

經濟、社會與文化權利的國際公約

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

經濟、社會與文化權利的國際公約*

前 文

本盟約締約國，

鑒於依據聯合國憲章揭示之原則，人類一家，對於人人天賦尊嚴及其平等而且不可割讓權利之確認，實係世界自由、正義與和平之基礎，

確認此種權利源於天賦人格尊嚴，

確認依據世界人權宣言之昭示，唯有創造環境，使人人除享有公民及政治權利而外，並得享受經濟社會文化權利，始克實現自由人類享受無所恐懼不虞匱乏之理想，

鑒於聯合國憲章之規定，各國負有義務，必須促進人權及自由之普遍尊重及遵守，

明認個人對他人及對其隸屬之社會，負有義務，故職責所在，必須力求本盟約所確認各種權利之促進及遵守，

爰議定條款如下：

第 壹 編

第一條

一. 所有民族均享有自決權，根據此種權利，自由決定其政治地位及自由從事其經濟、社會與文化之發展。

二. 所有民族得為本身之目的，自由處置其天然財富及資源，但不得妨害因基於互惠原則之國際經濟合作及因國際法而生之任何義務。無論在何種情形下，民族之生計，不容剝奪。

* 又稱「經濟社會文化權利國際盟約」

三. 本盟約締約國包括負責管理非自治及託管領土之國家在內，均應遵照聯合國憲章規定，促進自決權之實現並尊重此種權利。

第 貳 編

第二條

一. 本盟約締約國承允盡其資源能力所及，各自並藉國際協助與合作，特別在經濟與技術方面之協助與合作，採取種種步驟，務期以所有適當方法，尤其包括通過立法措施，逐漸使本盟約所確認之各種權利完全實現。

二. 本盟約締約國承允保證人人行使本盟約所載之各種權利，不因種族、膚色、性別、語言、宗教、政見或其他主張、民族本源或社會階級、財產、出生或其他身分等等而受歧視。

三. 發展中國家在適當顧及人權及國民經濟之情形下，得決定保證非本國國民享受本盟約所確認經濟權利之程度。

第三條

本盟約締約國承允確保本盟約所載一切經濟社會文化權利之享受，男女權利一律平等。

第四條

本盟約締約國確認人民享受國家遵照本盟約規定所賦予之權利時，國家對此類權利僅得加以法律明定之限制，又其所定限制以與此類權利之性質不相牴觸為準，且加以限制之唯一目的應在增進民主社會之公共福利。

第五條

一. 本盟約條文不得解釋為國家、團體或個人有權從事活動或實行行為，破壞本盟約確認之任何權利或自由或限制此種權利或自由逾越本盟約規定之程度。

二. 任何國家內依法律、公約條例或習俗而承認或存在之任何基本人權，不得藉口本盟約未予確認或確認之範圍較狹，而加以限制或減免義務。

第 叁 編 第六條

一. 本盟約締約國確認人人有工作之權利，包括人人應有機會憑本人自由選擇或接受之工作謀生之權利，並將採取適當步驟保障之。

二. 本盟約締約國為求完全實現此種權利而須採取之步驟，應包括技術與職業指導及訓練方案、政策與方法，以便在保障個人基本政治與經濟自由之條件下，造成經濟、社會及文化之穩步發展以及充分之生產性就業。

第七條

本盟約締約國確認人人有權享受公平與良好之工作條件，尤須確保：

(子) 所有工作者之報酬使其最低限度均能：

(一) 獲得公允之工資，工作價值相等者享受同等報酬，不得有任何區別，尤須保證婦女之工作條件不得次於男子，且應同工同酬；

- (二) 維持本人及家屬符合本盟約規定之合理生活水平；
- (丑) 安全衛生之工作環境；
- (寅) 人人有平等機會於所就職業升至適當之較高等級，不受年資才能以外其他考慮之限制。
- (卯) 休息、閒暇、工作時間之合理限制與照給薪資之定期休假，公共假日亦須給酬。

第八條

一. 本盟約締約國承允確保：

- (子) 人人有權為促進及保障其經濟及社會利益而組織工會及加入其自身選擇之工會，僅受關係組織規章之限制。除依法律之規定，且為民主社會維護國家安全或公共秩序、或保障他人權利自由所必要者外，不得限制此項權利之行使；
- (丑) 工會有權成立全國聯合會或同盟，後者有權組織或參加國際工會組織；
- (寅) 工會有權自由行使職權，除依法律之規定，且為民主社會維護國家安全或公共秩序、或保障他人權利自由所必要者外，不得限制此種權利之行使；
- (卯) 罷工權利，但以其行使符合國家法律為限。

二. 本條並不禁止對軍警或國家行政機關人員行使此種權利，加以合法限制。

三. 關於結社自由及保障組織權利之國際勞工組織一九四八年公約締約國，不得依據本條採取立法措施或應用法律，妨礙該公約所規定之保證。

第九條

本盟約締約國確認人人有權享受社會保障，包括社會保險。

第十條

本盟約締約國確認：

一. 家庭為社會之自然基本團體單位，應儘力廣予保護與協助，其成立及當其負責養護教育受扶養之兒童時，尤應予以保護與協助。婚姻必須婚嫁雙方自由同意方得締結。

二. 母親於分娩前後相當期間內應受特別保護。工作之母親在此期間應享受照給薪資或有適當社會保障福利之休假。

三. 所有兒童及少年應有特種措施予以保護與協助，不得因出生或其他關係而受任何歧視。兒童及青年應有保障，免受經濟及社會剝削。凡僱用兒童及少年從事對其道德或健康有害、或有生命危險、或可能妨礙正常發育之工作者均應依法懲罰。國家亦應訂定年齡限制，凡出資僱用未及齡之童工，均應禁止並應依法懲罰。

第十一條

一. 本盟約締約國確認人人有權享受其本人及家屬所需之適當生活程度，包括適當之衣食住及不斷改善之生活環境。締約國將採取適當步驟確保此種權利之實現，同時確認在此方面基於自由同意之國際合作極為重要。

二. 本盟約締約國既確認人人有免受饑餓之基本權利，應個別及經由國際合作，採取為下列目的所需之措施，包括特定方案在內：

- (子) 充分利用技術與科學知識、傳佈營養原則之知識、及發展或改革土地制度而使天然資源獲得最有效之開發與利用，以改進糧食生產、保貯及分配之方法；
- (丑) 計及糧食輸入及輸出國家雙方問題，確保世界糧食供應按照需要，公平分配。

第十二條

一. 本盟約締約國確認人人有權享受可能達到之最高標準之身體與精神健康。

二. 本盟約締約國為求充分實現此種權利所採取之步驟，應包括為達成下列目的所必要之措施：

- (子) 設法減低死產率及嬰兒死亡率，並促進兒童之健康發育；
- (丑) 改良環境及工業衛生之所有方面；
- (寅) 預防、療治及撲滅各種傳染病、風土病、職業病以及其他疾病；
- (卯) 創造環境，確保人人患病時均能享受醫藥服務與醫藥護理。

第十三條

一. 本盟約締約國確認人人有受教育之權。締約國公認教育應謀人格及人格尊嚴意識之充分發展，增強對人權與基本自由之尊重。締約國又公認教育應使人人均能參加自由社會積極貢獻，應促進各民族間及各種族、人種或宗教團體間之了解、容恕及友好關係，並應推進聯合國維持和平之工作。

二. 本盟約締約國為求充分實現此種權利起見，確認：

- (子) 初等教育應屬強迫性質，免費普及全民；

- (丑) 各種中等教育，包括技術及職業中等教育在內，應以一切適當方法，特別應逐漸採行免費教育制度，廣行舉辦，庶使人人均有接受機會；
- (寅) 高等教育應根據能力，以一切適當方法，特別應逐漸採行免費教育制度，使人人有平等接受機會；
- (卯) 基本教育應儘量予以鼓勵或加緊辦理，以利未受初等教育或未能完成初等教育之人；
- (辰) 各級學校完備之制度應予積極發展，適當之獎學金制度應予設置，教育人員之物質條件亦應不斷改善。

三. 本盟約締約國承允尊重父母或法定監護人爲子女選擇符合國家所規定或認可最低教育標準之非公立學校，及確保子女接受符合其本人信仰之宗教及道德教育之自由。

四. 本條任何部分不得解釋爲干涉個人或團體設立及管理教育機構之自由，但以遵守本條第一項所載原則及此等機構所施教育符合國家所定最低標準爲限。

第十四條

本盟約締約國倘成爲締約國時尚未能在其本土或其所管轄之其他領土內推行免費強迫初等教育，承允在兩年內訂定周詳行動計劃，庶期在計劃所訂之合理年限內，逐漸實施普遍免費強迫教育之原則。

第十五條

- 一. 本盟約締約國確認人人有權：
 - (子) 參加文化生活；
 - (丑) 享受科學進步及其應用之惠；

(寅) 對其本人之任何科學、文學或藝術作品所獲得之精神與物質利益，享受保護之惠。

二. 本盟約締約國為求充分實現此種權利而採取之步驟，應包括保存、發揚及傳播科學與文化所必要之辦法。

三. 本盟約締約國承允尊重科學研究及創作活動所不可缺少之自由。

四. 本盟約締約國確認鼓勵及發展科學文化方面國際接觸與合作之利。

第 肆 編

第十六條

一. 本盟約締約國承允依照本盟約本編規定，各就其促進遵守本盟約所確認各種權利而採取之措施及所獲之進展，提具報告書。

二. (子) 所有報告書應提交聯合國秘書長，秘書長應將副本送由經濟暨社會理事會依據本盟約規定審議；

(丑) 如本盟約締約國亦為專門機關會員國，其所遞報告書或其中任何部分涉及之事項，依據各該專門機關之組織法係屬其責任範圍者，聯合國秘書長亦應將報告書副本或其中任何有關部分，轉送各該專門機關。

第十七條

一. 本盟約締約國應按經濟暨社會理事會於本盟約生效後一年內與締約國及各有關專門機關商洽訂定之辦法，分期提出報告書。

二. 報告書中得說明由於何種因素或困難以致影響本盟約所規定各種義務履行之程度。

三. 倘有關之情報前經本盟約締約國提送聯合國或任何專門機關在案，該國得僅明確註明該項情報已見何處，不必重行提送。

第十八條

經濟暨社會理事會得依其根據聯合國憲章所負人權及基本自由方面之責任與各專門機關商訂辦法，由各該機關就促進遵守本盟約規定屬其工作範圍者所獲之進展，向理事會具報。此項報告書並得詳載各該機關之主管機構為實施本盟約規定所通過決議及建議之內容。

第十九條

經濟暨社會理事會得將各國依第十六條及第十七條之規定，以及各專門機關依第十八條之規定，就人權問題提出之報告書，交由人權委員會研討並提具一般建議，或斟酌情形供其參攷。

第二十條

本盟約各關係締約國及各關係專門機關得就第十九條所稱之任何一般建議，或就人權委員會任何報告書或此項報告書所述及任何文件中關於此等一般建議之引證，向經濟暨社會理事會提出評議。

第二十一條

經濟暨社會理事會得隨時向大會提出報告書，連同一般性質之建議，以及從本盟約締約國與各專門機關收到關於促進普遍遵守本盟約確認之各種權利所採措施及所獲進展之情報撮要。

第二十二條

經濟暨社會理事會得將本盟約本編各項報告書中之任何事項，對於提供技術協助之聯合國其他機關，各該機關之輔助機關及各專門機關，可以助其各就職權範圍，決定可能促進切實逐步實施本盟約之各項國際措施是否得當者，提請各該機關注意。

第二十三條

本盟約締約國一致認為實現本盟約所確認權利之國際行動，可有訂立公約，通過建議，提供技術協助及舉行與關係國政府會同辦理之區域會議及技術會議從事諮商研究等方法。

第二十四條

本盟約之解釋，不得影響聯合國憲章及各專門機關組織法內規定聯合國各機關及各專門機關分別對本盟約所處理各種事項所負責任之規定。

第二十五條

本盟約之解釋，不得損害所有民族充分與自由享受及利用其天然財富與資源之天賦權利。

第 伍 編

第二十六條

一. 本盟約聽由聯合國會員國或其專門機關會員國、國際法院規約當事國及經聯合國大會邀請為本盟約締約國之任何其他國家簽署。

二. 本盟約須經批准。批准書應送交聯合國秘書長存放。

三. 本盟約聽由本條第一項所稱之任何國家加入。

四. 加入應以加入書交存聯合國秘書長為之。

五. 聯合國秘書長應將每一批准書或加入書之交存，通知已經簽署或加入本盟約之所有國家。

第二十七條

一. 本盟約應自第三十五件批准書或加入書送交聯合國秘書長存放之日起三個月後發生效力。

二. 對於在第三十五件批准書或加入書交存後批准或加入本盟約之國家，本盟約應自該國交存批准書或加入書之日起三個月後發生效力。

第二十八條

本盟約各項規定應一律適用於聯邦國家之全部領土，並無限制或例外。

二十九條

一. 本盟約締約國得提議修改本盟約，將修正案提交聯合國秘書長。秘書長應將提議之修正案分送本盟約各締約國，並請

其通知是否贊成召開締約國會議，以審議並表決所提議案。如締約國三分一以上贊成召開會議，秘書長應以聯合國名義召集之。經出席會議並投票之締約國過半數通過之修正案，應提請聯合國大會核可。

二. 修正案經聯合國大會核可，並經本盟約締約國三分二各依本國憲法程序接受後，即發生效力。

三. 修正案生效後，對接受此種修正之締約國具有拘束力，其他締約國仍受本盟約原訂條款及其前此所接受修正案之拘束。

第三十條

除第二十六條第五項規定之通知外，聯合國秘書長應將下列事項通知同條第一項所稱之所有國家：

- (子) 依第二十六條所為之簽署、批准及加入；
- (丑) 依第二十七條本盟約發生效力之日期，及依第二十九條任何修正案發生效力之日期。

第三十一條

一. 本盟約應交存聯合國檔庫，其中、英、法、俄及西文各本同一作準。

二. 聯合國秘書長應將本盟約正式副本分送第二十六條所稱之所有國家。

為此，下列各代表秉其本國政府正式授予之權，謹簽字於自一九六六年十二月十九日起得由各國在紐約簽署之本盟約，以昭信守。

適用於香港特別行政區的公約條文

關於《經濟、社會與文化權利的國際公約》(以下簡稱《公約》)適用於中華人民共和國香港特別行政區(以下簡稱“香港特區”)問題，中華人民共和國政府於一九九七年六月二十日通知聯合國秘書長《公約》適用於香港的規定自一九九七年七月一日起將繼續有效。

於二〇〇一年二月二十八日，中華人民共和國全國人民代表大會常務委員會作出批准《公約》的決定。中華人民共和國政府於二〇〇一年三月二十七日交存了批准書。於二〇〇一年四月二十日，中華人民共和國政府就《公約》適用於香港特區通知聯合國秘書長下列聲明：

一. 《公約》第六條不排除香港特區根據出生地點或居留資格訂立規定，在香港特區實行就業限制，以保障香港特區本地工人的就業機會；

二. 《公約》第八條第一款(乙)項中的“全國性的協會或聯合會”應理解為“香港特區內的協會或聯合會”。同時，該條款不含有職工會協會或聯合會有權組織或參加在香港特區以外成立的政治組織或機構的意思。

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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 1 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.

Application of the Covenant to the Hong Kong Special Administrative Region

With regard to the application of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant") to the Hong Kong Special Administrative Region (hereinafter referred to as the HKSAR), the Government of the People's Republic of China notified the United Nations Secretary-General on 20 June 1997 that the provisions of the Covenant as applied to Hong Kong shall remain in force beginning from 1 July 1997.

On 28 February 2001, the Standing Committee of the National People's Congress of the People's Republic of China made the decision to ratify the Covenant. The Government of the People's Republic of China deposited the instrument of ratification on 27 March 2001. On 20 April 2001, the Government of the People's Republic of China notified the United Nations Secretary-General of the following statement on the application of the Covenant to the HKSAR:

1. Article 6 of the Covenant does not preclude the formulation of regulations by the HKSAR for employment restrictions, based on place of birth or residence qualifications, for the purpose of safeguarding the employment opportunities of local workers in the HKSAR.

2. "National federations or confederations" in Article 8.1(b) of the Covenant shall be interpreted, in this case, as "federations or confederations in the HKSAR" and this Article does not imply the right of trade union federations or confederations to form or join political organizations or bodies established outside the HKSAR.

"National Geographic" is a magazine that is published monthly. It is one of the most popular magazines in the world. The magazine is known for its high-quality photographs and articles about nature, science, and history. It is published by National Geographic Society, which is a non-profit organization. The magazine is available in English and in many other languages. It is a great source of information and entertainment for people of all ages.





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