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|  |  | E/C.12/2019/1 |
|  | **Advance Unedited Version** | Distr.: General8 March 2019Original: English |

**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[[1]](#footnote-2)\*

 I. Introduction

1. The Agenda 2030 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.[[2]](#footnote-3) This powerfully expresses the essence of the International Covenant on Economic, Social and Cultural Rights, which has achieved wide ratification amongst States in the international community.[[3]](#footnote-4) The achievement of the common objective of Agenda 2030 and the International Covenant on Economic, Social and Cultural Rights to eliminate poverty will be a milestone along the journey to realise 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 to, “leave no one behind”. In making this pledge, States recognised that “the dignity of the human person is fundamental” and committed themselves to meeting the goals and targets “for all nations and peoples and for all segments of society”, endeavouring “to reach the furthest behind first”.[[4]](#footnote-5)

 II. Economic, Social and Cultural Rights – A Fundamental Pillar of the 2030 Agenda

1. The aforementioned pledge to “leave no one behind” is the central principle that infuses and guides the implementation of the 17 Sustainable Development Goals (“SDGs”).[[5]](#footnote-6) Furthermore, the 2030 Agenda affirms that “it 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, amongst others, the Universal Declaration of Human Rights and international human rights treaties.[[6]](#footnote-7) 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.[[7]](#footnote-8)
2. 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 protects the economic, social and cultural rights of all, particularly disadvantaged and marginalized individuals and groups, recognising that these rights “derive from the inherent dignity of the human person”.[[8]](#footnote-9)
3. The rights protected in the Covenant underpin the SDGs. These include the equal enjoyment of all Covenant rights between men and women[[9]](#footnote-10) (Goal 5 and gender mainstreaming into all other SDGs); the right to work and just and favourable conditions of work[[10]](#footnote-11) (Goal 8); the right to social security[[11]](#footnote-12) (Goals 1-3, 5, 10); protection and assistance to the family[[12]](#footnote-13) (Goals 3, 5); the right of everyone to an adequate standard of living, including adequate food, clothing, housing and water[[13]](#footnote-14) (Goals 1, 2, 6, 7, 11 – 16); the right to the highest attainable standard of physical and mental health[[14]](#footnote-15) (Goals 3, 6); the right to education[[15]](#footnote-16) (Goal 4); the right of everyone to take part in cultural life[[16]](#footnote-17) (Goal 16), and the right of everyone to enjoy the benefits of scientific progress and its applications[[17]](#footnote-18) (Goals 9 – 10).[[18]](#footnote-19) SDG 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.[[19]](#footnote-20) 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 counties.

 III. Prioritising disadvantaged and marginalized individuals and groups: A common objective of the 2030 Agenda and the Covenant

1. The concept of “leave no one behind” in the 2030 Agenda is in its essence a commitment by States to prioritize the needs of the most disadvantaged and marginalised in realising the sustainable development goals. Similarly, the Covenant also requires State parties to protect and realise the rights of those left behind by poverty, socio-economic 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 states, Small Island Developing States (SIDS), and countries in conflict and post-conflict situations. This demonstrates the heightened concern shared by both the Covenant and the 2030 Agenda for those groups and countries that are least privileged and face multiple challenges.
2. Under the Covenant, States parties have to take steps, individually and through international assistance and co-operation, to the maximum of their available resources to achieve progressively the full realization of economic, social and cultural rights for all.[[20]](#footnote-21) 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 on Economic, Social and Cultural Rights has consistently emphasised the importance of identifying and prioritising the needs of those groups who are disadvantaged and vulnerable to systemic and intersectional forms of discrimination.
3. Such systemic discrimination arises in a variety of different contexts, and is due to a variety of factors and circumstances. Thus it might arise from 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[[21]](#footnote-22) Depending on the context, affected groups include amongst 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; as well as victims of discrimination on the grounds of race, ethnicity, birth, and national or social origin, sexual orientation or gender identity, or any other social status.
4. 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, as well as to eliminate conditions that perpetuate systemic patterns of inequality preventing them 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, dignity and flourishing for all.[[22]](#footnote-23)
5. By creating legally binding human rights obligations for States Parties, the Covenant requires that those left behind have access to legal remedies and redress mechanism at both national and international levels. This flows from the basic principle that to be meaningful, a legal right must be accompanied by effective, accessible remedies.[[23]](#footnote-24) Such remedies ensure that those responsible for violating Covenant rights are held accountable, and appropriate redress is provided to the victims.

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

1. 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.
2. The key elements of this methodology are summarised below:

 (a) States parties should commence by identifying those groups that are most marginalized and disadvantaged with respect to the enjoyment of Covenant rights. Without a careful analysis of persons most affected, policies cannot be well targeted, and thereby ensure that certain groups and individuals are not overlooked. This initial analysis is also the occasion to identify systemic forms of discrimination or social exclusions that perpetuate inter-generational poverty.

(b) Thereafter an analysis should be conducted as to how States Parties’ own actions and omissions affect the realisation of Covenant rights. They are, for example, required to refrain from legislative or other policy measures that deprive people of their rights through, for example, 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 recognised in the Covenant.[[24]](#footnote-25)

(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 realisation of Covenant rights. This 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.[[25]](#footnote-26) Deliberately retrogressive measures that reduce the coverage or level of benefits provided under social programmes should be avoided, and are justifiable only in exceptional circumstances, and after genuine consultation with affected groups.[[26]](#footnote-27)

(d) States Parties are also required to analyse and take measures to protect Covenant rights against violations by private parties such as corporations over which they can exercise jurisdiction, whether such actors operate within their territory or beyond.[[27]](#footnote-28) Relevant protective measures include regulatory legislation, administrative, budgetary, educational, and other measures, including providing access to effective legal remedies for victims.

(e) Finally, 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.[[28]](#footnote-29) Thus the Committee will assess whether the rights are available, adequate, accessible to all,[[29]](#footnote-30) culturally acceptable,[[30]](#footnote-31) and of good quality.[[31]](#footnote-32) The Committee has also emphasised 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.[[32]](#footnote-33)

1. As synthesised above, the Covenant places duties on States to achieve substantive outcomes in relation to the realisation of each of the Covenant rights. It also imposes duties to ensure that these outcomes are realised in ways that are consistent with the general 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 SDGs

1. 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 Agenda 2030. This framework can be applied to the development of institutional national policies for the implementation of all SDGs. It can help to identify those most in need, in the design of policies that address the root causes, 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.
2. The Covenant is also ideally suited for the implementation of the requirements of Goal 16 of the Agenda 2030: “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 SDGs 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 SDGs, and in the monitoring of compliance with the Covenant by the Committee. SDG 16 commits States to substantially reducing corruption and bribery in all their forms.[[33]](#footnote-34) 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 mobilise the maximum of their available resources for the realisation of Covenant rights.[[34]](#footnote-35)
3. Under Goal 17, “Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development”, Agenda 2030 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 realisation of Covenant rights. International co-operation in this context includes not only financial resources, but also access to relevant technology needed for sustainable development as well as capacity building. [[35]](#footnote-36)
4. 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 the ability of developing countries to fully implement the SDGs. In its General Comment No. 24 on State obligations in the context of business activities, the Committee on Economic, Social and Cultural Rights has described the extraterritorial obligations on States Parties in line with its understanding of the obligation of international co-operation and assistance in article 2 of the Covenant.[[36]](#footnote-37) All actions taken by States 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.[[37]](#footnote-38)

 VI. Conclusion

1. By complying with the normative obligations of the International Covenant on Economic, Social and Cultural Rights, States will strengthen their ability to realise the SDGs and fulfil their pledge to ‘leave no one behind”.
2. National action plans for the implementation of the SDGs should take full account of the recommendations in the concluding observations of the Committee on Economic, Social and Cultural Rights in the context of the periodic reporting process under the Covenant. These recommendations are of great value to the States Parties in identifying systemic forms of discrimination and socio-economic and cultural exclusion, and in designing 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 Agenda 2030 as well as the monitoring and evaluation of the SDGs by the international community, including the High Level Political Forum. Reciprocally, the Committee is increasingly integrating the SDGs 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 realisation of Covenant rights.
3. 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 by the 2030 Agenda.

1. \* 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). [↑](#footnote-ref-2)
2. *Transforming our World: The 2030 Agenda for Sustainable Development* A/RES/70/1 (‘the 2030 Agenda’): Preamble, first paragraph [hereafter ‘the 2030 Agenda’]. [↑](#footnote-ref-3)
3. As at 8 March 2019, there are 169 States Parties to the International Covenant on Economic, Social and Cultural Rights. [↑](#footnote-ref-4)
4. The 2030 Agenda, para 4. [↑](#footnote-ref-5)
5. The 2030 Agenda: Preamble; Declaration, para 4; para 26; para 48; para 72; para 74 (e). [↑](#footnote-ref-6)
6. 2030 Agenda, para 10. [↑](#footnote-ref-7)
7. 2030 Agenda, para 19. See also the statement by High Commissioner on Human Rights, Michelle Bachelet, at the intersessional meeting of the Human Rights Council entitled ‘Human Rights and the 2030 Agenda: Empowering People and ensuring Inclusiveness and Equality”, 16 January 2019 (available online at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24072&LangID=E%3E>). [↑](#footnote-ref-8)
8. International Covenant on Economic, Social and Cultural Rights, preamble. [↑](#footnote-ref-9)
9. Article 3 of the Covenant. [↑](#footnote-ref-10)
10. Articles 6 – 8 of the Covenant. [↑](#footnote-ref-11)
11. Article 9 of the Covenant. [↑](#footnote-ref-12)
12. Article 10 of the Covenant. [↑](#footnote-ref-13)
13. Article 11 of the Covenant. [↑](#footnote-ref-14)
14. Article 12 of the Covenant. [↑](#footnote-ref-15)
15. Articles 13 – 14 of the Covenant. [↑](#footnote-ref-16)
16. Article 15(1)(a) of the Covenant. [↑](#footnote-ref-17)
17. Article 15(1)(b) of the Covenant. [↑](#footnote-ref-18)
18. Question of the realization in all countries of economic, social and cultural rights, UN Doc A/HRC/34/25; Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development, UN Doc A/HRC/RES/37/24 ; Analytical study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Doc A/HRC/32/23; Climate Change and the International Covenant on Economic, Social and Cultural Rights, UN Doc E/C.12/2018/1. [↑](#footnote-ref-19)
19. This measures of inequality on which the Committee seeks information are closely aligned to the targets as indicators associated with SDG 10. [↑](#footnote-ref-20)
20. Covenant, article 2. [↑](#footnote-ref-21)
21. General Comment No. 20 (2009) Non-Discrimination in Economic, Social and Cultural Rights (art 2(2) of the Covenant), para 12. [↑](#footnote-ref-22)
22. Covenant, preamble. [↑](#footnote-ref-23)
23. General Comment No. 9 (1998) *The domestic application of the Covenant*, para 2; Communication No. 2/2014, *I.D.G. v Spain*, para 11.3. [↑](#footnote-ref-24)
24. General Comment No. 3 (1990) *The nature of States Parties’* obligations (article 2(1) of the Covenant), para 10. [↑](#footnote-ref-25)
25. For example, General Comment No. 15 (2002) *The right to water (articles 11 and 12 of the Covenant),* para 37(f). [↑](#footnote-ref-26)
26. 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 Letter of 16 May 2012 from the Chair of the Committee to the States’ Parties to the Covenant; The Committee’s statement on public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights (2016), para 4; General Comment No. 19 (2007) *The right to social security (art 9 of the Covenant)*, para 42; Communication No. 5/2015 *Djazia and Bellili v Spain*, para 17.6. [↑](#footnote-ref-27)
27. 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. [↑](#footnote-ref-28)
28. These normative criteria were developed over the course of the Committee’s long experience in examining States Reports, and in the context of its 24 General Comments adopted to date. [↑](#footnote-ref-29)
29. 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 to all both in law and in fact, especially the most vulnerable or marginalized sections of the population, without discrimination on any of the prohibited grounds. For example, General Comment No. 15 (2002) *The right to water (articles 11 and 12 of the Covenant)*, para 12 (c). [↑](#footnote-ref-30)
30. For example, General Comment No. 4 (1991) *The right to adequate housing (art 11(1) of the Covenant)*, para 8(g). [↑](#footnote-ref-31)
31. For example, General Comment No. 14 (2000) The right to the highest attainable standard of health (art 12 of the Covenant), para 12(d). [↑](#footnote-ref-32)
32. For example, General Comment No. 12 (1999) *The right to adequate food* *(art 11 of the Covenant)*, para 7. [↑](#footnote-ref-33)
33. Goal 16.5. [↑](#footnote-ref-34)
34. The Committee regularly raises issues of corruption with States Parties in the context of the periodic reporting procedure. See also 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. [↑](#footnote-ref-35)
35. Article 11(2) of the Covenant; General Comment No. 2 (1990) International technical assistance measures (article 22 of the Covenant. [↑](#footnote-ref-36)
36. For example, 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 25-37. [↑](#footnote-ref-37)
37. See for example, General Comment No 8 (1997) The relationship between economic sanctions and respect for economic, Social and Cultural Rights, para 1; General Comment No. 15 (2002) The right to water (articles 11 and 12 of the Covenant), paras 30 – 36. [↑](#footnote-ref-38)