



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### **The pledge to leave no one behind: the International Covenant on Economic, Social and Cultural Rights and the 2030 Agenda for Sustainable Development**

#### **Statement by the Committee on Economic, Social and Cultural Rights\***

#### **I. Introduction**

1. The 2030 Agenda for Sustainable Development is the renewed common global commitment of States to eradicate poverty in all its forms and dimensions, including extreme poverty, by promoting just, inclusive and sustainable societies. It powerfully expresses the essence of the International Covenant on Economic, Social and Cultural Rights, which has achieved wide ratification among States in the international community.<sup>1</sup> The achievement of the common objective of the 2030 Agenda and the Covenant to eliminate poverty will be a milestone along the journey to realizing the human dignity of every person, as enshrined in the Universal Declaration of Human Rights.

2. The ultimate destination of this collective journey is well captured by the pledge of States in the 2030 Agenda that no one would be left behind. In making that pledge, States recognized that the dignity of the human person is fundamental, and committed to meeting the goals and targets for all nations and peoples and for all segments of society, endeavouring to reach the furthest behind first.

#### **II. Economic, social and cultural rights: a fundamental pillar of the 2030 Agenda**

3. The pledge to leave no one behind is the central principle that infuses and guides the implementation of the 17 Sustainable Development Goals. Furthermore, the 2030 Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. The Agenda is grounded in, among other instruments, the Universal Declaration of Human Rights and international human rights treaties. The responsibilities of all States to respect, protect and promote human rights and fundamental freedoms for all is thus fundamental to the implementation of the 2030 Agenda.<sup>2</sup>

\* The present statement, which was adopted by the Committee at its sixty-fifth session, held from 18 February to 8 March 2019, was prepared pursuant to the Committee's practice on the adoption of statements (see *Official Records of the Economic and Social Council, 2011, Supplement No. 2* (E/2011/22), chap. II, sect. K).

<sup>1</sup> As at 8 March 2019, there were 169 States parties to the Covenant.

<sup>2</sup> See the statement of the United Nations High Commissioner for Human Rights entitled "Human rights and the 2030 Agenda: empowering people and ensuring inclusiveness and equality", delivered



4. The International Covenant on Economic, Social and Cultural Rights, as a core United Nations human rights treaty, is thus a fundamental pillar of the 2030 Agenda. It enshrines the protection of the economic, social and cultural rights of all, particularly disadvantaged and marginalized individuals and groups, recognizing that these rights “derive from the inherent dignity of the human person”.<sup>3</sup>

5. The rights protected under the Covenant underpin the Sustainable Development Goals. They include the equal right of men and women to the enjoyment of all Covenant rights<sup>4</sup> (Goal 5 and gender mainstreamed throughout all the Goals); the right to work and to just and favourable conditions of work<sup>5</sup> (Goal 8); the right to social security<sup>6</sup> (Goals 1–3, 5 and 10); the protection of and assistance to the family<sup>7</sup> (Goals 3 and 5); the right of everyone to an adequate standard of living, including adequate food, clothing, housing and water<sup>8</sup> (Goals 1–2, 6–7 and 11–16); the right of everyone to the enjoyment of the highest attainable standard of physical and mental health<sup>9</sup> (Goals 3 and 6); the right of everyone to education<sup>10</sup> (Goal 4); the right of everyone to take part in cultural life<sup>11</sup> (Goal 16 and relevant targets in other Goals<sup>12</sup>); and the right of everyone to enjoy the benefits of scientific progress and its applications<sup>13</sup> (Goals 9–10).<sup>14</sup> Goal 10 commits States to reduce inequality within and among countries. The inclusion of rising inequalities as a global concern was a major achievement of the 2030 Agenda. In the context of the periodic reporting system, the Committee requires States parties to provide information on the impact of income and wealth inequalities on the enjoyment of economic, social, and cultural rights.<sup>15</sup> This reflects the common understanding that the eradication of poverty will not be achieved in the context of widening gulfs between rich and poor both within and among countries.

### **III. Prioritizing disadvantaged and marginalized individuals and groups: a common objective of the 2030 Agenda and the Covenant**

6. The concept of leaving no one behind in the 2030 Agenda is in its essence a commitment by States to prioritize the needs of the most disadvantaged and marginalized in realizing the Sustainable Development Goals. Similarly, the Covenant requires State parties to protect and realize the rights of those left behind by poverty, socioeconomic and cultural exclusion and marginalization. Both the 2030 Agenda and the Covenant also seek to respond to the needs and circumstances of fragile countries, including least developed countries, small island developing States and countries in conflict and post-conflict situations. This demonstrates the heightened concern expressed in both the Covenant and the 2030 Agenda for those groups and countries that are the least privileged and face multiple challenges.

7. Under the Covenant, States parties have to take steps, individually and through international assistance and cooperation, to the maximum of their available resources, with a view to achieving progressively the full realization of economic, social and cultural rights

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on 16 January 2019 at the intersessional meeting of the Human Rights Council. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24072&LangID=E%3E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24072&LangID=E%3E).

<sup>3</sup> International Covenant on Economic, Social and Cultural Rights, preamble.

<sup>4</sup> *Ibid.*, art. 3.

<sup>5</sup> *Ibid.*, arts. 6–8.

<sup>6</sup> *Ibid.*, art. 9.

<sup>7</sup> *Ibid.*, art. 10.

<sup>8</sup> *Ibid.*, art. 11.

<sup>9</sup> *Ibid.*, art. 12.

<sup>10</sup> *Ibid.*, arts. 13–14.

<sup>11</sup> *Ibid.*, art. 15 (1) (a).

<sup>12</sup> Targets 2.5, 4.7, 8.9, 11.4 and 12.b.

<sup>13</sup> *Ibid.*, art. 15 (1) (b).

<sup>14</sup> See A/HRC/34/25, Human Rights Council resolution 37/24, A/HRC/32/23 and E/C.12/2018/1.

<sup>15</sup> The measures of inequality on which the Committee seeks information are closely aligned to the targets and indicators associated with Sustainable Development Goal 10.

for all.<sup>16</sup> In other words, States parties are required to mobilize the maximum of their available resources towards the fulfilment of the Covenant rights, particularly for those who are most excluded, disadvantaged and marginalized. The Committee has consistently emphasized the importance of identifying and prioritizing the needs of those groups that are disadvantaged and vulnerable to systemic and intersectional forms of discrimination.

8. Systemic discrimination arises in a variety of different contexts and is due to a variety of factors and circumstances. It might arise as a result of legal rules, policies or practices, or from predominant cultural attitudes and customary practices in either the public or private spheres that create relative disadvantages for some groups and privileges for other groups.<sup>17</sup> Depending on the context, affected groups include, among many others: people living in poverty; nations and communities vulnerable to climate change and environmental pollution and degradation; indigenous peoples; women; refugees, internally displaced persons and migrants; persons with disabilities; the elderly; the unemployed or those working in the informal sector; children; and victims of discrimination on the grounds of race, ethnicity, birth, national or social origin, sexual orientation or gender identity, or any other social status.

9. States parties are obliged to address and overcome the reasons for such systemic discrimination both through the adoption of relevant legislative and policy changes, and by holding public and private actors to account. Moreover, they have to ensure that everyone has access to the resources and services they need to live a life of dignity, and they must also eliminate the conditions that perpetuate systemic patterns of inequality preventing people from participating as equals in all spheres of society. The ultimate aim of the Covenant is to ensure the full and equal enjoyment of the rights recognized therein in conditions that advance human freedom and dignity for all.<sup>18</sup>

10. By creating legally binding human rights obligations for States parties, the Covenant requires that those left behind have access to legal remedies and redress mechanisms at both the national and the international levels. This flows from the basic principle that to be meaningful, a legal right must be accompanied by effective, accessible remedies.<sup>19</sup> Such remedies ensure that those responsible for violating Covenant rights are held accountable and that appropriate redress is provided for the victims.

#### **IV. The rights-based methodology of the Covenant ensures that no one is left behind**

11. The Covenant creates a rights-based methodology for States parties in implementing their obligations under the Covenant. This methodology is applicable to all rights and should guide States parties' actions in all policy areas, as well as the monitoring of progress towards the achievement of the Sustainable Development Goals by the international community.

12. The key elements of this methodology are summarized below:

(a) States parties should start by identifying those groups that are most marginalized and disadvantaged with respect to the enjoyment of Covenant rights. Without a careful analysis of which persons are most affected, policies cannot be well targeted. This is necessary in order to ensure that no groups or individuals are overlooked. This initial analysis also provides an opportunity to identify systemic forms of discrimination or social exclusions that perpetuate intergenerational poverty;

(b) Thereafter, analysis should be conducted into how States parties' own actions and omissions affect the realization of Covenant rights. States parties are, for example, required to refrain from taking legislative or other policy measures that deprive people of

<sup>16</sup> Covenant, art. 2.

<sup>17</sup> Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 12.

<sup>18</sup> Covenant, preamble.

<sup>19</sup> Committee on Economic, Social and Cultural Rights, general comment No. 9 (1998) on the domestic application of the Covenant, para. 2; and *I.D.G. v. Spain* (E/C.12/55/D/2/2014), para. 11.3.

their rights through, inter alia, forced evictions, discontinuances of water services, or preventing people's participation in cultural life. Furthermore, they must ensure that everyone has access to minimum essential levels of the economic, social and cultural rights recognized in the Covenant;<sup>20</sup>

(c) Based on the aforementioned analyses, States parties should adopt a participatory, all-inclusive, transparent national strategy and plan of action to advance the full realization of Covenant rights. The strategy and plan should be adequately resourced, include indicators and benchmarks by which progress can be closely monitored, and pay particular attention to the barriers faced by disadvantaged or marginalized groups in enjoying Covenant rights.<sup>21</sup> Deliberately retrogressive measures that reduce the coverage or level of benefits provided under social programmes should be avoided. Such measures are justifiable only in exceptional circumstances and after genuine consultation with affected groups;<sup>22</sup>

(d) States parties are also required to analyse and take measures to protect all persons against violations of Covenant rights by private parties such as corporations over which they can exercise jurisdiction, whether such actors operate within their territory or beyond.<sup>23</sup> Relevant protective measures include regulatory legislation, administrative, budgetary, educational and other measures, including providing access to effective legal remedies for victims;

(e) Lastly, States parties are required to monitor progress towards the full realization of Covenant rights and to take corrective measures to ensure that relevant legislation, policies and programmes are well targeted and effectively implemented. States should be guided by the criteria developed by the Committee for assessing whether policies and programmes are on course to achieving the normative content of Covenant rights.<sup>24</sup> Thus the Committee will assess whether the rights are available, adequate, accessible to all,<sup>25</sup> culturally acceptable<sup>26</sup> and of good quality.<sup>27</sup> In addition, the Committee has emphasized the importance of ensuring that rights are fulfilled through methods that are sustainable so as to ensure that the rights are secured both for present and future generations.<sup>28</sup>

13. As summarized above, the Covenant places duties on States to achieve substantive outcomes in relation to the realization of each of the Covenant rights. It also imposes duties to ensure that these outcomes are realized in ways that are consistent with the general

<sup>20</sup> Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties' obligations, para. 10.

<sup>21</sup> For example, Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water, para. 37 (f).

<sup>22</sup> Such retrogressive measures should not have a disproportional or discriminatory impact, and should not result in depriving individuals or groups of minimum essential levels of the relevant rights. See the letter dated 16 May 2012 from the Chair of the Committee to the States parties to the Covenant, on austerity measures, available from [<sup>23</sup> Committee on Economic, Social and Cultural Rights, general comment No. 24 \(2017\) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, paras. 25–37.](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=68; E/C.12/2016/1, para. 4; the Committee's general comment No. 19 (2007) on the right to social security, para. 42; and <i>Ben Dzia and Bellili v. Spain</i> (E/C.12/61/D/5/2015), para. 17.6.</a></p>
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<sup>24</sup> These normative criteria were developed over the course of the Committee's long experience in examining States parties' reports, and in the context of the 24 general comments it has adopted to date.

<sup>25</sup> Accessibility in this context includes physical accessibility, economic accessibility (affordability) and access to relevant information by the public pertaining to relevant social programmes. Social services and programmes should be accessible, both in law and in practice, to all, especially the most vulnerable or marginalized sectors of the population, without discrimination on any of the prohibited grounds. See, for example, Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water, para. 12 (c).

<sup>26</sup> For example, Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing, para. 8 (g).

<sup>27</sup> For example, Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 12 (d).

<sup>28</sup> For example, Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food, para. 7.

human rights principles of participation, transparency, accountability, non-discrimination, empowerment of beneficiaries and respect for the rule of law. These human rights principles are indispensable for ensuring that those left behind are treated not as passive beneficiaries of government programmes but as rights holders entitled to respect for their inherent human dignity.

## V. The Covenant will enable States to fulfil their pledge to leave no one behind in implementing the Sustainable Development Goals

14. The Covenant thus establishes a normative framework of rights and obligations that should constitute the bedrock of all measures adopted by States parties to advance the 2030 Agenda. This framework can be applied to the development of national institutional policies for the implementation of all Sustainable Development Goals. It can help in identifying those most in need, in the design of policies that address the root causes of violations of Covenant rights, and in creating spaces for affected persons to be heard when decisions that will affect them are taken. It requires legal and other forms of recourse for victims of violations of Covenant obligations.

15. The Covenant is also ideally suited for the implementation of Sustainable Development Goal 16, which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Goal 16 highlights the particular importance of good governance and developing sound institutions for achieving inclusive and sustainable development. Access to justice and accountable, ethical and responsive national institutions are fundamental for the implementation of both the Sustainable Development Goals and the Covenant, along with the active participation of civil society in decision-making at all levels. The participation of civil society is furthermore indispensable both for the monitoring of the Sustainable Development Goals and in the Committee's monitoring of compliance with the Covenant. Target 16.5 of the Sustainable Development Goals commits States to substantially reducing corruption and bribery in all their forms. The Committee continues to monitor the impact of corruption on the enjoyment of economic, social and cultural rights, including in the context of the obligation of States to mobilize the maximum of their available resources for the realization of Covenant rights.<sup>29</sup>

16. Under Goal 17, which is to strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, the 2030 Agenda highlights the imperative to strengthen domestic resource mobilization by improving domestic capacity for taxation and other revenue collections. At the same time, domestic resource mobilization can and should be supported through international cooperation and assistance to developing countries through official development assistance, and the use of other resources. This imperative is reinforced in article 2 (1) of the Covenant, which envisages international assistance and cooperation in achieving the full realization of Covenant rights. International cooperation in this context includes not only financial resources, but also access to relevant technology needed for sustainable development and capacity-building.<sup>30</sup>

17. Goal 17 further highlights that States should not harm developing countries by preventing them from making the necessary policy choices, for example, in the sphere of trade that could impact negatively on those countries' ability to fully implement the Sustainable Development Goals. In its general comment No. 24 on State obligations in the context of business activities, the Committee has described the extraterritorial obligations of States parties in line with its understanding of the obligation of international cooperation and assistance in article 2 of the Covenant (e.g., paras. 25–37). All actions taken by States

<sup>29</sup> The Committee regularly raises issues of corruption with States parties in the context of the periodic reporting procedure. See also its general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 20.

<sup>30</sup> See art. 11 (2) of the Covenant; and Committee on Economic, Social and Cultural Rights, general comment No. 2 (1990) on international technical assistance measures.

in the spheres of international trade and investment, including unilateral or collective coercive measures, as well as the imposition of economic sanctions, should take full account of States parties' obligations under the Covenant, particularly the impact of such measures on disadvantaged and marginalized individuals and groups in affected countries.<sup>31</sup>

## VI. Conclusion

18. By complying with the normative obligations of the Covenant, States will strengthen their ability to realize the Sustainable Development Goals and fulfil their pledge to leave no one behind.

19. National action plans for the implementation of the Sustainable Development Goals should take full account of the recommendations contained in the concluding observations that the Committee issues in the context of the periodic reporting process under the Covenant. The recommendations are of great value to States parties in identifying systemic forms of discrimination and socioeconomic and cultural exclusion, and thus in order to design appropriate remedies, strategies and programmes for groups who are most vulnerable to being left behind. The Covenant should also inform the identification and adoption of appropriate national and international indicators in the context of the 2030 Agenda and the monitoring and evaluation of the Sustainable Development Goals by the international community, including the high-level political forum on sustainable development. Reciprocally, the Committee is increasingly integrating the Sustainable Development Goals in its work, including under the periodic reporting process, so as to enhance the synergies between measures adopted in the context of the 2030 Agenda and the realization of Covenant rights.

20. Through respecting, protecting and fulfilling the rights in the Covenant, States will be able to fulfil their pledge to ensure that no one is left behind in the collective endeavour to achieve the transformed world envisaged in the 2030 Agenda.

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<sup>31</sup> For example, Committee on Economic, Social and Cultural Rights, general comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights, para. 1; and general comment No. 15 (2002) on the right to water, paras. 30–36.