



## **HELP PROTECT OUR HUMAN RIGHTS!**

**Support our campaign to ratify the 'International Covenant on Economic, Social and Cultural Rights'!**

### **The ICESCR and the rights protected**

#### **Introduction**

Despite South Africa leading the way, in its own Constitution and Bill of Rights, on economic, social and cultural rights, it is one of the few remaining countries in the world that has not yet ratified the ICESCR. This is particularly surprising given that the ICESCR was used as the model for South Africa's Bill of Rights.

With the new Government and the international focus on South Africa, as well as the adoption of the Optional Protocol to the ICESCR, which is opening for signature on 24 September 2009, now is the time that South Africa should finally ratify the ICESCR. This will be a demonstration again to the international community of South Africa's world-leading commitment to the promotion and protection of human rights and a commitment to active engagement in international cooperation in the field of human rights.

On 10 December 2008, the United Nations (UN) General Assembly adopted the Optional Protocol to the ICESCR, which allows States parties to the Covenant to recognise the competence of the UN Committee on Economic, Social and Cultural Rights to consider complaints from individuals. The Human Rights Council has invited "all States parties to participate in the ceremony of the opening for signatures of the Optional Protocol, to be held in New York on 24 September 2009 during the 2009 Treaty Event, and to consider signing and ratifying or acceding to the Optional Protocol with a view to its early entry into force".<sup>1</sup>

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<sup>1</sup> Human Rights Council resolution A/HRC/10/L.14 of 20 March 2009.

## **What is the ICESCR?**

**The ICESCR is an international agreement that protects economic, social and cultural rights, upon which South Africa's Bill of Rights was modelled.**

The ICESCR is a multilateral treaty adopted by the United Nations (UN) General Assembly on 16 December 1966, which came into force on 03 January 1976. It is one of the six main, binding UN human rights Conventions of which South Africa has ratified all of the others. It is the principal treaty in the UN human rights system to address economic, social and cultural rights. It is a legally binding treaty, primarily intended to enhance local and global social justice. It is designed to promote social progress, freedom from want and better standards of life as called for by the Universal Declaration of Human Rights.

The ICESCR commits its states parties to work towards the granting of economic, social, and cultural rights to individuals, discussing the ways in which states must work to realise these rights.

The ICESCR also recognises different levels of economic development and identifies the important role of international cooperation/development to the realisation of economic, social and cultural rights.

## **What are the rights in the ICESCR?**

**The ICESCR guarantees a range of economic, social and cultural rights.**

### **The rights in the ICESCR include:**

- the right to work, including the right of everyone to earn a living through freely chosen work (article 6);
- the right to just and favourable conditions of work (article 7);
- the right to form trade unions and join a trade union of one's choice (article 8);
- the right to social security, including social insurance (article 9);
- the right to family protection (article 10);
- the right to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions (article 11);
- the right to enjoy the highest possible standard of physical and mental health (article 12);
- the right to education, including compulsory primary education (article 13);
- the rights to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the

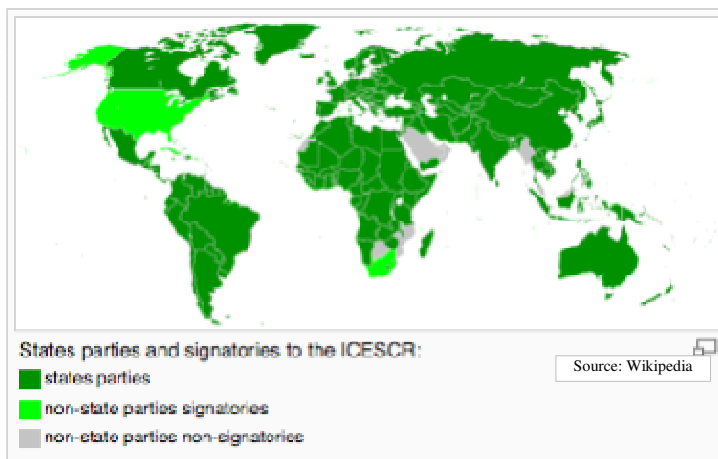
protection of the moral and material interests resulting from any scientific, literary or artistic production (article 15).

The ICESCR requires that these rights be available without discrimination and that there be equality between women and men in the realisation of the rights.

These rights can be realised through the policies and programmes of governments. The Committee on Economic, Social and Cultural Rights, which monitors implementation of the ICESCR, has determined the scope of these rights and the types of laws, policies and programmes that are required to realise them.

## Who is a party to the ICESCR?

**160 states are parties to the Covenant, of these 48 are African states.<sup>2</sup>**



The vast majority of African states have ratified the Covenant. Only a handful of states – in the light colours – are yet to ratify the Covenant.

## Conclusion

Ratification of the ICESCR as well as signature and ratification of its Optional Protocol will unambiguously signal South Africa's commitment to be legally bound by the full range of human rights recognised under international law and will be a tangible demonstration of its commitment to the development of effective remedies for victims of socio-economic rights violations. Ratification of the ICESCR and its Optional Protocol will be an ideal opportunity to reiterate South Africa's commitment to alleviating poverty and ensuring social justice for all.

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<sup>2</sup> UN Treaty Collection – International Covenant on Economic, Social and Cultural Rights – Status as at 01 June 2009, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en) (accessed 01 June 2009).



## **HELP PROTECT OUR HUMAN RIGHTS!**

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### **Why South Africa should ratify the ICESCR NOW!**

#### **Introduction**

In 1994, in his first visit to the United States as head of state, Nelson Mandela signed the ICESCR on behalf of South Africa. By signing the treaty, South Africa indicated its intention to ratify the treaty and incurred an international obligation not to act contrary to the object and spirit of the treaty. However, South Africa has since failed to ratify the instrument.

The ICESCR is the only one of the six major UN human rights Conventions that South Africa has not ratified. Other African states that have not yet ratified the ICESCR are Botswana, Comoros, Mozambique and Sao Tome and Principe.

South Africa indicated to the Human Rights Council in 2006 that the government was in the process of ratifying the ICESCR.<sup>1</sup> In joining the Human Rights Council, South Africa undertook to ratify the Covenant. However, this has not happened.

#### **Why has South Africa not yet ratified the ICESCR?**

**There is no simple answer, but it appears that lack of political interest is the cause, which should not be a reason to fail to protect basic human rights.**

A 1995 study of the Covenant's adoption in Africa noted that South Africa "can be expected to join the ratifiers of the instruments."<sup>2</sup> Yet nearly

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<sup>1</sup> Note No 142/06 and No 143/06, both of 02 May 2006; Amnesty International, *Summary overview of forward-looking pledges and commitments made by countries seeking election to the Human Rights Council* (08 May 2006).

<sup>2</sup> J. Oloka-Onyango, *Beyond the rhetoric: Reinvigorating the struggle for economic and social rights in Africa*, 26 CAL. W. INT'L L. J. (1995).

fifteen years after signing the Covenant, ratification has not been made a political priority and has not occurred.

In the past, the Cabinet has approved ratification but the instrument has not made it past the Department of Labour. Lobbying efforts as far back as 1999 focused on the Department but to no avail.<sup>3</sup> Recent lobbying efforts have, in addition, focused on the Department of International Relations and Cooperation, the Presidency and Parliament.

## **What are people saying and doing about South Africa's failure to ratify the ICESCR?**

**Many people and groups in South Africa that work to protect basic human rights are urging ratification of the Covenant.**

The South African Human Rights Commission has urged ratification of the ICESCR. The Community Law Centre at the University of the Western Cape and the Centre for Applied Legal Studies at the University of Witswatersrand have also called on the government to ratify the Covenant.

And over the past year, the 'Civil Society National Working Group on Social Security' – which includes the South African Council of Churches (SACC), the Black Sash; Studies in Poverty and Inequality Institute (SPII); the National Welfare Forum – held a number of key conferences around South Africa on the protection and expansion of Social Security in South Africa. They recently signed a 'Platform Document' calling on the State to "provide a clear road map" towards realising the right to social security. This document included a call to ratify the ICESCR as a matter of urgency.

International organisations such as the Centre on Housing Rights and Evictions have also joined their voices in this call. In 2007, the former UN Special Rapporteur on adequate Housing, Miloon Kothari, undertook a mission to South Africa, at the Government's invitation, to examine the status of the realisation of the human right to adequate housing, paying particular attention to aspects of gender equality and non-discrimination. One of his recommendations, at the end of his visit, was for "South Africa to consider ratifying the International Covenant on Economic, Social and Cultural Rights, so as to reflect in its international legal obligations the same progressive approach enshrined in its Constitution."<sup>4</sup> During the discussions and drafting of the Optional Protocol to the ICESCR, several states asked South Africa why it has not ratified the ICESCR.

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<sup>3</sup> L. Mashava, *Time to ratify the Covenant on Economic, Social, and Cultural Rights* (2000) 2(3) ESR REVIEW 18.

<sup>4</sup> Report of the Special Rapporteur on adequate housing: Mission to South Africa, UN doc. A/HRC/7/16/Add.3 (29 February 2008).

## **Why should South Africa ratify the ICESCR NOW?**

There are *FIVE* primary reasons:

- 1. Ratification would fulfil South Africa's express desire "to take its rightful place as a sovereign state in the family of nations" (Preamble of the South African Constitution) and prevent South Africa from falling behind the rest of the international community in protecting basic human rights.**

South Africa's failure to ratify the ICESCR threatens its image before the international community. Writing in 1993, Nelson Mandela pledged that "human rights will be the light that guides our foreign affairs." A free South Africa, he said, would take its place "at the forefront of global efforts to promote and foster democratic systems of government."<sup>5</sup>

Ratification of the ICSECR will enhance the ability of the South African government to play a meaningful role as one of the key advocates for social, economic and cultural rights in the international arena.

Judging from the international instruments South Africa has ratified to date, it seems that more emphasis is placed on civil and political rights than on socio-economic rights. Support for this contention lies in the ratification of the International Covenant on Civil and Political Rights, compared to South Africa's ongoing reluctance to ratify the ICESCR.<sup>6</sup>

Moreover, as one study has explained, ratification of the ICESCR, even if it does not improve rights immediately, would be evidence that South Africa regards economic, social and cultural rights as critical basic rights and as a legitimate subject for international human rights oversight.<sup>7</sup>

- 2. This is an opportunity for the new Government to show the world that it is serious about protecting basic human rights.**

President Jacob Zuma has a long record of declaring his support for South Africa's role at the forefront of human rights. In 2000 he said that the "ratification and implementation of international human rights instruments," along with the "mechanisms to monitor the implementation and protection of such rights," are a key component of the global human rights agenda.<sup>8</sup>

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<sup>5</sup> See Simon Tisdall, *Where are Human Rights in Zuma's Plan*, MAIL & GUARDIAN, 21 Apr. 2009, available at <http://www.mg.co.za/article/2009-04-21-where-are-human-rights-in-zumas-plan>.

<sup>6</sup> Mashava (2000).

<sup>7</sup> M. Evans and R. Murray, *The African Charter on Human and Peoples' Rights* (2005).

<sup>8</sup> Address by Deputy President Jacob Zuma to the President of the General Assembly of the United Nations, delivered in Geneva, 26 June 2000.

Yet, many international media outlets have questioned the new Government's commitment to human rights. Ratifying the Covenant would be a direct, easy way for South Africa to reaffirm its commitment as the leader of Africa and a true world leader on human rights.

In addition, President Zuma has emphasised the importance of poverty alleviation and assistance to the poorest members of society. As noted in one study, "ratifying the ICESCR is an ideal opportunity to reiterate our commitment to alleviating poverty and ensuring social justice for all. Ratification of the ICESCR will indicate a clear and unambiguous South African commitment to the plight of its poor and development opportunities for all."<sup>9</sup>

### **3. The adoption of the Optional Protocol to the ICESCR provides an opportunity for ratification**

The Optional Protocol to the ICESCR is an important tool to help strengthen the protection of economic, social and cultural rights worldwide. It helps empower vulnerable and marginal groups, which are both encouraged by the South African Constitution. It is also an important mechanism in the fight against poverty, discrimination, and neglect.

The Optional Protocol will be open for signature by states parties to the ICESCR but South Africa is not a state party to the Covenant. South Africa has been instrumental in the negotiating and drafting of the Optional Protocol and can therefore not remove itself at this stage from such a great achievement for human rights merely because it has not ratified the Covenant, which it could do so.

### **4. South Africa has recognised the importance of these rights and protected them in the Bill of Rights, yet abroad, it is also known for its failure to ratify the Covenant.**

The ICESCR clearly served as a major source of inspiration for the drafting of the provisions on social and economic rights in the South African Constitution. As stated by the South African Constitutional Court, South Africa's Bill of Rights is "clearly modelled" on the ICESCR,<sup>10</sup> making it even more surprising that South Africa is one of the last nations that has yet to ratify the Covenant.

Ratification would serve to strengthen the domestic protection of these rights through policy, legislation and jurisprudence. It would promote the culture of accountability to national and international human rights standards which the Constitution encourages. It will also help ensure that our jurisprudence on social and economic rights develops in harmony with

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<sup>9</sup> Mashava (2000).

<sup>10</sup> *Residents of Bon Vista Mansions v Southern Metropolitan Local Council* 2002 (6) BCLR 625 (W), para 15.

the normative standards set by the leading international treaty on these rights.

Currently, one study observes, "South African jurisprudence on social rights thus far seems rather paradoxical. It simultaneously embraces and rejects international law principles aimed at the vindication of social rights ...".<sup>11</sup> The study ascribes this partly to the non-ratification of the ICESCR.<sup>12</sup>

## **5. South Africa will not have to pass additional legislation upon ratification, and the ICESCR does not impose greater duties**

Unlike many countries which have had to pass significant legislation after ratifying the Covenant, ratification by South Africa would require little or no changes in domestic law, as the South African Bill of Rights is actually modelled on the ICESCR.

Most of the socio-economic rights included in the South African Constitution are echoed in the ICESCR. It also guarantees other rights that are not protected in the Constitution, such as the right to work (article 6). Ratification would correct any distortions arising from South Africa's currently partial recognition of the full corpus of international human rights law.

Unlike other human rights treaties that South Africa has ratified, the ICESCR, like the Constitution, recognises that economic and social rights cannot be achieved overnight - the rights must be realised progressively - following the path along which South Africa is already travelling.

Moreover, as one study rightly observed, the ICESCR "imposes no greater duties than the South African Constitution already imposes on government".<sup>13</sup>

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<sup>11</sup> M Pieterse, *Possibilities and pitfalls in the domestic enforcement of social rights: Contemplating the South African experience* (2004) HUMAN RIGHTS QUARTERLY 882, 902-903.

<sup>12</sup> Pieterse (2004) 903.

<sup>13</sup> A Pillay, *The International Covenant on Economic, Social and Cultural Rights: Time for South Africa to ratify* (2002) 3(1) ESR REVIEW 3.



# **International Covenant on Economic, Social and Cultural Rights**

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

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

Preamble

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

## **PART I**

### **Article 1**

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

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

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

## **PART II**

### **Article 2**

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

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

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

### **Article 3**

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

### **Article 4**

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

### **Article 5**

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

## **PART III**

### **Article 6**

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

### **Article 7**

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

### **Article 8**

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State. 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

### **Article 9**

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

### **Article 10**

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

#### **Article 11**

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

#### **Article 12**

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

#### **Article 13**

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

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

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

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

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

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

#### **Article 14**

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

#### **Article 15**

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

(a) To take part in cultural life;

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

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. 3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

### **PART IV**

#### **Article 16**

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2.

(a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

### **Article 17**

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

### **Article 18**

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

### **Article 19**

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

### **Article 20**

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

### **Article 21**

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

**Article 22**

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

**Article 23**

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

**Article 24**

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

**Article 25**

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

**PART V****Article 26**

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

**Article 27**

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

#### **Article 28**

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

#### **Article 29**

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

#### **Article 30**

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

#### **Article 31**

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.