**Promotion and Protection of Economic, Social and Cultural Rights by the HRC**

I am delighted to participate in this Seminar on promotion and protection of economic, social and cultural rights. It takes place a week before the 73rd session of the Committee on Economic Social and Cultural Rights (CESCR), when our Committee will review the performance of 6 State Parties (SP), to evaluate their fulfilment of their Treaty obligations under the Covenant. Feedback from today’s seminar will be extremely useful for our work next week.

Under international human rights law, as well as in terms of its application at the national level, civil and political rights (CPR) have traditionally received more attention, legal codification and judicial interpretation, and have been instilled in public consciousness to a far greater degree than Economic Social and Cultural Rights (ESCR). It is therefore sometimes wrongly presumed that only civil and political rights can be subject to violation, measures of redress and international legal scrutiny. As pointed out by the PR of Bolivia ESCRs are often viewed as effectively “second class rights”-unenforceable, non-justiciable, only to be fulfilled “progressively” over time. Unfortunately, this tendency to give primacy to CPRs over ESCRs, is also sometimes seen in the work of the Human Rights (HR) Council, where, for example, the number of recommendations in the UPR on ESCRs are much lower than CPRs.

Such perspectives overlook the indivisibility and interdependence of ESCR with CPRs, as enshrined in the Universal Declaration of Human Rights, and the two international Covenants, even though both are fundamental tenets of international human rights law. We reaffirm this repeatedly in our Committee’s work. We also emphasize that for a proper implementation of the Covenant’s provisions, it is imperative that SPs incorporate the provisions of the Covenant in their domestic legislation to ensure its enforceability and justiciability. It is also now standard practice for us to seek information from SPs on how they ensured fulfilment of ESCRs for its people during the Covid pandemic and in the post-recovery phase.

The interdependence and indivisibility of all human rights was brought to the forefront during the Covid 19 pandemic, a human crisis of unprecedented global proportions, not seen since the Second World War. In addition to its significant impact on civil and political rights (CPR) like freedom of movement and association, the pandemic had a grave impact on economic, social and cultural rights (ESCR), bringing with it “the greatest economic, financial and social shock of the 21st Century.” It shook up the global and domestic, public and private health systems, and completely unsettled the economic, social, political, civil, cultural and communal foundations of the world with grave implications for human rights, including right to life, right to decent standards of living, right to physical and mental health, to livelihood, to education and scientific research, as also right to human dignity. With a fifth of the global population in a lockdown at some point, the ability of people to secure a means of livelihood, enjoy an adequate standard of living, and maintain the highest attainable standard of physical and mental health, were all significantly impaired. To cushion the effect of the health crisis on these rights, many countries rolled out emergency legislation and policy measures to contain or minimize its impact within their jurisdiction. Countries that followed a coordinated human rights based approach, particularly those that gave primacy to ESCRs, performed better in emerging out of the crisis. Fulfilment of ESCRs (including access to adequate food, housing, health systems and comprehensive social protection) both at the national and international level, helped these countries deal with the worst effects of the pandemic and prevented social unrest, and resultant crisis.

Here let me cite India’s example, where I saw first-hand, how government mainstreamed ESCRs in dealing with the crisis. It provided free food grains to over 800 million population for over 2 years, subsidised fuel and housing, gave direct cash transfer to the poorest sections of society and administered 2 billion Indian made vaccine doses, free of cost, to the eligible Indian population, starting with the most vulnerable sections, like the elderly and those with co-morbidities. Over 77 million stranded Indians overseas were flown back in mission mode in special flights, to reunite with their families. A unique example of civil and political rights working in coordination with ESCRs was evident in India’s multi-party democracy’s federal system of governance, where health is a concurrent subject. The central government joined hands with the state governments, often ruled by opposition political parties, to directly monitor grass roots level implementation, using digital technology including the Co-Win digital platform that tracked administration of 2 billion doses of vaccines on real time basis to the Indian population. These were some of the best examples of prioritising ESCRs, including the right to scientific progress and its application to the poorest and the marginalised.

 While the various national measures that were implemented to mitigate the effects of the COVID-19 pandemic were commendable, the globalized nature of the crisis required global cooperation to achieve sustainable outcomes. For example, India supplied millions of doses of Indian vaccines, medicines, medical kits etc to other developing countries when they faced vaccine apartheid from others. In turn, India received oxygen from all over the world when it faced oxygen shortage, during the most dismal phase of the pandemic. India, along with South Africa sought a temporary patent waiver in WTO, seeking production of Covid vaccines at affordable prices for the developing world. The concerted efforts required to address the COVID-19 pandemic effectively highlighted the importance of international cooperation for realising ESCR, as “no country would have been able to exit this crisis alone.”

The CESCR was one of the first to highlight this. We issued three statements in 2020, first as early as in March, followed by another statement in April and a third one in November, pointing out the importance of international cooperation for safe, universal and equitable access to vaccines and medical treatment, highlighting that States had an obligation to take all the necessary measures, to the maximum available resources, to guarantee access to vaccines and treatment for COVID-19 to all persons, without any discrimination. Our statements pointed out that every person had a right to the enjoyment of the highest attainable standard of physical and mental healthand the right to enjoy the benefits of scientific progress necessary to enjoy these rights.

The war in Ukraine has now been imposed upon humanity. It has exacerbated global socioeconomic conditions upon a world that was limping back after the havoc wreaked by the Covid pandemic, resulting in acute shortage of food, fuel and fertilizer. Once again, the most adversely affected are the poorest countries of Asia and Africa, even though they are not party to the conflict. This has again highlighted the need to focus global attention to not just protect and promote ESCRs globally, but also to give primacy to these rights for the most marginalised, in an increasingly unequitable and irrational world order.

The CESCR is mandated to ensure proper implementation of ESCRs by SPs signatory to the Covenant and its Optional Protocol. The HR Council, as an intergovernmental body, can also play an important role in supporting our work by focusing greater attention to protection and promotion of ESCRs. The decision to hold this seminar to consider the importance of ESCRs by the HR Council is therefore welcome. One possible suggestion to strengthen the Council’s contribution would be to have a more inclusive/comprehensive approach to both sets of rights, giving more attention to ESCRs when drafting/adopting resolutions, during the UPR, including country-specific mandates concerning its ongoing work. Our Committee would be happy to provide all possible assistance, with the help of OHCHR which has provided stellar backstopping support in our Committee’s work. I thank the High Commissioner and his office for this. Thank you!