropriate remedies in order to enable authors to claim the moral and material interests resulting from their scientific, literary or artistic productions and to seek and obtain effective redress in cases of violation of these interests.v States parties are also required to *fulfil* (facilitate) the right in article 15, paragraph 1 (c), of the Covenant, e.g. by taking financial and other positive measures which facilitate the formation of professional and other associations representing the moral and material interests of authors, including disadvantaged and marginalized authors, in line with article 8, paragraph 1 (a)w The obligation to *fulfil* (promote) requires States parties to ensure the right of authors of scientific, literary and artistic productions to take part in the conduct of public affairs and in any significant decision-making processes that have an impact on their rights and legitimate interests, and to consult these individuals or groups or their elected representatives prior to the adoption of any significant decisions affecting their rights under article 15, paragraph 1 (c).x

## C. Related obligations

35.The right of authors to benefit from the protection of the moral and material interests resulting from their scientific, literary and artistic productions cannot be isolated from the other rights recognized in the Covenant. States parties are therefore obliged to strike an adequate balance between their obligations under article 15, paragraph 1 (c), on one hand, and under the other provisions of the Covenant, on the other hand, with a view to promoting and protecting the full range of rights guaranteed in the Covenant. In striking this balance, the private interests of authors should not be unduly favoured and the public interest in enjoying broad access to their productions should be given due consideration.y States parties should therefore ensure that their legal or other regimes for the protection of the moral and material interests resulting from one's scientific, literary or artistic productions constitute no impediment to their ability to comply with their core obligations in relation to the rights to food, health and education, as well as to take part in cultural life and to enjoy the benefits of scientific progress and its applications, or any other right enshrined in the Covenant.z



Ultimately, intellectual property is a social product and has a social function.<sup>aa</sup> States parties thus have a duty to prevent unreasonably high costs for access to essential medicines, plant seeds or other means of food production, or for schoolbooks and learning materials, from undermining the rights of large segments of the population to health, food and education. Moreover, States parties should prevent the use of scientific and technical progress for purposes contrary to human rights and dignity, including the rights to life, health and privacy, e.g. by excluding inventions from patentability whenever their commercialization would jeopardize the full realization of these rights.<sup>bb</sup> States parties should, in particular, consider to what extent the patenting of the human body and its parts would affect their obligations under the Covenant or under other relevant international human rights instruments.<sup>cc</sup> States parties should also consider undertaking human rights impact assessments prior to the adoption and after a period of implementation of legislation for the protection of the moral and material interests resulting from one's scientific, literary or artistic productions.

#### **D. International obligations**

36. In its general comment No. 3 (1990), the Committee drew attention to the obligation of all States parties to take steps, individually and through international assistance and cooperation, especially economic and technical, towards the full realization of the rights recognized in the Covenant. In the spirit of Article 56 of the Charter of the United Nations, as well as the specific provisions of the Covenant (arts. 2, para. 1, 15, para. 44 and 23), States parties should recognize the essential role of international cooperation for the achievement of the rights recognized in the Covenant, including the right to benefit from the protection of the moral and material interests resulting from one's scientific, literary and artistic productions, and should comply with their commitment to take joint and separate action to that effect. International cultural and scientific cooperation should be carried out in the common interest of all peoples.

37. The Committee recalls that, in accordance with Articles 55 and 56 of the Charter of the United Nations, well-established principles of international law, and the provisions of the Covenant itself, international cooperation for development and thus for the realization of economic, social and cultural rights is an obligation of all States parties and, in particular, of States which are in a position to assist.<sup>dd</sup>

38. Bearing in mind the different levels of development of States parties, it is essential that any system for the protection of the moral and material interests resulting from one's scientific, literary and artistic productions facilitates and promotes development cooperation, technology transfer, and scientific and cultural cooperation,<sup>ee</sup> while at the same time taking due account of the need to preserve biological diversity.<sup>ff</sup>

#### **E. Core obligations**

39. In general comment No. 3 (1990), the Committee confirmed that States parties have a core obligation to ensure the satisfaction of minimum essential levels of each of the rights enunciated in the Covenant. In conformity with other human rights instruments, as well as international agreements on the protection of the moral and material interests resulting from one's scientific, literary or artistic productions, the Committee considers that article 15, paragraph 1 (c), of the Covenant entails at least the following core obligations, which are of immediate effect:

- (a) To take legislative and other necessary steps to ensure the effective protection of the moral and material interests of authors;
- (b) To protect the rights of authors to be recognized as the creators of their scientific, literary and artistic productions and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, their productions that would be prejudicial to their honour or reputation;
- (c) To respect and protect the basic material interests of authors resulting from their scientific, literary or artistic productions, which are necessary to enable those authors to enjoy an adequate standard of living;
- (d) To ensure equal access, particularly for authors belonging to disadvantaged and marginalized groups, to administrative, judicial or other appropriate remedies enabling authors to seek and obtain redress in case their moral and material interests have been infringed;
- (e) To strike an adequate balance between the effective protection of the moral and material interests of authors and States parties' obligations in relation to the rights to food, health and education, as well as the rights to take part in cultural life and to enjoy the benefits of scientific progress and its applications, or any other right recognized in the Covenant.

40. The Committee wishes to emphasize that it is particularly incumbent on States parties and other actors in a position to assist, to provide "international assistance and cooperation, especially economic and technical", which enable developing countries to fulfil their obligations indicated in paragraph 36 above.

### **III. VIOLATIONS**

41. In determining which actions or omissions by States parties amount to a violation of the right to the protection of the moral and material interests of authors, it is important to distinguish the inability from the unwillingness of a State party to comply with its obligations under article 15, paragraph 1 (c), of the Covenant. This follows from article 2, paragraph 1, which obliges each State party to take the necessary steps to the maximum of its available resources. A State which is unwilling to use the maximum of its available resources for the realization of the right of authors to benefit from the protection of the moral and material interests resulting from their scientific, literary and artistic productions is in violation of its obligations under article 15, paragraph 1 (c). If resource constraints render it impossible for a State to comply fully with its obligations under the Covenant, it has the burden of justifying that every effort has been made to use all available resources at its disposal to satisfy, as a matter of priority, the core obligations outlined above.

42. Violations of the right to benefit from the protection of the moral and material interests of authors can occur through the direct action of States parties or of other entities insufficiently regulated by States parties. The adoption of any retrogressive measures

incompatible with the core obligations under article 15, paragraph 1 (c), outlined in paragraph 39 above, constitutes a violation of that right. Violations through acts of commission include the formal repeal or unjustifiable suspension of legislation protecting the moral and material interests resulting from one's scientific, literary and artistic productions.

43. Violations of article 15, paragraph 1 (c), can also occur through the omission or failure of States parties to take necessary measures to comply with its legal obligations under that provision. Violations through omission include the failure to take appropriate steps towards the full realization of the right of authors to benefit from the protection of the moral and material interests resulting from their scientific, literary or artistic productions and the failure to enforce relevant laws or to provide administrative, judicial or other appropriate remedies enabling authors to assert their rights under article 15, paragraph 1 (c).

#### **A. Violations of the obligation to respect**

44. Violations of the obligation to *respect* include State actions, policies or laws which have the effect of infringing the right of authors to be recognized as the creators of their scientific, literary and artistic productions and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, their productions that would be prejudicial to their honour or reputation; unjustifiably interfering with the material interests of authors, which are necessary to enable those authors to enjoy an adequate standard of living; denying authors access to administrative, judicial or other appropriate remedies to seek redress in case their moral and material interests have been violated; and discriminating against individual authors in relation to the protection of their moral and material interests.

#### **B. Violations of the obligation to protect**

45. Violations of the obligation to *protect* follow from the failure of a State to take all necessary measures to safeguard authors within their jurisdiction from infringements of their moral and material interests by third parties. This category includes such omissions as the failure to enact and/or enforce legislation prohibiting any use of scientific, literary or artistic productions that is incompatible with the right of authors to be recognized as the creator of their productions or that distorts, mutilates or otherwise modifies, or is derogatory towards, such productions in a manner that would be prejudicial to their honour or reputation or that unjustifiably interferes with those material interests that are necessary to enable authors to enjoy an adequate standard of living; and the failure to ensure that third parties adequately compensate authors, including indigenous authors, for any unreasonable prejudice suffered as a consequence of the unauthorized use of their scientific, literary and artistic productions.

#### **C. Violations of the obligation to fulfil**

46. Violations of the obligation to *fulfil* occur when States parties fail to take all necessary steps within their available resources to promote the realization of the right to benefit from the protection of the moral and material interests resulting from one's scientific, literary or artistic productions. Examples include the failure to provide administrative, judicial or other appropriate remedies enabling authors, especially those belonging to disadvantaged and marginalized groups, to seek and obtain redress in case their moral and material interests have been infringed, or the failure to provide adequate opportunities for the active and informed participation of authors and groups of authors in any decision-making process that has an impact on their right to benefit from the protection of the moral and material interests resulting from their scientific, literary or artistic productions.

### **IV. IMPLEMENTATION AT THE NATIONAL LEVEL**

#### **A. National legislation**

47. The most appropriate measures to implement the right to the protection of the moral and material interests of the author will vary significantly from one State to another. Every State has a considerable margin of discretion in assessing which measures are most suitable to meet its specific needs and circumstances. The Covenant, however, clearly imposes a duty on each State to take whatever steps are necessary to ensure that everyone has equal access to effective mechanisms for the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author.

48. National laws and regulations for the protection of the moral and material interests of the author should be based on the principles of accountability, transparency and independence of the judiciary, since these principles are essential to the effective implementation of all human rights, including article 15, paragraph 1 (c), of the Covenant. In order to create a favourable climate for the realization of that right, States parties should take appropriate steps to ensure that the private business sector and civil society are aware of, and consider the effects on the enjoyment of other human rights of the right to benefit from the protection of the moral and material interests resulting from one's scientific, literary and artistic productions. In monitoring progress towards the realization of article 15, paragraph 1 (c), States parties should identify the factors and difficulties affecting implementation of their obligations.

#### **B. Indicators and benchmarks**

49. States parties should identify appropriate indicators and benchmarks designed to monitor, at the national and international levels, States parties' obligations under article 15, paragraph 1 (c). States parties may obtain guidance on appropriate indicators, which should address different aspects of the right to the protection of the moral and material interests of the author, from the World Intellectual Property Organization (WIPO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other specialized agencies and programmes within the United Nations system that are concerned with the protection of scientific, literary and artistic productions. Such indicators must be disaggregated on the basis of the prohibited grounds of discrimination, and cover a specified time frame.

50. Having identified appropriate indicators in relation to article 15, paragraph 1 (c), States parties are invited to set appropriate national benchmarks in relation to each indicator. During the periodic reporting procedure, the Committee will engage in a process of scoping with the State party. Scoping involves the joint consideration by the State party and the Committee of the indicators and

national benchmarks, which will then provide the targets to be achieved by the State party during the next reporting cycle. During that period, the State party will use these national benchmarks to monitor its implementation of article 15, paragraph 1 (c). Thereafter, in the subsequent reporting process, the State party and the Committee will consider whether or not the benchmarks have been achieved, and any difficulties that may have been encountered.

### **C. Remedies and accountability**

51. The human 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 should be adjudicated by competent judicial and administrative bodies. Indeed, effective protection of the moral and material interests of authors resulting from their scientific, literary and artistic productions would be hardly conceivable without the possibility of availing oneself of administrative, judicial or other appropriate remedies.<sup>gg</sup>

52. All authors who are victims of a violation of the protected moral and material interests resulting from their scientific, literary or artistic productions should, consequently, have access to effective administrative, judicial or other appropriate remedies at the national level. Such remedies should not be unreasonably complicated or costly, or entail unreasonable time limits or unwarranted delays.<sup>hh</sup> Parties to legal proceedings should have the right to have these proceedings reviewed by a judicial or other competent authority.

53. All victims of violations of the rights protected under article 15, paragraph 1 (c), of the Covenant should be entitled to adequate compensation or satisfaction.

54. National ombudsmen, human rights commissions, where they exist, and professional associations of authors or similar institutions should address violations of article 15, paragraph 1 (c).

### **V. OBLIGATIONS OF ACTORS OTHER THAN STATES PARTIES**

55. While only States parties to the Covenant are held accountable for compliance with its provisions, they are nevertheless urged to consider regulating the responsibility resting on the private business sector, private research institutions and other non-State actors to respect the rights recognized in article 15, paragraph 1 (c), of the Covenant.

56. The Committee notes that, as members of international organizations such as WIPO, UNESCO, the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), and the World Trade Organization, States parties have an obligation to take whatever measures they can to ensure that the policies and decisions of those organizations are in conformity with their obligations under the Covenant, in particular the obligations contained in articles 2, paragraph 1, 15, paragraph 4, 22 and 23 concerning international assistance and cooperation.<sup>ii</sup>

57. United Nations organs, as well as specialized agencies, should, within their fields of competence and in accordance with articles 22 and 23 of the Covenant, take international measures likely to contribute to the effective implementation of article 15, paragraph 1 (c). In particular, WIPO, UNESCO, FAO, WHO and other relevant agencies, organs and mechanisms of the United Nations are called upon to intensify their efforts to take into account human rights principles and obligations in their work concerning the protection of the moral and material benefits resulting from one's scientific, literary and artistic productions, in cooperation with the Office of the United Nations High Commissioner for Human Rights.

## **annex x**

### **General comment No. 18 (2005)\***

#### **The right to work (art. 6 of the Covenant)**

##### **Introduction and basic premises**

1. The right to work is a fundamental right, recognized in several international legal instruments. The International Covenant on Economic, Social and Cultural Rights, as laid down in article 6, deals more comprehensively than any other instrument with this right. The right to work is essential for realizing other human rights and forms an inseparable and inherent part of human dignity. Every individual has the right to be able to work, allowing him/her to live in dignity. The right to work contributes at the same time to the survival of the individual and to that of his/her family, and insofar as work is freely chosen or accepted, to his/her development and recognition within the community.<sup>a</sup>

2. The Covenant proclaims the right to work in a general sense in its article 6 and explicitly develops the individual dimension of the right to work through the recognition in article 7 of the right of everyone to the enjoyment of just and favourable conditions of work, in particular the right to safe working conditions. The collective dimension of the right to work is addressed in article 8, which enunciates the right of everyone to form trade unions and join the trade union of his/her choice as well as the right of trade unions to function freely. When drafting article 6 of the Covenant, the Commission on Human Rights affirmed the need to recognize the right to work in a broad sense by laying down specific legal obligations rather than a simple philosophical principle.<sup>b</sup> Article 6 defines the right to work in a general and non-exhaustive manner. In article 6, paragraph 1, States parties 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'. In paragraph 2, States parties recognize that 'to achieve the full realization of this right' the steps to be taken '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'.

3. These objectives reflect the fundamental purposes and principles of the United Nations as defined in Article 1, paragraph 3, of the

Charter of the United Nations. The essence of these objectives is also reflected in article 23, paragraph 1, of the Universal Declaration of Human Rights. Since the adoption of the Covenant by the General Assembly in 1966, several universal and regional human rights instruments have recognized the right to work. At the international level, the right to work is contained in article 8, paragraph 3 (a), of the International Covenant on Civil and Political Rights; in article 5, paragraph (e) (i), of the International Convention on the Elimination of All Forms of Racial Discrimination; in article 11, paragraph 1 (a), of the Convention on the Elimination of All Forms of Discrimination against Women; in article 32 of the Convention on the Rights of the Child; and in articles 11, 25, 26, 40, 52 and 54 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Several regional instruments recognize the right to work in its general dimension, including the European Social Charter (1961) and the European Social Charter (Revised) (1996) (Part II, art. 1), the African Charter on Human and Peoples' Rights (1981) (art. 15) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1988) (art. 6), and affirm the principle that respect for the right to work imposes on States parties an obligation to take measures aimed at the realization of full employment. Similarly, the right to work has been proclaimed by the General Assembly in the Declaration on Social Progress and Development, in its resolution 2542 (XXIV) (1969) (art. 6).

4. The right to work, as guaranteed in the International Covenant on Economic, Social and Cultural Rights, affirms the obligation of States parties to assure individuals their right to freely chosen or accepted work, including the right not to be deprived of work unfairly. This definition underlines the fact that respect for the individual and his dignity is expressed through the freedom of the individual regarding the choice to work, while emphasizing the importance of work for personal development as well as for social and economic inclusion. International Labour Organization (ILO) Convention No. 122 (1964) concerning Employment Policy, speaks of "full, productive and freely chosen employment", linking the obligation of States parties to create the conditions for full employment with the obligation to ensure the absence of forced labour. Nevertheless, for millions of human beings throughout the world, full enjoyment of the right to freely chosen or accepted work remains a remote prospect. The Committee recognizes the existence of structural and other obstacles arising from international factors beyond the control of States which hinder the full enjoyment of article 6 of the Covenant in many States parties.

5. With the aim of helping States parties to implement the Covenant and discharge their reporting obligations, this general comment deals with the normative content of article 6 (chap. I), the obligations of States parties (chap. II), violations (chap. III), implementation at the national level (chap. IV) and the obligations of actors other than States parties (chap. V). The general comment is based on the experience gained by the Committee over many years in its consideration of reports of States parties.

## **I. Normative Content OF THE RIGHT TO WORK**

6. The right to work is an individual right that belongs to each person and is at the same time a collective right. It encompasses all forms of work, whether independent work or dependent wage-paid work. The right to work should not be understood as an absolute and unconditional right to obtain employment. Article 6, paragraph 1, of the Covenant contains a definition of the right to work and paragraph 2 cites, by way of illustration and in a non-exhaustive manner, examples of obligations incumbent upon States parties. It includes the right of every human being to decide freely to accept or choose work. This implies not being forced in any way whatsoever to exercise or engage in employment and the right of access to a system of protection guaranteeing each worker access to employment. It also implies the right not to be unfairly deprived of employment.

7. Work as specified in article 6 must be *decent work*. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing workers to support themselves and their families as highlighted in article 7. These fundamental rights also include respect for the physical and mental integrity of the worker in the exercise of his/her employment.

8. Articles 6, 7 and 8 are interdependent. The characterization of work as decent presupposes that it respects the fundamental rights of the worker. Although articles 7 and 8 are closely linked to article 6, they will be dealt with in separate general comments. Reference to articles 7 and 8 will therefore only be made whenever the indivisibility of these rights so requires.

9. ILO defines forced labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".<sup>c</sup> The Committee reaffirms the need for States parties to abolish, forbid and counter all forms of forced labour as enunciated in article 4 of the Universal Declaration of Human Rights, article 5 of the Slavery Convention and article 8 of the International Covenant on Civil and Political Rights.

10. High unemployment and the lack of secure employment are causes that induce workers to seek employment in the informal sector of the economy. States parties must take the requisite measures, legislative or otherwise, to reduce to the fullest extent possible the number of workers outside the formal economy, workers who as a result of that situation have no protection. These measures would compel employers to respect labour legislation and declare their employees, thus enabling the latter to enjoy all the rights of workers, in particular those provided for in articles 6, 7 and 8 of the International Covenant on Economic, Social and Cultural Rights. These measures must reflect the fact that people living in an informal economy do so for the most part because of the need to survive, rather than as a matter of choice. Moreover, domestic and agricultural work must be properly regulated by national legislation so that domestic and agricultural workers enjoy the same level of protection as other workers.

11. ILO Convention No. 158 (1982) concerning Termination of Employment, at the Initiative of the Employer defines the lawfulness of dismissal in its article 4 and in particular imposes the requirement to provide valid grounds for dismissal, as well as the right to legal and other redress in the case of unjustified dismissal.

12. The exercise of work in all its forms and at all levels requires the existence of the following interdependent and essential elements, implementation of which will depend on the conditions present in each State party:

(a) *Availability*. States parties must have specialized services to assist and support individuals in order to enable them to identify and find available employment;

(b)*Accessibility*. The labour market must be open to everyone under the jurisdiction of States parties.<sup>d</sup> Accessibility comprises three dimensions:

Under its article 2, paragraph 2, and article 3, the Covenant prohibits any discrimination in access to and maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation, or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality. According to article 2 of ILO Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation, States parties should “declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof”. Many measures, such as most strategies and programmes designed to eliminate employment-related discrimination, as emphasized in paragraph 18 of the Committee’s general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), can be pursued with minimum resource implications through the adoption, modification or abrogation of legislation or the dissemination of information. The Committee recalls that, even in times of severe resource constraints, disadvantaged and marginalized individuals and groups must be protected by the adoption of relatively low-cost targeted programmes;<sup>e</sup>

Physical accessibility is one dimension of accessibility to employment as explained in paragraph 22 of the Committee’s general comment No. 5 (1994) on persons with disabilities;

Accessibility includes the right to seek, obtain and impart information on the means of gaining access to employment through the establishment of data networks on the employment market at the local, regional, national and international levels;

(c)*Acceptability and quality*. Protection of the right to work has several components, notably the right of the worker to just and favourable conditions of work, in particular to safe working conditions, the right to form trade unions and the right freely to choose and accept work.

## **A. Special topics of broad application**

### **Women and the right to work**

13. Article 3 of the Covenant prescribes that States parties undertake to “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights”. The Committee underlines the need for a comprehensive system of protection to combat gender discrimination and to ensure equal opportunities and treatment between men and women in relation to their right to work by ensuring equal pay for work of equal value.<sup>f</sup> In particular, pregnancies must not constitute an obstacle to employment and should not constitute justification for loss of employment. Lastly, emphasis should be placed on the link between the fact that women often have less access to education than men and certain traditional cultures which compromise the opportunities for the employment and advancement of women.

### **Young persons and the right to work**

14. Access to a first job constitutes an opportunity for economic self-reliance and in many cases a means to escape poverty. Young persons, particularly young women, generally have great difficulties in finding initial employment. National policies relating to adequate education and vocational training should be adopted and implemented to promote and support access to employment opportunities for young persons, in particular young women.

### **Child labour and the right to work**

15. The protection of children is covered by article 10 of the Covenant. The Committee recalls its general comment No. 14 (2000) and in particular paragraphs 22 and 23 on children’s right to health, and emphasizes the need to protect children from all forms of work that are likely to interfere with their development or physical or mental health. The Committee reaffirms the need to protect children from economic exploitation, to enable them to pursue their full development and acquire technical and vocational education as indicated in article 6, paragraph 2. The Committee also recalls its general comment No. 13 (1999) on the right to education (art. 13 of the Covenant), in particular the definition of technical and vocational education (paras. 15 and 16) as a component of general education. Several international human rights instruments adopted after the International Covenant on Economic, Social and Cultural Rights, such as the Convention on the Rights of the Child, expressly recognize the need to protect children and young people against any form of economic exploitation or forced labour.<sup>g</sup>

### **Older persons and the right to work**

16. The Committee recalls its general comment No. 6 (1995) on the economic, social and cultural rights of older persons and in particular the need to take measures to prevent discrimination on grounds of age in employment and occupation.<sup>h</sup>

### **Persons with disabilities and the right to work**

17. The Committee recalls the principle of non-discrimination in access to employment by persons with disabilities enunciated in its general comment No. 5 (1994) on persons with disabilities. “The ‘right of everyone to the opportunity to gain his living by work which he freely chooses or accepts’ is not realized where the only real opportunity open to disabled workers is to work in so-called ‘sheltered’ facilities under substandard conditions.”<sup>i</sup> States parties must take measures enabling persons with disabilities to secure and retain appropriate employment and to progress in their occupational field, thus facilitating their integration or reintegration into society.<sup>j</sup>

### **Migrant workers and the right to work**

18. The principle of non-discrimination as set out in article 2, paragraph 2, of the Covenant and in article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should apply in relation to employment opportunities for migrant workers and their families. In this regard the Committee underlines the need for national plans of action to be devised to respect and promote such principles by all appropriate measures, legislative or otherwise.

## II. States parties' obligations

### A. General legal obligations

19. The principal obligation of States parties is to ensure the progressive realization of the exercise of the right to work. States parties must therefore adopt, as quickly as possible, measures aiming at achieving full employment. While the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes on States parties various obligations which are of immediate effect.<sup>k</sup> States parties have immediate obligations in relation to the right to work, such as the obligation to "guarantee" that it will be exercised "without discrimination of any kind" (art. 2, para. 2) and the obligation "to take steps" (art. 2, para. 1) towards the full realization of article 6.<sup>l</sup> Such steps must be deliberate, concrete and targeted towards the full realization of the right to work.

20. The fact that realization of the right to work is progressive and takes place over a period of time should not be interpreted as depriving States parties' obligations of all meaningful content.<sup>m</sup> It means that States parties have a specific and continuing obligation "to move as expeditiously and effectively as possible" towards the full realization of article 6.

**21. As with all other rights in the Covenant, retrogressive measures should in principle not be taken in relation to the right to work. If any deliberately retrogressive steps are taken, States parties have the burden of proving that they have been introduced after consideration of all alternatives and that they are duly justified by reference to the totality of the rights provided for in the Covenant in the context of the full use of the States parties' maximum available resources.** <sup>n</sup>

22. Like all human rights, the right to work imposes three types or levels of obligations on States parties: the obligations to *respect*, *protect* and *fulfil*. The obligation to *respect* the right to work requires States parties to refrain from interfering directly or indirectly with the enjoyment of that right. The obligation to *protect* requires States parties to take measures that prevent third parties from interfering with the enjoyment of the right to work. The obligation to *fulfil* includes the obligations to provide, facilitate and promote that right. It implies that States parties should adopt appropriate legislative, administrative, budgetary, judicial and other measures to ensure its full realization.

### B. Specific legal obligations

23. States parties are under the obligation to *respect* the right to work by, inter alia, prohibiting forced or compulsory labour and refraining from denying or limiting equal access to decent work for all persons, especially disadvantaged and marginalized individuals and groups, including prisoners or detainees,<sup>n</sup> members of minorities and migrant workers. In particular, States parties are bound by the obligation to respect the right of women and young persons to have access to decent work and thus to take measures to combat discrimination and to promote equal access and opportunities.

24. With regard to the obligations of States parties relating to child labour as set out in article 10 of the Covenant, States parties must take effective measures, in particular legislative measures, to prohibit labour of children under the age of 16. Further, they have to prohibit all forms of economic exploitation and forced labour of children.<sup>o</sup> States parties must adopt effective measures to ensure that the prohibition of child labour will be fully respected.<sup>p</sup>

25. Obligations to *protect* the right to work include, inter alia, the duties of States parties to adopt legislation or to take other measures ensuring equal access to work and training and to ensure that privatization measures do not undermine workers' rights. Specific measures to increase the flexibility of labour markets must not render work less stable or reduce the social protection of the worker. The obligation to protect the right to work includes the responsibility of States parties to prohibit forced or compulsory labour by non-State actors.

26. States parties are obliged to *fulfil* (provide) the right to work when individuals or groups are unable, for reasons beyond their control, to realize that right themselves by the means at their disposal. This obligation includes, inter alia, the obligation to recognize the right to work in national legal systems and to adopt a national policy on the right to work as well as a detailed plan for its realization. The right to work requires formulation and implementation by States parties of an employment policy with a view to "stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment".<sup>q</sup> It is in this context that effective measures to increase the resources allocated to reducing the unemployment rate, in particular among women, the disadvantaged and marginalized, should be taken by States parties. The Committee emphasizes the need to establish a compensation mechanism in the event of loss of employment, as well as the obligation to take appropriate measures for the establishment of employment services (public or private) at the national and local levels.<sup>r</sup> Further, the obligation to fulfil (provide) the right to work includes the implementation by States parties of plans to counter unemployment.<sup>s</sup>

27. The obligation to *fulfil* (facilitate) the right to work requires States parties, inter alia, to take positive measures to enable and assist individuals to enjoy the right to work and to implement technical and vocational education plans to facilitate access to employment.

28. The obligation to *fulfil* (promote) the right to work requires States parties to undertake, for example, educational and informational programmes to instil public awareness on the right to work.

### C. International obligations

29. In its general comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant) the Committee drew attention to the obligation of all States parties to take steps individually and through international assistance and cooperation, especially economic and technical, towards the full realization of the rights recognized in the Covenant. In the spirit of Article 56 of the Charter of the United Nations and specific provisions of the Covenant (art. 2, para. 1, arts. 6, 22 and 23), States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to work. States parties should, through international agreements where appropriate, ensure that the right to work as set forth in articles 6, 7 and 8 of the Covenant is given due attention.

30. To comply with their international obligations in relation to article 6, States parties should endeavour to promote the right to work in other countries as well as in bilateral and multilateral negotiations. In negotiations with international financial institutions, States parties should ensure protection of the right to work of their population. States parties that are members of international financial institutions, in particular the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (the World Bank) and regional development banks, should pay greater attention to the protection of the right to work in influencing the lending policies, credit agreements, structural adjustment programmes and international measures of these institutions. The strategies, programmes and policies adopted by States parties under structural adjustment programmes should not interfere with their core obligations in relation to the right to work and impact negatively on the right to work of women, young persons and the disadvantaged and marginalized individuals and groups.

## **D. Core obligations**

31. In general comment No. 3 (1990) the Committee confirms that States parties have a core obligation to ensure the satisfaction of minimum essential levels of each of the rights covered by the Covenant. In the context of article 6, this "core obligation" encompasses the obligation to ensure non-discrimination and equal protection of employment. Discrimination in the field of employment comprises a broad cluster of violations affecting all stages of life, from basic education to retirement, and can have a considerable impact on the work situation of individuals and groups. Accordingly, these core obligations include at least the following requirements:

(a) To ensure the right of access to employment, especially for disadvantaged and marginalized individuals and groups, permitting them to live a life of dignity;

(b) To avoid any measure that results in discrimination and unequal treatment in the private and public sectors of disadvantaged and marginalized individuals and groups or in weakening mechanisms for the protection of such individuals and groups;

(c) To adopt and implement a national employment strategy and plan of action based on and addressing the concerns of all workers on the basis of a participatory and transparent process that includes employers' and workers' organizations. Such an employment strategy and plan of action should target disadvantaged and marginalized individuals and groups in particular and include indicators and benchmarks by which progress in relation to the right to work can be measured and periodically reviewed.

## **III. VIOLATIONS**

32. A distinction should be drawn between the inability and the unwillingness of States parties to comply with their obligations under article 6 of the Covenant. This follows from article 6, paragraph 1, which guarantees the right of everyone to the opportunity to gain his living by work that he freely chooses or accepts, and article 2, paragraph 1, which places an obligation on each State party to undertake the necessary measures "to the maximum of its available resources". The obligations of States parties must be interpreted in the light of these two articles. States parties that are unwilling to use the maximum of their available resources for the realization of the right to work are in violation of their obligations under article 6. Nevertheless, resource constraints may explain the difficulties a State party may encounter in fully guaranteeing the right to work, to the extent that the State party demonstrates that it has used all available resources at its disposal in order to fulfil, as a matter of priority, the obligations outlined above. Violations of the right to work can occur through the direct action of States or State entities, or through the lack of adequate measures to promote employment. Violations through *acts of omission* occur, for example, when States parties do not regulate the activities of individuals or groups to prevent them from impeding the right of others to work. Violations through *acts of commission* include forced labour; the formal repeal or suspension of legislation necessary for continued enjoyment of the right to work; denial of access to work to particular individuals or groups, whether such discrimination is based on legislation or practice; and the adoption of legislation or policies which are manifestly incompatible with international obligations in relation to the right to work.

### **A. Violations of the obligation to respect**

33. Violations of the obligation to respect the right to work include laws, policies and actions that contravene the standards laid down in article 6 of the Covenant. In particular, any discrimination in access to the labour market or to means and entitlements for obtaining employment on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or any other situation with the aim of impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant. The principle of non-discrimination mentioned in article 2, paragraph 2, of the Covenant is immediately applicable and is neither subject to progressive implementation nor dependent on available resources. It is directly applicable to all aspects of the right to work. The failure of States parties to take into account their legal obligations regarding the right to work when entering into bilateral or multilateral agreements with other States, international organizations and other entities such as multinational entities constitutes a violation of their obligation to respect the right to work.

34. As for all other rights in the Covenant, there is a strong presumption that retrogressive measures taken in relation to the right to work are not permissible. Such retrogressive measures include, inter alia, denial of access to employment to particular individuals or groups, whether such discrimination is based on legislation or practice, abrogation or suspension of the legislation necessary for the exercise of the right to work or the adoption of laws or policies that are manifestly incompatible with international legal obligations relating to the right to work. An example would be the institution of forced labour or the abrogation of legislation protecting the employee against unlawful dismissal. Such measures would constitute a violation of States parties' obligation to respect the right to

work.

## **B. Violations of the obligation to protect**

35. Violations of the obligation to protect follow from the failure of States parties to take all necessary measures to safeguard persons within their jurisdiction from infringements of the right to work by third parties. They include omissions such as the failure to regulate the activities of individuals, groups or corporations so as to prevent them from violating the right to work of others; or the failure to protect workers against unlawful dismissal.

## **C. Violations of the obligation to fulfil**

36. Violations of the obligation to fulfil occur through the failure of States parties to take all necessary steps to ensure the realization of the right to work. Examples include the failure to adopt or implement a national employment policy designed to ensure the right to work for everyone; insufficient expenditure or misallocation of public funds that results in the non-enjoyment of the right to work by individuals or groups, particularly the disadvantaged and marginalized; the failure to monitor the realization of the right to work at the national level, for example, by identifying right-to-work indicators and benchmarks; and the failure to implement technical and vocational training programmes.

## **IV. Implementation at the national level**

37. In accordance with article 2, paragraph 1, of the Covenant, States parties are required to utilize “all appropriate means, including particularly the adoption of legislative measures” for the implementation of their Covenant obligations. Every State party has a margin of discretion in assessing which measures are most suitable to meet its specific circumstances. The Covenant, however, clearly imposes a duty on each State party to take whatever steps are necessary to ensure that everyone is protected from unemployment and insecurity in employment and can enjoy the right to work as soon as possible.

### **A. Legislation, strategies and policies**

38. States parties should consider the adoption of specific legislative measures for the implementation of the right to work. Those measures should (a) establish national mechanisms to monitor implementation of employment strategies and national plans of action; (b) contain provisions on numerical targets and a time frame for implementation; (c) provide means of ensuring compliance with the benchmarks established at the national level; and (d) provide the involvement of civil society, including experts on labour issues, the private sector and international organizations. In monitoring progress on realization of the right to work, States parties should identify the factors and difficulties affecting the fulfilment of their obligations.

39. Collective bargaining is a tool of fundamental importance in the formulation of employment policies.

40. United Nations specialized agencies and programmes should, upon States parties’ request, assist in drafting and reviewing relevant legislation. ILO, for example, has considerable expertise and accumulated knowledge concerning legislation in the field of employment.

41. States parties should adopt a national strategy, based on human rights principles aimed at progressively ensuring full employment for all. Such a national strategy also imposes a requirement to identify the resources available to States parties for achieving their objectives as well as the most cost-effective ways of using them.

42. The formulation and implementation of a national employment strategy should involve full respect for the principles of accountability, transparency, and participation by interested groups. The right of individuals and groups to participate in decision-making should be an integral part of all policies, programmes and strategies intended to implement the obligations of States parties under article 6 of the Covenant. The promotion of employment also requires effective involvement of the community and, more specifically, of associations for the protection and promotion of the rights of workers and trade unions in the definition of priorities, decision-making, planning, implementation and evaluation of the strategy to promote employment.

43. To create conditions favourable to the enjoyment of the right to work, States parties must also take appropriate measures to ensure that both the private and public sectors reflect an awareness of the right to work in their activities.

44. The national employment strategy must take particular account of the need to eliminate discrimination in access to employment. It must ensure equal access to economic resources and to technical and vocational training, particularly for women, disadvantaged and marginalized individuals and groups, and should respect and protect self-employment as well as employment with remuneration that enables workers and their families to enjoy an adequate standard of living as stipulated in article 7 (a) (ii) of the Covenant.

45. States parties should develop and maintain mechanisms to monitor progress towards the realization of the right to freely chosen or accepted employment, to identify the factors and difficulties affecting the degree of compliance with their obligations and to facilitate the adoption of corrective legislative and administrative measures, including measures to implement their obligations under articles 2, paragraph 1, and 23 of the Covenant.

### **B. Indicators and benchmarks**

46. A national employment strategy must define indicators on the right to work. The indicators should be designed to monitor effectively, at the national level, the compliance by States parties with their obligations under article 6 of the Covenant and should be based on ILO indicators such as the rate of unemployment, underemployment and the ratio of formal to informal work. Indicators developed by ILO that apply to the preparation of labour statistics may be useful in the preparation of a national employment plan.

47. Having identified appropriate right to work indicators, States parties are invited to set appropriate national benchmarks in relation



to each indicator. During the periodic reporting procedure the Committee will engage in a process of “scoping” with the State party. This process involves the joint consideration by the State party and the Committee of the indicators and national benchmarks which will then provide the targets to be achieved during the next reporting period. During the following five years the State party will use the national benchmarks to help monitor its implementation of the right to work. Thereafter, in the subsequent reporting process, the State party and the Committee will consider whether or not the benchmarks have been achieved and the reasons for any difficulties that may have been encountered. Further, when setting benchmarks and preparing their reports States parties should utilize the extensive information and advisory services of specialized agencies with regard to data collection and disaggregation.

### **C. Remedies and accountability**

48. Any person or group who is a victim of a violation of the right to work should have access to effective judicial or other appropriate remedies at the national level. At the national level trade unions and human rights commissions should play an important role in defending the right to work. All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or a guarantee of non-repetition.

49. Incorporation of international instruments setting forth the right to work into the domestic legal order, in particular the relevant ILO conventions, should strengthen the effectiveness of measures taken to guarantee the right to work and is encouraged. The incorporation of international instruments recognizing the right to work into the domestic legal order, or the recognition of their direct applicability, significantly enhances the scope and effectiveness of remedial measures and is encouraged in all cases. Courts would then be empowered to adjudicate violations of the core content of the right to work by directly applying obligations under the Covenant.

50. Judges and other law enforcement authorities are invited to pay greater attention to violations of the right to work in the exercise of their functions.

51. States parties should respect and protect the work of human rights defenders and other members of civil society, in particular the trade unions, who assist disadvantaged and marginalized individuals and groups in the realization of their right to work.

### **V. Obligations of actors other than States parties**

52. While only States parties to the Covenant are ultimately accountable for compliance with its provisions, all members of society - individuals, local communities, trade unions, civil society and private sector organizations - have responsibilities regarding the realization of the right to work. States parties should provide an environment facilitating the discharge of these obligations. Private enterprises - national and multinational - while not bound by the Covenant, have a particular role to play in job creation, hiring policies and non-discriminatory access to work. They should conduct their activities on the basis of legislation, administrative measures, codes of conduct and other appropriate measures promoting respect for the right to work, agreed between the government and civil society. Such measures should recognize the labour standards elaborated by ILO and aim at increasing the awareness and responsibility of enterprises in the realization of the right to work.

53. The role of the United Nations specialized agencies and programmes, and in particular the key function of ILO in protecting and implementing the right to work at the international, regional and national levels, is of particular importance. Regional institutions and instruments, where they exist, also play an important role in ensuring the right to work. When formulating and implementing their national employment strategies, States parties should avail themselves of the technical assistance and cooperation offered by ILO. When preparing their reports, States parties should also use the extensive information and advisory services provided by ILO for data collection and disaggregation as well as the development of indicators and benchmarks. In conformity with articles 22 and 23 of the Covenant, ILO and the other specialized agencies of the United Nations, the World Bank, regional development banks, IMF, the World Trade Organization and other relevant bodies within the United Nations system should cooperate effectively with States parties to implement the right to work at the national level, bearing in mind their own mandates. International financial institutions should pay greater attention to the protection of the right to work in their lending policies and credit agreements. In accordance with paragraph 9 of the Committee’s general comment No. 2 (1990) on international technical assistance measures (art. 22 of the Covenant), particular efforts should be made to ensure that the right to work is protected in all structural adjustment programmes. When examining the reports of States parties and their ability to meet their obligations under article 6, the Committee will consider the effects of the assistance provided by actors other than States parties.

54. Trade unions play a fundamental role in ensuring respect for the right to work at the local and national levels and in assisting States parties to comply with their obligations under article 6. The role of trade unions is fundamental and will continue to be considered by the Committee in its consideration of the reports of States parties.

## **Annex XI**

### **A. List of States parties’ delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its thirty-fourth session**

#### **ZAMBIA**

*Representative:* Ms. G.M.K. Imbwae Permanent Secretary/Ministry of Justice

*Advisers:* Mr. Love Mtesa Ambassador Permanent Representative Permanent Mission of Zambia to the United Nations Office at Geneva

Ms. Encyla Sinjela Counsellor Permanent Mission of Zambia to the United Nations Office at Geneva

Ms. Maria M. Kawimbe Deputy Director Ministry of Justice

		Mr. Enoch Mulembi	Director	Permanent Human Rights Commission		
		Mr. Lumbwe Chola	Statistician	Central Statistical Office		
		Ms. Belinda Lumbala	Planner	Ministry of Finance and National Planning		
		Mr. Joel Ukwini	Acting Deputy Accountant General	Ministry of Finance and National Planning		
CHINA	Representative:	Mr. Sha Zukang	Ambassador	Permanent Representative	Permanent Mission of China to the United Nations Office at Geneva	
	Advisers:	Mr. Liu Jieyi	Director General	Department of International Organizations and Conferences	Ministry of Foreign Affairs	
		Ms. Shao Wenhong	Director General	Research Office	Supreme People's Court	
		Mr. Mao Gongning	Director General	Department of Policies	Laws and Regulations	State Ethnic Affairs Commission
		Mr. Gao Weizhong	Deputy Director General	Department of Health Policies and Legislation	Ministry of Public Health	
		Ms. Dong Zhihua	Division Director	Department of International Organizations and Conferences	Ministry of Foreign Affairs	
		Mr. Huang Xingsheng	Deputy Division Director	Department of Policy and Regulation	Ministry of Education	
		Ms. You Xueyun	Deputy Division Director	Seventh Bureau	Information Office of the State Council	
		Mr. Zhang Yongqing	Deputy Division Director	General Office	Ministry of Labour and Social Security	
CHINA (cont'd)		Mr. Wu Xuyan	Section Chief	Department of Housing and Real Estate Industry	Ministry of Construction	
		Ms. Tian Ni	Third Secretary	Department of Treaty and Law	Ministry of Foreign Affairs	
		Mr. Zhou Xianfeng	Attaché	Department of International Organizations and Conferences	Ministry of Foreign Affairs	
		Mr. Fan Yong	Attaché	Department of International Organizations and Conferences	Ministry of Foreign Affairs	
		Hong Kong Special Administrative Region				
		Mr. Stephen Fisher	Permanent Secretary for Home Affairs	Home Affairs Bureau		
		Mr. John Dean	Principal Assistant Secretary for Home Affairs	Home Affairs Bureau		
		Ms. Amy Yeung	Assistant Secretary for Home Affairs	Home Affairs Bureau		
		Ms. Cynthia Tong	Principal Information Officer	Home Affairs Bureau		
		Mr. Robert Alcock	Solicitor General	Department of Justice		
		Ms. Anita Ng	Government Counsel	Department of Justice		
CHINA (cont'd)		Ms. Salina Yan	Deputy Secretary	Health, Welfare and Food Bureau		
		Ms. Hoo Ying	Training Officer	Social and Welfare Department		
		Ms. Do Pang Wai-yee	Assistant Commissioner	Labour Department		
		Mr. Tam Wing-pong	Deputy Director	Housing Department		
		Ms. Fanny Lam	Principal Assistant Secretary	Education and Manpower Bureau		
		Macao Special Administrative Region				
		Mr. Jorge Costa Oliveira	Director	International Law Office		
		Ms. Tou Wai Fong	Assistant Commissioner	Commission Against Corruption		
		Mr. Zhu Lin	Assessor	Office of the Secretary for Administration and Justice		
		Mr. Diamantino José dos Santos	Director	Security Forces Coordination Office		
		Ms. Patricia Albuquerque Ferreira	Deputy Director	International Law Office		
		Mr. José Carlos Bento da Silva	Legal Adviser	Labour Affairs Bureau		
NORWAY	Representative:	Mr. Peter F. Wille	Deputy Director General	Norwegian Ministry of Foreign Affairs		
	Advisers:	Ms. Astrid Helle Ajamay	Minister Counsellor	Permanent Mission of Norway to the United Nations Office at Geneva		
		Mr. Per Ivar Lied	First Secretary	Permanent Mission of Norway to the United Nations Office at Geneva		
		Ms. Claire Hubert	Senior Executive Officer	Norwegian Ministry of Foreign Affairs		
		Mr. Roger Østbøl	Deputy Director General	Norwegian Ministry of Health and Care		
		Ms. Bjørg Unstad	Assistant Director General	Norwegian Ministry of Local Government and Regional Development		
SERBIA AND MONTENEGRO	Representative:	Mr. Dejan Šahović	Ambassador	Permanent Representative	Permanent Mission of Serbia and Montenegro to the United Nations Office at Geneva	
	Advisers:	Ms. Slobodanka Krivokapić	Assistant Minister	Ministry of Health of the Republic of Montenegro		
		Ms. Slavka Lakićević	Assistant Minister	Ministry of Labour, Employment and Social		

**SERBIA AND  
MONTENEGRO**(cont'd)

Policy of the Republic of Serbia  
 Mr. Milan Begović Minister Plenipotentiary Permanent Mission of Serbia and Montenegro to the United Nations Office at Geneva  
 Ms. Rina Ivančević Inspector General for Architecture and Urbanism Ministry of Environmental Protection and Urban Planning of the Republic of Montenegro  
 Ms. Mira Nikolić Minister Plenipotentiary Head of the Group for Human Rights Ministry of Foreign Affairs of Serbia and Montenegro  
 Ms. Snežana Bogdanović Director Ministry of Labour, Employment and Social Policy of the Republic of Serbia  
 Ms. Tanja Prijić Director Ministry of Labour, Employment and Social Policy of the Republic of Serbia  
 Ms. Ranka Vujović Director Ministry of Labour, Employment and Social Policy of the Republic of Serbia  
 Ms. Dubravka Lalović Senior Adviser Ministry of Foreign Affairs of the Republic of Montenegro  
 Ms. Gordana Mohorović Senior Adviser Section for Human Rights Ministry of Human and Minority Rights of Serbia and Montenegro  
 Ms. Bedrija Đoković Counsellor Analyst Ministry of the Interior of the Republic of Montenegro  
 Ms. Marina Vučičević Counsellor Ministry of Labour and Social Welfare of the Republic of Montenegro  
 Ms. Marina Pavičević Counsellor for Environmental Protection Ministry of Environmental Protection and Urban Planning of the Republic of Montenegro  
 Ms. Marina Ivanović Second Secretary Permanent Mission of Serbia and Montenegro to the United Nations Office at Geneva

**SERBIA AND  
MONTENEGRO**(cont'd)

**B. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its thirty-fifth session**

**SLOVENIA**

*Representative:* Ms. Marjeta Cotman Head of Delegation State Secretary Ministry of Labour, Family and Social Affairs  
*Advisers:* Mr. Andrej Logar Ambassador Permanent Representative of Slovenia to the United Nations Office at Geneva  
 Mr. Marko Štrovs Acting Director General Labour Relations and Labour Rights Directorate, Ministry of Labour, Family and Social Affairs  
 Mr. Janez Obreza Acting Director Office for Nationalities  
 Ms. Jana Lovšin International Cooperation and European Affairs Department Ministry of Labour, Family and Social Affairs  
 Ms. Suzana Čurin Radović Section for Cultural Rights of Minorities and Development of Cultural Diversity Ministry of Culture  
 Ms. Violeta Neubauer Office for Equal Opportunities  
 Ms. Tatjana Mušič General Police Directorate Ministry of the Interior  
 Mr. Beno Arnejčič Development of Education Office Ministry of Education and Sport  
 Mr. Davor Dominkuš Social Affairs Directorate Ministry of Labour, Family and Social Affairs  
 Ms. Janja Romih Labour Market and Employment Directorate Ministry of Labour, Family and Social Affairs  
 Ms. Erika Ponikvar-Dečman Directorate for International Cooperation and International Legal Assistance Ministry of Justice  
**Ms. Brigita Lipovšek European Affairs and Cultural Development Section Ministry of Culture**

**SLOVENIA** (cont'd)

Ms. Vesna Kalčič Office for Nationalities  
 Mr. Peter Pavlin Directorate for Legislation on the Justice System Ministry of Justice  
 Ms. Agata Zupančič Public Health Directorate Ministry of Labour, Family and Social Affairs  
 Ms. Lea Javornik Novak Family Affairs Directorate Ministry of Labour, Family and Social Affairs  
 Mr. Aljuš Pertinač Labour Market and Employment Directorate Ministry of Labour, Family and Social Affairs  
 Ms. Nastaša Sax International Cooperation and European Affairs Department Ministry of Labour, Family and Social Affairs

**SLOVENIA** (cont'd)

Mr. Peter Sotošek ŠtularMedia DirectorateMinistry of Culture  
 Ms. Alenka MarkovThird SecretaryPermanent Mission of Slovenia to the United Nations Office at Geneva  
 Mr. Bojan TrnovšekInternal Administrative Affairs DirectorateMinistry of the Interior  
 Mr. Žarko BogunovičMigrations DirectorateMinistry of the Interior  
 Mr. Sandi ČurinInterdepartmental Working Group for the Fight Against Trafficking in PersonsMinistry of the Interior

## AUSTRIA

*Representative:* Mr. Harald DossiHead of DelegationFederal Chancellery

*Advisers:* Mr. Wolfgang PetritschAmbassadorPermanent Representative of Austria to the United Nations Office at Geneva

Mr. Anton MairFederal Ministry for Foreign Affairs

Mr. Heinz TichyFederal Ministry for Education, Science and Culture

Mr. Hubert HrabčikFederal Ministry for Health and Women

Ms. Sylvia KölblFederal Ministry for Health and Women

## AUSTRIA (cont'd)

Ms. Regina BuchmannFederal Ministry for the Interior

Ms. Yasmina BeciragicFederal Ministry for the Interior

Mr. Gerhard BuczolicFederal Ministry for Social Security, Generations and Consumer Protection

Mr. Hannes SpreitzerFederal Ministry for Social Security, Generations and Consumer Protection

Ms. Elisabeth WeissenböckFederal Ministry for Economy and Labour

Ms. Elisabeth Ellison-KramerCounsellorPermanent Mission of Austria to the United Nations Office at Geneva

Ms. Nicole BjerlerAttachéPermanent Mission of Austria to the United Nations Office at Geneva

## UZBEKISTAN

*Representative:* Mr. Akmal SaidovHead of DelegationDirector of the National Centre for Human Rights

*Advisers:* Mr. Badriddin ObidovChargé d'AffairesPermanent Mission of Uzbekistan to the United Nations Office at Geneva

Mr. Alisher MursaliyevRepresentative to WTOPermanent Mission of Uzbekistan to the United Nations Office at Geneva

Mr. Nodir ShamaksudovAssistant on Cultural AffairsPermanent Mission of Uzbekistan to the United Nations Office at Geneva

## BOSNIA AND HERZEGOVINA

*Representative:* Mr. Slobodan NagradićHead of DelegationAssistant MinisterMinistry for Human Rights and Refugees of Bosnia and Herzegovina

*Advisers:* Ms. Amir DzajicMinistry of Civil Affairs of Bosnia and Herzegovina

Ms. Azra HadžibegićExpert AdviserMinistry for Human Rights and Refugees of Bosnia and Herzegovina

Mr. Dragutin ČegarExpert AdviserMinistry for Human Rights and Refugees of Bosnia and Herzegovina

Mr. Rajko KlíčkovićAssistant MinisterGovernment of the Republika Srpska, Bosnia and Herzegovina

Ms. Marina BeraExpert AdviserMinistry of Health of the Federation of Bosnia and Herzegovina

Ms. Dragana AnđelićChargé d'AffairesCounsellorPermanent Mission of Bosnia and Herzegovina to the United Nations Office at Geneva

## LIBYAN ARAB JAMAHIRIYA

*Representative:* Mr. Abdel Hafid DerbiHead of DelegationGeneral People's Committee for Labour Forces and Employment

*Advisers:* Mr. Abdalla Alhabib AmmarDirector of Legal Affairs and Human RightsSecretariat of the General People's Congress

Ms. Husniya MarkusGeneral People's Committee for Foreign Liaison and International Organizations

Ms. Fayza Yunes AlbashaGeneral People's Congress

## LIBYAN ARAB JAMAHIRIYA(cont'd)

Mr. Ahmed Mohamed Abu HajarGeneral People's Committee

Mr. Abdelhakim Daw ZamounaGeneral People's Committee for High Schools

Mr. Alfitouri Said AltouniGeneral People's Committee for Health and Planning

Mr. Mostafa Mahmoud AlnamiGeneral People's Committee for Justice

Mr. Isa AbousetaGeneral Department for Conventions and Legal Affairs

## Annex XII

## A. List of documents of the Committee at its thirty-fourth session

E/1990/5/Add.59	Initial reports submitted by States parties to the Covenant: China
E/1990/5/Add.60	Idem: Zambia
E/1990/5/Add.61	Idem: Serbia and Montenegro
E/C.12/4/Add.14	Fourth periodic reports by States parties to the Covenant: Norway
E/2005/22/E/C.12/2004/9	Report of the Committee on its thirty-second and thirty-third sessions
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.6	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2003/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
E/C.12/2005/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/2005/2	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in its resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/2005/4	General comment No. 16 (2005): the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the Covenant)
E/C.12/2005/L.1	Draft programme of work: note by the Secretary-General
E/C.12/Q/CHN/1	List of issues: China
E/C.12/Q/NOR/2	Idem: Norway
E/C.12/Q/SEMO/1	Idem: Serbia and Montenegro
E/C.12/Q/ZMB/1	Idem: Zambia
E/C.12/1/Add.106	Concluding observations of the Committee: Zambia
E/C.12/1/Add.107	Idem: China
E/C.12/1/Add.108	Idem: Serbia and Montenegro
E/C.12/1/Add.109	Idem: Norway
E/C.12/2005/SR.1127 and E/C.12/2005/SR.1127/Corrigendum	Summary records of the thirty-fourth session (1st to 27th meetings) of the Committee

## B. List of documents of the Committee at its thirty-fifth session

E/1990/5/Add.62	Initial reports submitted by States parties to the Covenant: Slovenia
E/1990/5/Add.63	Idem: Uzbekistan
E/1990/5/Add.65	Idem: Bosnia and Herzegovina
E/1990/6/Add.38	Second periodic reports submitted by States parties to the Covenant: Libyan Arab Jamahiriya
E/1994/104/Add.28	Third periodic reports submitted by States parties to the Covenant: Austria
E/2005/22/E/C.12/2004/9	Report of the Committee on its thirty-second and thirty-third sessions
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.6	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2003/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
E/C.12/2005/3	Provisional agenda and annotations: note by the Secretary-General
E/C.12/GC/17	General comment No. 17 (2005): the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (art. 15 (1) (c) of the Covenant)
E/C.12/GC/18	General comment No. 18 (2005): the right to work (art. 6 of the Covenant)
E/C.12/2005/L.2	Draft programme of work: note by the Secretary-General
E/C.12/Q/AUT/1	List of issues: Austria
E/C.12/Q/BIH/1	Idem: Bosnia and Herzegovina
E/C.12/Q/LBY/1	Idem: Libyan Arab Jamahiriya
E/C.12/Q/SVN/1	Idem: Slovenia
E/C.12/Q/UZB/1	Idem: Uzbekistan
E/C.12/AUT/CO/3	Concluding observations of the Committee: Austria

E/C.12/BIH/CO/1

E/C.12/LBY/CO/2 and Corr.1

E/C.12/SVN/CO/1

E/C.12/UZB/CO/1

**E/C.12/UZB/CO/1/Add.1 \***

**E/C.12/2005/SR.30~~1~~58 and**

**E/C.12/2005/SR.30~~1~~58/Corrigendum**

Idem: Bosnia and Herzegovina

Idem: Libyan Arab Jamahiriya

Idem: Slovenia

Idem: Uzbekistan

Comments by the Government of Uzbekistan on the concluding observations of the Committee on Economic, Social and Cultural Rights

Summary records of the thirty~~four~~th session (30th to 58th meetings) of the Committee

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