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THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS – 60 YEARS!

INTRODUCTION. *The sixtieth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights brings renewed relevance to the question of their place within the universal system for the international protection of human rights. These treaties, which together with the Universal Declaration of Human Rights constitute the International Bill of Human Rights, retain their system-forming significance for the development of international cooperation in the field of human rights and for the determination of the international legal obligations of States in the promotion and protection of human rights. This article is devoted to certain aspects of the evolution of the universal human rights system following the adoption of the International Covenants, the impact of the 1993 Vienna Declaration and Programme of Action on the institutional architecture of the United Nations system, and contemporary trends relating to the activities of the human rights treaty bodies — the Committee on Economic, Social and Cultural Rights and the Human Rights Committee. The article also examines the issue of the relationship between the proclaimed indivisibility of all human rights and a practice in which instances of their institutional and procedural “division” occur.*

MATERIALS AND METHODS. *The study employed general scientific and formal-logical methods, including methods of analysis, synthesis, comparison, analogy, systematization and modelling, as well as special methods: formal legal, historical and comparative legal methods.*

RESEARCH RESULTS. *The study presents an analysis of the state of the International Covenants on Human Rights and their place in the universal human rights system as of 2026, considering the changes that have occurred within the UN system since 1993. The author provides a detailed overview of the outcomes of the 1993 World Conference on Human Rights in terms of their impact on the universal human rights system. The author also analyses crisis trends in the UN human rights system through the example of their impact on the system of human rights treaty bodies, particularly the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, which monitor and supervise the implementation of the provisions of the two International Covenants on Human Rights.*

CONCLUSIONS AND DISCUSSION. *The study makes it possible to conclude that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights retain their system-forming significance for the universal system of human rights protection. The analysis shows that the indivisibility of human rights and freedoms proclaimed within the UN system is not always consistently ensured in the universal human rights system at the level of institutional practice. In this regard, it appears necessary to strengthen the role of treaty bodies established based on the relevant international treaties and to ensure their genuine independence from politicized administrative influence. Of particular importance in this respect is the preservation of the Charter-based role of ECOSOC in international cooperation in the economic and social*

spheres, as well as in the field of human rights. The anniversary of the International Covenants on Human Rights, in turn, should be regarded not as an occasion to revise their significance, but as an opportunity to restore the balance laid down in the UN Charter, without diluting or substituting the conceptual foundations of the International Bill of Human Rights.

KEYWORDS: human rights, UN, ECOSOC, International Covenants, International Bill of Human

Rights, ICESCR, ICCPR, UDHR, treaty bodies, CESCR, Human Rights Committee, OHCHR, universal human rights system, UN system

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МЕЖДУНАРОДНЫМ ПАКТАМ ПО ПРАВАМ ЧЕЛОВЕКА – 60 ЛЕТ!

ВВЕДЕНИЕ. Шестидесятилетие принятия Международного пакта об экономических, социальных и культурных правах и Международного пакта о гражданских и политических правах актуализирует вопрос об их месте в универсальной системе международной защиты прав человека. Указанные договоры, составляющие вместе со Всеобщей декларацией прав человека Международный билль о правах человека, сохраняют системообразующее значение для развития международного сотрудничества в сфере прав человека и для определения международно-правовых обязательств государств в области поощрения и защиты прав человека. Настоящая статья посвящена некоторым аспектам эволюции универсальной правозащитной системы после принятия Международных пактов, влиянию Венской декларации и Программы действий 1993 г. на институциональное устройство системы Организации Объединенных

Наций (далее – ООН), а также современным тенденциям, связанным с деятельностью договорных органов по правам человека – Комитета по экономическим, социальным и культурным правам и Комитета по правам человека. В статье также рассматривается проблема соотношения провозглашенной неделимости всех прав человека с практикой, в рамках которой имеют место случаи их институционального и процедурного «разделения».

МАТЕРИАЛЫ И МЕТОДЫ. В исследовании использовались общенаучные, формально-логические методы (включая методы анализа, синтеза, сравнения, аналогии, систематизации, моделирования), а также специальные методы (формально-юридический, исторический, сравнительно-правовой).

РЕЗУЛЬТАТЫ ИССЛЕДОВАНИЯ. В исследовании представлен анализ состояния Международных пактов о правах человека и их места

в универсальной правозащитной системе к 2026 г. с учетом изменений, имевших место с 1993 г. в рамках системы ООН. Автор представлен детальный обзор результатов Всемирной конференции по правам человека 1993 г. в части их влияния на универсальную правозащитную систему. Автор также анализирует кризисные тенденции в правозащитной системе ООН на примере их влияния на систему договорных органов по правам человека, в частности – на примере Комитета по экономическим, социальным и культурным правам и Комитета по правам человека, осуществляющими контроль и наблюдение за исполнением положений двух Международных пактов о правах человека.

ОБСУЖДЕНИЕ И ВЫВОДЫ. Проведенное исследование позволяет сделать вывод о сохраняющемся системообразующем значении Международного пакта об экономических, социальных и культурных правах и Международного пакта о гражданских и политических правах для универсальной системы защиты прав человека. Анализ показывает, что провозглашенная в системе ООН неделимость прав и свобод человека не всегда последовательно обеспечивается в универсальной правозащитной системе на уровне институциональной практики. В связи с этим представляется необходимым укреплять роль договорных органов, действующих на основе соответствующих международных договоров,

и обеспечивать их реальную независимость от политизированных административных влияний. Особое значение в этом отношении имеет сохранение уставной роли Экономического и Социального Совета ООН (далее – ЭКОСОС) в международном сотрудничестве в экономической и социальной сферах, а также в области прав человека. Юбилей Международных пактов о правах человека, в свою очередь, следует рассматривать как повод не для пересмотра их значения, а для восстановления баланса, заложенного в Уставе ООН, без размывания или подмены концептуальных основ Международного билля о правах человека.

КЛЮЧЕВЫЕ СЛОВА: права человека, ООН, ЭКОСОС, Международные пакты, Международный билль о правах человека, МПЭСКП, МПГПП, ВДПЧ, договорные органы, КЭСКП, КПЧ, УВКПЧ, универсальная правозащитная система, система ООН

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Автор заявляет об отсутствии конфликта интересов.

I. Introduction

On the basis of resolution 2200 A (XXI), the United Nations General Assembly (hereinafter – UNGA) adopted, on 16 December 1966, two International Covenants on Human Rights: the International Covenant on Economic, Social and Cultural Rights (hereinafter – ICESCR) and the International Covenant on Civil and Political Rights (hereinafter – ICCPR), as well as the Optional Protocol to the ICCPR. Accordingly, on 16 December 2026, these international human rights instruments will mark their 60th anniversary, which will be widely commemorated within the United Nations system and in individual UN Member States, including the Russian Federation.

On 4 December 2026, the Law Institute of Patrice Lumumba Peoples' Friendship University of Russia,

in cooperation with the Ministry of Foreign Affairs of the Russian Federation, will host an international scientific and practical conference titled “The International Covenants on Human Rights and the UN Declaration on the Right to Development: Achievements and New Challenges.” The conference will commemorate the 60th anniversary of the adoption of the two International Covenants on Human Rights and the 40th anniversary of the adoption of the UN Declaration on the Right to Development. This event is being held pursuant to UN Human Rights Council resolution 61/7, “Sixtieth anniversary of the adoption of the International Covenants on Human Rights”, and UNGA resolution 80/207, “The right to development.”

Why do these two International Covenants on Human Rights receive such particular attention – unlike other core international human rights treaties that form the basis of the human rights treaty body

system [Hong 2018:671]¹ – from the international community as a whole, as well as from individual States and civil society? The answer lies in the unique role they occupy within the universal human rights framework.

II. The Status of the International Covenants on Human Rights in the Universal Human Rights System

It should first be noted that human rights and freedoms were, for the first time in human history, incorporated into the sphere of inter-State cooperation through the adoption of the United Nations Charter on 26 June 1945 in San Francisco by the States of the anti-Hitler coalition. The Charter entered into force on 24 October 1945. Today, 193 States are parties to the UN Charter, including the Russian Federation, which serves as the continuator State of the USSR.

The Preamble to the Charter of the United Nations records the determination of the peoples of the United Nations “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small”².

Among the purposes pursued by the United Nations, according to Article 1 of its Charter, is the achievement of international cooperation “in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”³.

Key conceptual and normative provisions relating to human rights are set out in Articles 55 and 56 of the UN Charter.

Pursuant to Article 55(c) of the Charter, the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms “with a view to the creation of conditions of stability and well-being which are necessary for

peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”⁴.

On the basis of Article 56 of the Charter, UN Member States “pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55”⁵.

Immediately after the conclusion of the San Francisco Conference — the UN Charter had just been adopted, but had not yet entered into force — the Preparatory Commission of the United Nations, at its meeting, recommended that the Economic and Social Council (hereinafter – ECOSOC), one of the six principal organs of the United Nations, establish a Commission on Human Rights on the basis of Article 68 of the UN Charter, which confers the relevant authority on ECOSOC. Indeed, on 10 December 1946, ECOSOC, by its decision, established the United Nations Commission on Human Rights (hereinafter – the Commission on Human Rights; in 2006, by decision of the UNGA, it was replaced by the UN Human Rights Council).

In the same year, 1946, the UNGA considered and subsequently transmitted the draft declaration of fundamental human rights and freedoms, through ECOSOC, to the Commission on Human Rights for further study “in the preparation of an International Bill of Human Rights”⁶.

The draft declaration was considered by the Drafting Committee of the Commission on Human Rights, composed of members of the Commission representing eight States selected with due regard for geographical distribution.

Within the Drafting Committee, there were differing views on the constituent parts of the International Bill of Human Rights. However, this issue was resolved within the Commission on Human Rights itself through the establishment of three working

¹ See: Abashidze A. Koneva A.E. *Human Rights Treaty Bodies*. Textbook. 2nd revised and expanded ed. Moscow: RUDN University, 2015.

² Preamble, Charter of the United Nations, San-Francisco. 26 June 1945. URL: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed date: 01.05.2026).

³ Art. 1, Charter of the United Nations, San-Francisco. 26 June 1945. URL: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed date: 01.05.2026).

⁴ Art. 55, Charter of the United Nations, San-Francisco. 26 June 1945. URL: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed date: 01.05.2026).

⁵ Art. 56, Charter of the United Nations, San-Francisco. 26 June 1945. URL: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed date: 01.05.2026).

⁶ History of the Universal Declaration of Human Rights. URL: <https://www.un.org/en/about-us/udhr/history-of-the-declaration#:~:text=The%20Universal%20Declaration%20of%20Human,du%20regard%20for%20geographical%20distribution> (accessed date: 01.05.2026).

groups tasked with drafting a declaration, a convention – later renamed a “covenant” – and measures of implementation.

In May/June 1948, the Commission on Human Rights prepared a draft declaration taking into account governmental comments; however, within the framework of its current session, it had no time left to consider the covenant or the issue of measures of implementation, which were integral components of the International Bill of Human Rights⁷.

The text of the Declaration was submitted, through ECOSOC, to the UNGA at its session held in Paris. Pursuant to resolution 217 A (III), on 10 December 1948 the UNGA adopted the Universal Declaration of Human Rights (hereinafter – UDHR)⁸. Of the 56 United Nations Member States that participated in the session of the UNGA, 48 voted in favour of the resolution, while 8 abstained. None voted against the resolution adopting the UDHR [Hennebel, Tigroudja 2025:93].

On the day of the adoption of the UDHR – 10 December 1948 – the UNGA requested the Commission on Human Rights to prepare, as a matter of priority, a draft covenant on human rights together with draft measures of implementation. Between 1949 and 1951, the Commission worked on the text of the draft covenant. However, following lengthy debates during its sixth session in 1951/1952, the UNGA revised its position and instructed the Commission to draft two

Covenants on Human Rights..., one addressing civil and political rights and the other economic, social and cultural rights [Kartashkin 2021:99].

The Commission on Human Rights completed the drafting of the two Covenants at its 9th and 10th sessions, in 1953 and 1954. The article-by-article discussion of these drafts then took place in the Third Committee of the UNGA in 1955–1956. The process of drafting the Covenants was completed in 1966. As noted at the outset, the ICESCR⁹ and the ICCPR¹⁰ were approved by the UNGA in its resolution 2200 (XXI) of 16 December 1966.

The First Optional Protocol to the ICCPR¹¹ was also adopted; it provides for the establishment of an international mechanism for the consideration of communications, or complaints, from individuals claiming to be victims of a violation of any of the rights set forth in the ICCPR.

On 15 December 1989, the UNGA, by its resolution 44/128, adopted the Second Optional Protocol to the ICCPR¹², aiming at the abolition of the death penalty.

On 10 December 2008, the UNGA adopted, by resolution 63/117, the Optional Protocol to the ICESCR¹³, providing for the establishment of an international mechanism for the consideration of communications, or complaints, submitted by individuals claiming to be victims of violations of any of the rights set forth in the ICESCR.

⁷ Universal Declaration of Human Rights (1948), Drafting History. URL: <https://research.un.org/en/undhr/ecosoc/4> (accessed date: 01.05.2026).

⁸ UN General Assembly resolution “Universal Declaration on Human Rights” (217 (III) A). 10 December 1948. URL: <https://digitallibrary.un.org/record/666853?v=pdf> (accessed date: 01.05.2026).

⁹ International Covenant on Economic, Social and Cultural Rights. 16 December 1966. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (accessed date: 01.05.2026).

¹⁰ International Covenant on Civil and Political Rights. 16 December 1966. URL: https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights&ved=2ahUKEwiMzejO86aUAxU4LRAIHZ5XJ64QFnoECA4QAQ&usg=AOvVaw2wqcr1OAY-4SY4_DvUGOWOW (accessed date: 01.05.2026).

¹¹ Optional Protocol to the International Covenant on Civil and Political Rights. 16 December 1966. URL: <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-international-covenant-civil-and-political&ved=2ahUKEwjoxYPI86aUAxXPhv0HHUMnIkMQFnoECB4QAQ&usg=AOvVaw1sd-zozhnDMGZzgJnOvsGn> (accessed date: 01.05.2026).

¹² Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. 15 December 1989. URL: https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ohchr.org/en/instruments-mechanisms/instruments/second-optional-protocol-international-covenant-civil-and-political&ved=2ahUKEwizteb286aUAxXYiP0HHTFaPfsQFnOECBoQAQ&usg=AOvVaw1eB0uKb_NwrfPrv7k2Xjf-F (accessed date: 01.05.2026).

¹³ Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. 10 December 2008. URL: <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-international-covenant-economic-social-and-cultural&ved=2ahUKEwici8CB9KaUAxUXif0HHYMyCwkQFnoECBoQAQ&usg=AOvVaw0UoYrhYz0A5OPBe7dGaw7v> (accessed date: 01.05.2026).

Thus, the process of adopting the International Bill of Human Rights, consisting of the Universal Declaration of Human Rights and the two International Covenants on Human Rights – instead of the originally envisaged single covenant – namely, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, and the International Covenant on Civil and Political Rights with its two Optional Protocols, took almost 65 years, from 1948 to 2013 [Heyns, Viljoen 2001:1-12]. It is precisely the fact that these international human rights instruments together constitute the International Bill of Human Rights that confers upon them their special status and distinguishes them from other core international human rights treaties.

III. The Attitude of the USSR/Russia towards the International Bill of Human Rights

Even at the stage of the emergence of the United Nations, the leadership of the USSR noted that the Organization would be sufficiently effective if the great Powers were henceforth to act in a spirit of unanimity and accord¹⁴. A year after the establishment of the United Nations, it recognized the Organization's strength as lying in the fact that it was founded on the principle of the sovereign equality of States rather than on domination by some States over others. At the same time, it warned: "If the United Nations succeeds in preserving the principle of equality, it will undoubtedly play a major political role in ensuring universal peace and security"¹⁵.

The attitude of the USSR towards the International Bill of Human Rights, developed on the basis of the provisions of the UN Charter, is clearly reflected in textbooks on international law published in the 1950s, which were used to train Soviet diplomats and specialists in international law. For example, a textbook published in 1957 states, with regard to the UDHR, that it reflected both the human rights and freedoms proclaimed as early as the period of the French bourgeois revolution of the eighteenth century, and such rights as the right to work, education

and social security, which were characteristic of the Constitution of the USSR but were unknown to bourgeois constitutions.

It is emphasized that representatives of the Soviet Union took an active part in the drafting of the UDHR, in particular by proposing a number of amendments and new articles. Many of these proposals were rejected, as a result of which the UDHR acquired a number of significant shortcomings. Thus, it contains no reference to:

- specific ways and means by which the human rights enshrined in the UDHR are to be implemented;
- the right of peoples and nations to self-determination, a Charter-based provision;
- the principle of equal rights of all peoples and nations, a Charter-based provision;
- the right of national minorities to use their native language and to have their own national schools, libraries, museums and other cultural and educational institutions;
- an obligation of States to comply with the UDHR¹⁶.

The USSR also proposed including the following article in the UDHR: "The rights and fundamental freedoms of man and citizen enumerated in the present Declaration shall be guaranteed by the laws of States. Any violations or restrictions of these rights, direct or indirect, shall constitute violations of the present Declaration and shall be incompatible with the lofty principles proclaimed in the Charter of the United Nations"¹⁷.

The textbook states that the rejection of this proposal by the Soviet Union "diminished the significance of the Declaration as a document intended to contribute to the real protection of human rights and freedoms in all countries of the world. However, despite this shortcoming, the UDHR is a progressive act. Its significance lies in the proclamation of the human rights and freedoms for which the peoples of capitalist countries are struggling".

With regard to the International Covenants on Human Rights – which had not yet been adopted at

¹⁴ Stalin J.V. *On the Great Patriotic War of the Soviet Union*. Moscow. 1947. P. 168. URL: <https://prussia.online/books/o-velikoy-otechestvennoy-voynе-sovetskogo-souza> (accessed date: 01.05.2026).

¹⁵ Pravda, 23 March 1946. № 70 (10152). URL: <https://electro.nekrasovka.ru/editions/24/1946/2> (accessed date: 02.05.2026).

¹⁶ Note: Such a requirement is not applicable to declarations as such from the standpoint of the law of treaties. However, this provision was subsequently applied in UN practice. All UN Member States undergo the Universal Periodic Review (UPR) in the UN Human Rights Council, and all, without exception, are obliged to report on the implementation of the UDHR.

¹⁷ *International Law*. Textbook. Ed. F.I. Kozhevnikov. Institute of Law of the USSR Academy of Sciences. Moscow: Yuridicheskaya Literatura Publishing House. 1957.

that time – the textbook notes that, at the initiative of the USSR, an article on the right of peoples and nations to self-determination was included in the draft Covenants. It also emphasizes that “if the General Assembly firmly adheres to the UN Charter, the Covenants on Human Rights will constitute a significant contribution to the cause of ensuring fundamental human rights and freedoms”¹⁸.

Unfortunately, today we have to recall the decisive contribution of the USSR to the victory over fascism and to the formation of the post-war world order, which is based on the peremptory provisions of the UN Charter concerning international cooperation in the field of human rights. Moreover, at the same time, we have to counter the falsification of history, the incitement of hatred towards Russia, and the dissemination of the ideology of neo-Nazism, and to defend the moral, legal and institutional foundations of international relations based “primarily on the universally recognized outcomes of World War II”¹⁹.

In this regard, according to paragraph 19 of the Foreign Policy Concept of the Russian Federation of 13 March 2023 [Abashidze A., Koneva A., Solntsev A.M. 2024:907], “in order to facilitate the adaptation of the world order to the realities of a multipolar world, the Russian Federation intends to give priority attention to... restoring the role of the United Nations as the central mechanism for coordinating the interests of UN Member States and their actions in achieving the purposes of the UN Charter”²⁰.

Speaking at a meeting of the Valdai Discussion Club on 21 October 2021, President of Russia V.V. Putin characterized the United Nations as “the main international institution”, which “remains an enduring value for all, at least today.” He believes that “in today’s turbulent world, it is precisely the UN that is the bearer of the very sound conservatism in

international relations that is so necessary for normalizing the situation.” In the opinion of the President of Russia, “our duty is to preserve this asset, of course by reforming the Organization, but in such a way as not to throw the baby out with the bathwater, as the saying goes”²¹.

IV. The International Bill of Human Rights in Practice

Within the UN Commission on Human Rights, the working group that drafted the Universal Declaration of Human Rights also worked on the text of an international human rights treaty – an international covenant – based on the provisions of the UDHR, bringing together in a single instrument the principal categories of human rights: civil, political, economic, social and cultural rights.

Western scholars confirm that the United States Department of State exerted pressure on Eleanor Roosevelt, who chaired the Working Group responsible for drafting the text of the UDHR, so that she – and, consequently, the Working Group she chaired – would omit economic, social and cultural rights from the draft text of the UDHR²². However, the Working Group resisted this pressure. As a result of the efforts of Soviet diplomats, the UNGA, in its resolution 421 (V), affirmed the need to incorporate into the draft covenant a clear formulation of economic, social and cultural rights, thereby emphasizing their connection with the civil and political rights proclaimed in the draft covenant²³.

However, representatives of Western States, enjoying what was referred to as a “mechanical majority” in the UNGA, managed to disrupt the unified process of drafting a single international covenant on human rights by splitting it into two parallel

¹⁸ *International Law*. Textbook. Ed. F.I. Kozhevnikov. Institute of Law of the USSR Academy of Sciences. Moscow: Yuridicheskaya Literatura Publishing House. 1957.

¹⁹ Para. 44. Foreign Policy Concept of the Russian Federation, approved by President of the Russian Federation V.V. Putin on 31 March 2023. URL: <https://www.google.com/search?client=safari&rls=en&q=Foreign+Policy+Concept+of+the+Russian+Federation%2C+approved+by+President+of+the+Russian+Federation+V.V.+Putin+on+31+March+2023&ie=UTF-8&oe=UTF-8> (accessed date: 02.05.2026).

²⁰ Para. 19. Foreign Policy Concept of the Russian Federation, approved by President of the Russian Federation V.V. Putin on 31 March 2023. URL: <https://www.google.com/search?client=safari&rls=en&q=Foreign+Policy+Concept+of+the+Russian+Federation%2C+approved+by+President+of+the+Russian+Federation+V.V.+Putin+on+31+March+2023&ie=UTF-8&oe=UTF-8> (accessed date: 02.05.2026).

²¹ Meeting of the Valdai Discussion Club. 21 October 2021. URL: <http://kremlin.ru/events/president/news/66975> (accessed date: 02.05.2026).

²² See: Morsink J. *The Universal Declaration of Human Rights*. University of Pennsylvania Press. 1999. 396 p.

²³ Para. 7. UN General Assembly resolution 421 (V) “Draft International Covenant on human Rights and measures of implementation: future work of the Commission on human Rights”, 4 December 1950. URL: [https://docs.un.org/en/a/res/421\(v\)](https://docs.un.org/en/a/res/421(v)) (accessed date: 02.05.2026).

drafting processes: the drafting of two international covenants – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – pursuant to UNGA resolution 543 (VI) of 5 February 1952²⁴. In doing so, they sought to delay the drafting of the text of the covenant on economic, social and cultural rights.

In response, Soviet diplomats succeeded in ensuring that UNGA resolution 543 (VI) included a provision stipulating that both draft human rights covenants should be submitted to the General Assembly for approval and opened for signature by States simultaneously. Accordingly, both International Covenants were ultimately adopted through a single UNGA resolution – resolution 2200 A (XXI) of 16 December 1966.

The irony for Western States lies in the fact that, despite the same requirement for their entry into force – 35 ratifications – the International Covenant on Economic, Social and Cultural Rights entered into force earlier than the International Covenant on Civil and Political Rights, namely on 3 January 1976, whereas the ICCPR entered into force on 23 March 1976, two and a half months later [Mulesky S., Sandholtz W., Zvobgo K. 2024:15].

Another noteworthy aspect in the context of comparing the two International Covenants on Human Rights concerns the number of States parties to each of them. As of 10 April 2026, there are 173 States parties to the ICESCR²⁵ and 175 States parties to the ICCPR²⁶, that is, only two more States parties.

The United States continues to ignore the ICESCR and is not a party to it [US ratification ... 2023:356]. However, Palestine, which has not yet acquired the status of a UN Member State, is a party to both Covenants. This negative attitude of the United States towards the ICESCR has led to adverse consequences. In particular, from the very beginning, only the ICCPR was accompanied by an Optional Protocol,

which entered into force simultaneously with the ICCPR. The ICESCR received its Optional Protocol 40 years later [Kartashkin 2021:100].

According to the Preamble to the First Optional Protocol to the ICCPR, “it would be appropriate to enable the Human Rights Committee, set up in Part IV of the Covenant... to receive and consider... communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant”²⁷.

In 1977, the States parties to the ICCPR established the Human Rights Committee (hereinafter – HRC), composed of 18 independent members, or experts, responsible for considering the initial and periodic reports submitted by the Covenant’s now 175 States parties. As of 10 April 2026, 116 of those States parties recognize, pursuant to Article 41 of the Covenant, the competence of the HRC to receive and consider individual communications, or complaints²⁸.

Monitoring the implementation of the ICESCR by its States parties was entrusted to the Committee on Economic, Social and Cultural Rights (hereinafter – CESCR), established by ECOSOC in 1985 from representatives of governments; two years later, the composition of the Committee began to be formed from independent experts. The CESCR also consists of 18 members, independent experts, elected by ECOSOC on the basis of the principle of equitable geographical distribution. Eastern Europe is represented by three members.

The first independent expert member of the CESCR from the USSR/Russian Federation was Professor V.I. Kuznetsov. He was subsequently succeeded by Professor Yu.M. Kolosov, and from 2010 to the present day Professor A.Kh. Abashidze has served as an expert member of the CESCR.

The CESCR acquired the right to receive and consider individual communications, or complaints, on the basis of the Optional Protocol to the ICESCR,

²⁴ UN General Assembly resolution 543 (VI) “Preparation of two Draft International Covenants on Human Rights”. 5 December 1952. URL: <https://digitallibrary.un.org/record/210793> (accessed date: 02.05.2026).

²⁵ Status of the International Covenant on Economic, Social and Cultural Rights. URL: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-3&chapter=4&clang=_en (accessed date: 04.05.2026).

²⁶ Status of the International Covenant on Civil and Political Rights. URL: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-4&chapter=4&clang=_en (accessed date: 04.05.2026).

²⁷ Preamble, Optional Protocol to the International Covenant on Civil and Political Rights. 16 December 1966. URL: <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-international-covenant-civil-and-political&ved=2ahUKEwjoxYPI86aUAXPhv0HHUMnlkMQFn0ECB4QAQ&usg=AOvVaw1sd-zozhnDMGZzgJnOvsGn> (accessed date: 04.05.2026).

²⁸ Status of the Optional Protocol to the International Covenant on Civil and Political Rights. URL: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-5&chapter=4&clang=_en (accessed date: 04.05.2026).

adopted by UNGA resolution 63/117 of 10 December 2006 and entered into force on 5 May 2013. As of 10 April 2026, 31 States parties are parties to the Optional Protocol to the ICESCR²⁹. The Russian Federation is not a party to the Optional Protocol.

V. Divisible “Indivisible” Human Rights

Attention should also be drawn to a conceptual issue concerning economic, social and cultural rights and their perception within the United Nations system.

The Universal Declaration of Human Rights enshrines civil and political rights in Articles 3–21, while economic, social and cultural rights are set out in Articles 22–27. In this way, the Declaration affirms the indivisible character of civil, political, economic, social and cultural human rights [Elkins, Ginsburg, Simmons 2013:65].

However, since these rights were subsequently divided between two International Covenants on Human Rights, the drafters of those Covenants were compelled to reflect in the preambles of both Covenants identical conceptual provisions indirectly indicating the indivisibility of fundamental human rights and freedoms: “...in accordance with the UDHR, 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...”³⁰

Paragraph 13 of the Proclamation of Teheran, adopted at the first International Conference on Human Rights on 13 May 1968 – twenty years after the adoption of the UDHR – already expressed this principle clearly: “...since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible...”³¹

Paragraph 5 of the Vienna Declaration and Programme of Action of 28 June 1993, adopted at the World Conference on Human Rights, states as follows: “All human rights are universal, indivisible and

interdependent and interrelated. The international community must treat human rights globally, in a fair and equal manner, on the same footing, and with the same emphasis...”³²

Thus, it may be observed that the conceptual principle of the “indivisibility” of all human rights has not been fully reflected in international law-making practice: in 1966, these rights were divided between two International Covenants on Human Rights, which also differed in terms of the timing and development of mechanisms for monitoring the implementation by States parties of their respective obligations [Joseph 2022:181].

As we have already noted, the United States is not a party to the ICESCR, considering the rights enshrined therein to be “programmatic” and “non-justiciable”.

Unfortunately, a similarly selective approach toward the ICESCR may also be observed within the OHCHR. In 2013/2014, the CESCR, the HRC, and other human rights treaty bodies were granted additional sessions in order to address the backlog in the consideration of periodic reports already submitted by States parties under the respective human rights treaties.

The CESCR succeeded in eliminating this backlog, whereas the HRC also used the additional sessions to address other matters. Subsequently, the HRC continued to receive more than an additional week per session to deal with the backlog in the consideration of reports submitted by States parties to the ICCPR, while no comparable opportunity was provided to the CESCR. On the contrary, its already existing time for pre-sessional working groups, during which additional questions on submitted periodic reports were prepared, began to be reduced. The spring session of the CESCR in 2026 already lasted two and a half weeks instead of the previous four weeks.

In the context of the “indivisibility” of human rights, it is appropriate to recall the statement of a former member of the CESCR, Mr. Sadi of Jordan, who referred to the two International Covenants

²⁹ Status of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. URL: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3-a&chapter=4&clang=_en (accessed date: 04.05.2026).

³⁰ Preamble, International Covenant on Economic, Social and Cultural Rights, 16 December 1966. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (accessed date: 04.05.2026).

³¹ Para. 13. Proclamation of Teheran. 13 May 1968. URL: https://www.aaas.org/sites/default/files/SRHRL/PDF/IHRDArticle15/Proclamation_of_Teheran_Eng.pdf (accessed date: 04.05.2026).

³² Para. 5. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

on Human Rights and the two corresponding treaty bodies – the HRC and the CESCR – as “the two wings of a bird.” Hence our figurative conclusion: if the economic, social and cultural “wings” are underestimated, the bird will not be able to fly – it will only crawl.

VI. The Vienna Declaration and Programme of Action, or a programme for undermining the universal human rights system?

In June 1993, the World Conference on Human Rights was convened in Vienna. Whereas the first such United Nations international conference, held in Tehran in 1968, was convened to review twenty years of UN human rights activity following the adoption of the Universal Declaration of Human Rights in 1948, the World Conference on Human Rights was not associated with any significant anniversary of either the UDHR or the International Covenants on Human Rights [Kartashkin 2021:99]. As a rule, the rationale for convening an international conference under the auspices of the United Nations is reflected in its outcome document. However, no such explanation appears in the Vienna Declaration and Programme of Action of 25 June 1993. The document merely states: “The Conference provides a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner”³³. Or: “The activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards”³⁴.

These quoted provisions of the Vienna Declaration and Programme of Action do not answer the question we have raised concerning the occasion or

reason for convening the World Conference on Human Rights in Vienna in 1993.

Most likely, the reason was the following fact, reflected in the preamble to the Vienna Declaration and Programme of Action: “Considering the major changes taking place on the international scene...”³⁵. What kind of changes could have been meant in 1993? Of course, the withdrawal of the USSR from geopolitics, and the dissolution of the Council for Mutual Economic Assistance (CMEA) and the Warsaw Pact. In other words, all conditions were created for the United States and its NATO and European Union allies to act unipolarly and unilaterally in international relations, which has indeed been observed since that period.

The Vienna Declaration and Programme of Action also records the determination “to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity”³⁶.

It is therefore pertinent to examine what was meant by the “new steps forward in the commitment” in the field of human rights, intended to achieve “substantial progress”, and what “increased and sustained efforts” were subsequently undertaken on the basis of the Programme of Action adopted at the World Conference on Human Rights.

The Vienna Declaration and Programme of Action contains numerous references, in different contexts, to the United Nations Centre for Human Rights. For instance, paragraph 34 emphasizes the need to strengthen the programme of advisory services and technical cooperation within the Centre for Human Rights³⁷.

Section II (A) of the Vienna Declaration and Programme of Action addresses the issue of “increased coordination on human rights within the United Nations system.” Within this section, under the subsection on “resources”, concern is expressed regarding

³³ Preamble, Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

³⁴ Preamble, Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

³⁵ Preamble, Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

³⁶ Preamble, Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

³⁷ Para. 34. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

“the growing disparity between the activities of the Centre for Human Rights and the human, financial and other resources available to carry them out”³⁸. Paragraphs 10 and 11 contain a request addressed to the Secretary-General and the UNGA to address the budgetary funding problems of the United Nations Centre for Human Rights³⁹.

Section II (A) of the Vienna Declaration and Programme of Action includes a separate subsection entitled “Centre for Human Rights”. In its four paragraphs, paragraphs 13–16, it: emphasizes “the importance of strengthening the United Nations Centre for Human Rights”⁴⁰; calls for the Centre for Human Rights to play “an important role in coordinating system-wide attention for human rights”⁴¹; expresses the wish that the Centre for Human Rights be “provided with adequate means for the system of thematic and country rapporteurs...”⁴²; and proposes that the Centre for Human Rights “assume a larger role in the promotion of human rights...”⁴³.

It would seem that, after the proclamation of such intentions, it would have been logical to preserve the Centre for Human Rights and gradually strengthen its capacity.

Instead, the text of the Vienna Declaration and Programme of Action contains a subsection entitled “Adaptation and strengthening of the United Nations machinery for human rights, including the question of the establishment of a United Nations High Commissioner for Human Rights”.

Let us emphasize once again that, up to this point, the Vienna Declaration and Programme of Action says nothing by way of justification for introducing a new post in the form of the United Nations High Commissioner for Human Rights. Moreover, the two paragraphs of this subsection, paragraphs 17 and 18,

are formulated in a peculiar manner, not fitting into the logic of the preceding paragraphs of the Vienna Declaration and Programme of Action.

Paragraph 17 reads as follows: “The World Conference on Human Rights recognizes the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights, as reflected in the present Declaration, within the framework of a balanced and sustainable development for all people. In particular, the United Nations human rights organs should improve their co-ordination, efficiency and effectiveness”⁴⁴.

With regard to this paragraph, the question arises as to whether all the matters referred to therein could not have been addressed within the framework of the existing human rights structure operating under the authority of ECOSOC, to which, under the United Nations Charter, the Commission on Human Rights and the Centre for Human Rights were subordinate in 1993. This question appears particularly relevant given the considerable emphasis placed in the Vienna Declaration and Programme of Action on strengthening the Centre for Human Rights.

Paragraph 18 is formulated, to put it mildly, in a “recommendatory-imperative” tone and is addressed to the UNGA: “The World Conference on Human Rights recommends to the UNGA that when examining the report of the Conference at its forty-eighth session, it begin, as a matter of priority, consideration of the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights”⁴⁵.

It should be recalled that the Vienna Declaration and Programme of Action was adopted on 26 June 1993. In this context, the recommendation to “begin,

³⁸ Para. 9. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

³⁹ Paras. 10–11. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

⁴⁰ Para. 13. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

⁴¹ Para. 14. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

⁴² Para. 15. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

⁴³ Para. 16. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

⁴⁴ Para. 17. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

⁴⁵ Para. 18. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 04.05.2026).

as a matter of priority, consideration” of the establishment of a new non-Charter body, or post, within the UN human rights system would appear to have required careful and balanced examination. Indeed, the creation of the proposed new post ultimately resulted not in the strengthening, but rather in the weakening, of ECOSOC – one of the six principal organs of the United Nations – through the abolition of the Centre for Human Rights, to which considerable attention is devoted in the Vienna Declaration and Programme of Action, and the transfer of its functions to the secretariat of the newly established official within the UN human rights system, namely the “Office of the United Nations High Commissioner for Human Rights”.

All of this required considerable time. However, the post of the United Nations High Commissioner for Human Rights was created only six months after the conclusion of the World Conference on Human Rights: on 20 December 1993, at its forty-eighth session, the United Nations UNGA adopted resolution 48/141 without a vote, thereby establishing the post of United Nations High Commissioner for Human Rights⁴⁶. The Office of the United Nations High Commissioner for Human Rights (hereinafter – OHCHR) officially began its work in April 1994. It should be recalled that the former United Nations Centre for Human Rights operated as an expert body under the authority of ECOSOC, preparing reports and providing technical assistance to States in the field of human rights. The Centre was intended to strengthen coordination within the UN human rights system and played an important role in advancing human rights education.

Rather than reinforcing the mandate and institutional capacity of the United Nations Centre for Human Rights, as envisaged throughout the Vienna Declaration and Programme of Action, the United Nations established the new position of United Nations High Commissioner for Human Rights. The High Commissioner is appointed by the UN Secretary-General and supported by the

OHCHR, which effectively functions as part of the UN Secretariat under the authority of the Secretary-General.

This is one example of how the powers and Charter-based role of ECOSOC are being hollowed out, despite the fact that ECOSOC constituted an innovation of the UN Charter in comparison with the United Nations’ predecessor, the League of Nations, particularly with respect to international economic and social cooperation under Chapter IX, Articles 55–60, and the Economic and Social Council under Chapter X, Articles 61–72⁴⁷.

Another example that undermines ECOSOC is paragraph 11 of UNGA resolution 68/268, adopted in 2014, which contains a recommendation that ECOSOC “consider replacing the existing procedure for the election of experts of the Committee on Economic, Social and Cultural Rights with a meeting of States parties to the International Covenant on Economic, Social and Cultural Rights, while preserving the present structure, organization and administrative arrangements of the Committee as set out in Council resolution 1985/17”⁴⁸.

This reflects, in essence, a lack of confidence in ECOSOC regarding its ability to determine the composition of the CESCR and to maintain the Committee’s accountability to it. ECOSOC is a body established under the United Nations Charter and entrusted with the authority “to make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and to make recommendations with respect to any such matters to the UNGA, to the Members of the United Nations, and to the specialized agencies concerned”⁴⁹.

Moreover, under the Charter, ECOSOC is authorized “to make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all” and “to prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence”⁵⁰.

⁴⁶ UN General Assembly resolution (48/141) “High Commissioner for the promotion and protection of all human rights”. 7 January 1994. URL: <https://digitallibrary.un.org/record/180226?v=pdf> (accessed date: 04.05.2026).

⁴⁷ Charter of the United Nations, San-Francisco. 26 June 1945. URL: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed date: 05.05.2026).

⁴⁸ UN General Assembly resolution (A/RES/68/268) “Strengthening and enhancing the effective functioning of the human rights treaty body system”, 9 April 2014. URL: <https://docs.un.org/en/a/res/68/268> (accessed date: 01.05.2026).

⁴⁹ Art. 62. Charter of the United Nations. San-Francisco. 26 June 1945. URL: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed date: 05.05.2026).

⁵⁰ Ibidem.

The approach reflected in paragraph 11 of UNGA resolution 68/268 may also be regarded as historically unjustified in relation to ECOSOC, under whose authority the CESCR was established in 1985. Moreover, the CESCR commenced its examination of initial and periodic reports submitted by States parties to the ICESCR at a later stage than the HRC began reviewing reports under the ICCPR.

Attempts to diminish the role and functions of ECOSOC contradict the very concept of the UN Charter concerning social progress and economic development [Hennebel, Tigroudja 2025:166], which is impossible without maintaining a balance between the economic, social and environmental dimensions of sustainable development, as emphasized in the 2030 Agenda [Solntsev A.M. 2024:372].

VII. Results of the Vienna Declaration and Programme of Action

With the creation of this new position within the United Nations system, the universal human rights framework became concentrated to a significant extent in the hands of a single official – the UN High Commissioner for Human Rights – who is appointed by the UN Secretary-General and formally approved by the UNGA. The position of UN High Commissioner for Human Rights carries the rank of Under-Secretary-General of the United Nations.

Under Articles 97–100 of the UN Charter, the Secretary-General is merely the chief administrative officer of the Organization, and his competence does not include any human rights functions. Nor does it include the appointment of anyone as his deputy responsible for international cooperation in the field of human rights.

Over the entire period of the existence of this post, the functions of High Commissioner have been performed by seven persons, three of whom have been representatives of the Western world: Ireland, Canada and Austria. Among these seven were individuals who, during their tenure as United Nations High Commissioner for Human Rights, were not invited to visit the Russian Federation, one of the five permanent members of the United Nations Security Council, which may be regarded as indicative of the

politicized character of the activities of the respective High Commissioners.

In this context, it is appropriate to recall the provisions of the United Nations Charter concerning the UN Secretary-General and the UN Secretariat under his authority, including the United Nations High Commissioner for Human Rights, who is appointed by the Secretary-General. In this regard, Article 100, paragraph 1, of the UN Charter provides: “The Secretary-General and the staff shall refrain from any action which might reflect on their position as international officials responsible only to the Organization”⁵¹.

As for the criteria for selecting candidates for the post of United Nations High Commissioner for Human Rights, they are not clearly defined. To a large extent, they are determined at the discretion of the UN Secretary-General himself. For example, the current United Nations High Commissioner for Human Rights, Volker Türk of Austria, worked for a long time in the OHCHR, which from 2005 to 2015 was headed by the current UN Secretary-General, Mr. António Guterres of Portugal⁵².

In the activities of the United Nations High Commissioner for Human Rights, one can often observe, so to speak, conduct that is not entirely appropriate for the office.

For example, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour (2004–2008, Canada), who had previously served as Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (1996–1999), launched an initiative to merge all existing human rights treaty bodies – committees in relation to which, as High Commissioner, she had no authority of such a nature. This peculiar attempt of hers was, under the next High Commissioner for Human Rights, Navi Pillay (2008–2014, South Africa), replaced by the adoption of UNGA resolution 68/268 of 9 April 2014, entitled “Strengthening and enhancing the effective functioning of the human rights treaty body system.” Pursuant to paragraph 41 of that resolution, it was proposed that, six years from the date of its adoption, the effectiveness of the measures taken be reviewed in order to ensure their sustainability⁵³. This year, in April 2026, the stated six-year period has already ex-

⁵¹ Art. 100. Charter of the United Nations. San-Francisco. 26 June 1945. URL: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed date: 05.05.2026).

⁵² About the United Nations Secretary-General. URL: <https://www.un.org/sg/en/about-secretary-general> (accessed date: 01.05.2026).

⁵³ Para. 41. UN General Assembly resolution (A/RES/68/268) “Strengthening and enhancing the effective functioning of the human rights treaty body system”. 9 April 2014. URL: <https://docs.un.org/en/a/res/68/268> (accessed date: 04.05.2026).

pired twice, yet no decisions have been adopted on this UNGA resolution.

It therefore appears that the adoption of resolution 68/268 was a tactic employed by those who sought to prevent Western States from destroying the system of human rights treaty bodies and to channel the initiative of the United Nations High Commissioner for Human Rights into an endless intergovernmental discussion.

Another example of this kind may be found in the activities of the current United Nations High Commissioner for Human Rights.

In 2023, OHCHR submitted a report entitled “Human rights challenges in addressing and countering all aspects of the world drug problem”⁵⁴.

The report supports a policy of drug decriminalization [Abashidze, Bagdatieva 2024:133]. In paragraph 3 of the report, in particular, it states in this regard that the “initial objective” of the existing conventions – the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 – was to protect the health and welfare of humankind⁵⁵. “However, drug control policies are currently dominated by punitive approaches aimed at suppressing the illicit drug market, and many countries pursue repressive policies, resulting in adverse consequences for human rights”⁵⁶.

The report strongly supports the harm reduction approach, which presupposes, *inter alia*, the treatment of drug-dependent persons with narcotic drugs – a method that is not approved by many States, including Russia, where such persons are treated not with narcotic drugs but with the appropriate necessary medicines.

The report incorrectly states that “treaty bodies have expressed concern about the absence of harm reduction programmes for people who use drugs and have recommended measures to expand such programmes”⁵⁷.

Among the recommendations contained in the report are: to “adopt alternatives to criminalization”, to move away from “zero tolerance”, to “consider decriminalizing drug use”, to “consider developing a regulatory system for legal access to all controlled substances”, and the like.

In response to this, we may cite the firm position of the CESCR, which has experience with regard to persons who use drugs in the context of Article 12 of the ICESCR, which enshrines the right of everyone to the highest attainable standard of physical and mental health.

The position of the CESCR is as follows: taking into account the fact that disagreements remain among UN Member States and States parties to the above-mentioned three conventions on key aspects related to drug-related issues, and also taking into account the divergence of views among members of the Committee on the same issues after two years of discussion of the question of drug decriminalization policy as one of the agenda items in the preparation of a General Comment, at its spring session in 2026 the Committee decided to remove this item from the agenda and to return to this topic, together with other topics, when discussing the Committee’s future agenda on General Comments.

In this context, we would like once again to emphasize that the United Nations High Commissioner for Human Rights is not only not authorized to submit reports and present his position on topics on which there is no consensus among UN Member

⁵⁴ Report of the Office of the United Nations High Commissioner for Human Rights “Human rights challenges in addressing and countering all aspects of the world drug problem” (A/HRC/54/53). 15 August 2023. URL: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-countering-all-aspects> (accessed date: 05.05.2026).

⁵⁵ Para. 3. Report of the Office of the United Nations High Commissioner for Human Rights “Human rights challenges in addressing and countering all aspects of the world drug problem” (A/HRC/54/53). 15 August 2023. URL: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-countering-all-aspects> (accessed date: 05.05.2026).

⁵⁶ Para. 3. Report of the Office of the United Nations High Commissioner for Human Rights “Human rights challenges in addressing and countering all aspects of the world drug problem” (A/HRC/54/53). 15 August 2023. URL: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-countering-all-aspects> (accessed date: 05.05.2026).

⁵⁷ Para. 12. Report of the Office of the United Nations High Commissioner for Human Rights “Human rights challenges in addressing and countering all aspects of the world drug problem” (A/HRC/54/53). 15 August 2023. URL: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5453-human-rights-challenges-addressing-and-countering-all-aspects> (accessed date: 05.05.2026).

States, but should also refrain from doing so. Such reports strengthen the position of those who seek to impose their vision on other UN Member States. In the present case, this concerns harm reduction programmes.

Returning to the Vienna Declaration and Programme of Action, it is important to note that the document repeatedly emphasizes the need to eliminate duplication of work within the universal human rights protection system.

For instance, paragraph 1 of Section II (A), “Increased coordination on human rights within the United Nations system,” recommends strengthening coordination in the field of human rights. In this regard, the World Conference on Human Rights “urges all organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication”⁵⁸.

How is this recommendation implemented by the UN Human Rights Council, which has operated since 2006 as the successor to the UN Commission on Human Rights, particularly in relation to its preservation of the Special Procedures mechanism?

Let us list the currently serving Special Rapporteurs with thematic mandates and compare the subjects they examine with the provisions enshrined in the ICESCR⁵⁹: the Special Rapporteur in the field of cultural rights, corresponding to Article 15 of the ICESCR; the Special Rapporteur on the right to education, corresponding to Articles 13 and 14 of the ICESCR; and the Special Rapporteur on the right to food, corresponding to Article 11 of the ICESCR; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health – Article 12 of the ICESCR; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context – Article 11 of the ICESCR; and the Special Rapporteur on the human rights to safe drinking water and sanitation, corresponding to Article 11 of the ICESCR.

We also counted seven Special Rapporteurs on topics falling within the competence of the Human Rights Committee.

This is where the financial resources are allocated – to the operation of structures that duplicate the work of the human rights treaty bodies, including the CESCR and the Human Rights Committee, which conduct international monitoring of the implementation by States parties of the ICESCR and the ICCPR, respectively. At the same time, OHCHR does not find the funds to ensure the normal functioning, for example, of the CESCR, which is unable to consider in a timely manner approximately 40 periodic reports of States parties to the ICESCR awaiting consideration by the Committee.

OHCHR also allocates financial resources to the activities of special rapporteurs and independent experts mandated to examine the human rights situation in States selectively designated by the UN Human Rights Council, where the United States holds sway – joining the UN Human Rights Council whenever it wishes and leaving it whenever it wishes.

At present, there are 13 country-specific special rapporteurs and “independent” experts on such countries as, for example, Belarus, Burundi, Colombia, the Central African Republic, the DPRK, Eritrea, Iran, Mali, Myanmar, Syria and others. The paradox is that these country-specific special procedures were established without the consent of the States concerned and, consequently, they cannot visit those countries. Nevertheless, they submit annual reports on the human rights situation in these States, relying on information that gives rise to doubt and distrust.

With regard to the relevant recommendations and appeals contained in the Vienna Declaration and Programme of Action concerning the provision of adequate financial and human resources to the former Centre for Human Rights – now OHCHR – no substantive improvement has occurred in this respect. On the contrary, the situation has worsened.

The total budget of OHCHR in 2024 amounted to approximately USD 439 million. Of this amount, 38.6 per cent came from the UN regular budget and 61.4 per cent from voluntary contributions, mainly from UN Member States. In 2024, these voluntary contributions amounted to USD 269.4 million. Of that amount, USD 175.3 million were unearmarked, meaning that the UN High Commissioner for Human Rights and OHCHR spent them at their own discretion⁶⁰.

⁵⁸ Para. 1. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 05.05.2026).

⁵⁹ Special Procedures of the Human Rights Council. URL: <https://www.ohchr.org/en/special-procedures-human-rights-council> (accessed date: 05.05.2026).

⁶⁰ OHCHR's Funding and budget. Regular budget. URL: <https://www.ohchr.org/en/about-us/funding-and-budget> (accessed date: 05.05.2026).

Which States made the largest contributions to these unearmarked voluntary contributions? They were: Norway – 19.6 per cent; the United States – 11.7 per cent; Sweden – 10.6 per cent; Finland – 6.8 per cent; the Netherlands – 5.6 per cent; the European Commission – 5.4 per cent; Germany – 5.2 per cent; and others. The contributions of the above-mentioned States and the European Commission accounted for 64.9 per cent of the total amount of unearmarked voluntary contributions⁶¹.

These statistics, together with the unearmarked nature of the funds, provide the United Nations High Commissioner for Human Rights with broader opportunities to pursue his own policy, which, unfortunately, is not always consistent with the provisions of the UN Charter concerning cooperation among Member States of the Organization in the field of human rights.

In this section, we consider it appropriate to touch upon another provision of the Vienna Declaration and Programme of Action, which calls for “maintaining consistency with the high quality of existing international standards and avoiding proliferation of human rights instruments”⁶².

The UN Human Rights Council, with the support of OHCHR, has undertaken considerable efforts to elaborate a draft international convention on the right to development, designating it as a “Covenant,” with the intention of incorporating it into the International Bill of Human Rights. In practice, this constitutes an arbitrary approach aimed at undermining the high status of the UDHR and the two International Covenants on Human Rights and, ultimately, at replacing them with this new covenant. The “human right to development” is thereby used as a means of encompassing all human rights and demonstrating the further redundancy of the two International Covenants on Human Rights – the ICESCR and the ICCPR. It appears that, after the failure to eliminate the human rights treaty bodies through their merger, this constitutes a new attempt to replace them in the future.

The ongoing dialogue between members of the human rights treaty bodies and representatives of

OHCHR concerning the financing of treaty body activities consistently concludes with assurances that efforts will be made to “work hard” on this issue; however, these assurances have produced no tangible results. And even when certain funds are allocated from the UN budget, part of those funds is intended to “strengthen” the OHCHR staff. In other words, it was a major mistake or miscalculation that the human rights treaty bodies became largely dependent on OHCHR, without having their own secretariat to preserve their maximally independent status within the universal human rights system.

VIII. The Degree of Dependence of Human Rights Treaty Bodies on OHCHR

The universal human rights system, operating under the leadership and auspices of the United Nations, is noticeably susceptible to external influence, and this has been confirmed by personal experience as an independent expert within the human rights treaty body system for more than 16 years. This concerns such topics as the “Green Agenda”, “LGBT+”⁶³, and others, which are lobbied by Western European liberal circles, foundations financed by them, and regional parliamentary structures and integration associations such as PACE, the European Parliament, and others [Abashidze 2023:122].

This year, Georgia submitted its report to one of the committees with a delay of more than 15 years. During the meeting with the Georgian delegation and the discussion of the report, some members of the Committee were clearly opposed to Georgia’s Law on the Protection of Family Values and Minors⁶⁴, demanding its repeal. When asked what exactly in this Law caused their concern, no answer was given.

Having read Article 1 of the Law, the reason for the criticism became clear. The article states: “The purpose of this Law is to strengthen mechanisms for the protection of family values based on the union of a woman and a man, and for the protection of minors”⁶⁵. Under the Law, the concept of “biological sex” means sex identified according to hereditary genetic characteristics. The prohibition of “popularization” is

⁶¹ OHCHR’s Funding and budget. Regular budget. URL: <https://www.ohchr.org/en/about-us/funding-and-budget> (accessed date: 05.05.2026).

⁶² Para. 6. Vienna Declaration and Programme of Action. 25 June 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> (accessed date: 05.05.2026).

⁶³ Экстремистская организация, запрещенная в России.

⁶⁴ Law of Georgia on the Protection of Family Values and Minors. 17 September 2024. URL: <https://matsne.gov.ge/en/document/download/6283110/0/en/pdf> (accessed date: 05.05.2026).

⁶⁵ Art. 1. Law of Georgia on the Protection of Family Values and Minors. 17 September 2024. URL: <https://matsne.gov.ge/en/document/download/6283110/0/en/pdf> (accessed date: 05.05.2026).

explained as follows: “Relevant information/actions shall be understood as information/actions aimed at popularizing, in a positive manner, the attribution of a person to neither biological sex, or attribution to a sex different from that person’s biological sex, relationships expressed on the basis of sexual orientation between representatives of the same biological sex, or incest”⁶⁶.

This case appears to be a continuation of pressure on the Georgian authorities by the EU, which regards Georgia’s adoption of such laws as a rejection of the “European path”. It is regrettable that similar negative trends are observed in the universal human rights system [Casla, Barker 2024:505], where concern for the family constitutes an international obligation under both International Covenants on Human Rights and the 1989 Convention on the Rights of the Child⁶⁷.

Human rights treaty bodies are not formally linked to the United Nations [Abashidze 2018:10]. The Committees are established and operate independently on the basis of the respective international human rights treaties. However, the treaty bodies, including the CESCR and the Human Rights Committee, receive organizational and logistical support from OHCHR; their meetings are held on the premises of the OHCHR at the Palais Wilson in Geneva. In practice, OHCHR possesses considerable opportunities to influence the activities of the human rights treaty bodies, and various mechanisms are used for this purpose, including the Meeting of Chairpersons of the human rights treaty bodies, which is not a Charter-based body. It was established by the treaty bodies themselves to coordinate their work on procedural matters [Hennebel, Tigroudja 2025:184]. Previously, a similar coordinating body also existed in the form of the Inter-Committee Meeting, which included the chairs and two members from each human rights treaty body.

Apparently at the instigation of OHCHR, paragraph 38 of resolution 68/268 contains the following provision: it “also encourages the human rights treaty bodies, with a view to accelerating the process of

enhancing the coherence of the treaty body system, to continue to strengthen the role of their Chairs in relation to procedural matters...”⁶⁸

Paragraph 39 of the same resolution refers to “enhanced opportunities for interaction during the annual meetings of the Chairs of the treaty bodies with States parties to all human rights treaties... in order to provide a forum for an open and formal interactive dialogue”⁶⁹.

This matter requires closer examination. The Chairs of the Committees are elected from among the members of the respective Committee, on the basis of equitable regional representation, for a two-year term, with the purpose of organizing the work of that Committee. OHCHR staff provide assistance in this process. Decisions concerning organizational and procedural matters are discussed within the bureau of the relevant Committee, which is composed of the Chair, Vice-Chairs and Rapporteur, and are subsequently approved at meetings of the Committees.

The Meeting of Chairpersons of the human rights treaty bodies is a non-conventional, informal formation that has no approved or agreed mandate. It emerged in practice for the purpose of coordinating procedural matters among the treaty bodies. Who draws up the agenda for their annual meetings? No one knows. There are every grounds to believe that its agenda is determined within OHCHR. If such annual meetings are indeed necessary, why not restore the annual Inter-Committee Meetings, composed of the Chairpersons and two members of each Committee, which would be more representative?

The answer is that OHCHR lacks the financial resources for this purpose. Nevertheless, funds are consistently made available for the annual meetings of Chairpersons. Do the Meetings of Chairpersons of the treaty bodies always confine themselves to procedural matters? Unfortunately, they do not. One example may be cited in this regard.

At the annual meeting of Chairpersons of the human rights treaty bodies, held in Addis Ababa in June 2012, a document entitled “Guidelines on

⁶⁶ Art. 9. Law of Georgia on the Protection of Family Values and Minors. 17 September 2024. URL: <https://matsne.gov.ge/en/document/download/6283110/0/en/pdf> (accessed date: 05.05.2026)

⁶⁷ Convention on the Rights of the Child. 20 November 1989. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (accessed date: 05.05.2026).

⁶⁸ Para. 38. UN General Assembly resolution (A/RES/68/268) “Strengthening and enhancing the effective functioning of the human rights treaty body system”. 9 April 2014. URL: <https://docs.un.org/en/a/res/68/268> (accessed date: 05.05.2026).

⁶⁹ Para. 39. UN General Assembly resolution (A/RES/68/268) “Strengthening and enhancing the effective functioning of the human rights treaty body system”. 9 April 2014. URL: <https://docs.un.org/en/a/res/68/268> (accessed date: 05.05.2026).

the independence and impartiality of members of the human rights treaty bodies” – the Addis Ababa Guidelines – was adopted⁷⁰.

The matter did not end there. For example, the agenda of the annual meeting of Chairpersons of the human rights treaty bodies in June 2026 included the item: “Implementation by the treaty bodies of the guidelines on the independence and impartiality of the members of the human rights treaty bodies (the Addis Ababa Guidelines)”. Paragraph 7 contains identical wording with respect to another similar document entitled the “San José Guidelines”.

This is an example of how a non-conventional formation, lacking any mandate to permit interference by external actors, adopts an unlawful document and then, through its “endorsement” by the Committees, changes conventional rules – in this case, rules concerning the independence and impartiality of members of the human rights treaty bodies.

Against this background, it is appropriate to quote paragraph 37 of resolution 68/268 and draw attention to its implicit implications: it “encourages the human rights treaty bodies to continue their consideration and review of the Addis Ababa guidelines, including by seeking the views of States parties and other stakeholders on their development, and in this regard invites the Chairs of the treaty bodies to keep States parties informed of their implementation”⁷¹.

How can the content of paragraph 37 be reconciled with paragraph 36, in which the Addis Ababa Guidelines are characterized as being “aimed at ensuring objectivity, impartiality and accountability within the treaty body system, with full respect for the independence of the treaty bodies”?

This appears even less consistent with paragraph 35, which refers to “the importance of the independence and impartiality of members of the human rights treaty bodies” and, in particular, emphasizes “the importance of full respect by all stakeholders in the treaty body system, as well as the Secretariat, for the independence of members of the treaty bodies,” as well as the need to prevent any action that would “interfere with the exercise of their functions”⁷².

Thus, neither the informal annual Meeting of Chairpersons of the human rights treaty bodies, at which only procedural matters should be discussed, nor the Chairs of the Committees, nor OHCHR are authorized to address substantive issues, still less to produce documents that modify important aspects of the work of the treaty bodies falling within the scope of treaty-based regulation and the oath taken by newly elected members of human rights treaty bodies at the first meeting of the relevant Committee.

At the same time, it should be clarified that the rules governing the impartiality of members, or experts, of the Committees are established in the Rules of Procedure of each Committee. Amendments to those Rules of Procedure are, in accordance with the Rules themselves, the exclusive prerogative of each Committee.

IX. Common but Not Identical Provisions of the International Covenants on Human Rights

Despite the division of the rights and freedoms enshrined in the UDHR between the two International Covenants on Human Rights, the texts of these Covenants contain provisions concerning the same rights or spheres [Temirbekov 2024:29; Addo 2010:634-635].

First and foremost, this concerns Article 1, common to both Covenants, which recognizes the right of all peoples to self-determination and to freely dispose of their natural wealth and resources. Further examples include Article 10 of the ICESCR and Article 23 of the ICCPR, concerning the family, as well as Article 8 of the ICESCR and Article 22 of the ICCPR, concerning trade unions.

These and other common provisions do in fact differ in meaning and content [Lesch, Reiners 2023:398]. This became evident at a joint meeting of members of the CESC and the Human Rights Committee held five years ago and organized with the aim of discussing issues related to trade unions and developing common approaches. In Article 8 of the ICESCR, the right to form trade unions and

⁷⁰ Guidelines on the independence and impartiality of members of the human rights treaty bodies (“the Addis Ababa guidelines”) (A/67/222). 20 July 2017. URL: https://dcjri.ministeriopublico.pt/sites/default/files/addisababaguidelines_en.pdf (accessed date: 05.05.2026).

⁷¹ Para. 37. UN General Assembly resolution (A/RES/68/268) “Strengthening and enhancing the effective functioning of the human rights treaty body system”. 9 April 2014. URL: <https://docs.un.org/en/a/res/68/268> (accessed date: 05.05.2026).

⁷² Para. 35. UN General Assembly resolution (A/RES/68/268) “Strengthening and enhancing the effective functioning of the human rights treaty body system”. 9 April 2014. URL: <https://docs.un.org/en/a/res/68/268> (accessed date: 05.05.2026).

to join the trade union of one's choice is formulated in broader terms, within the framework of ensuring the right to work under Article 6 of the ICESCR and the right of everyone to the enjoyment of just and favourable conditions of work under Article 7 of the ICESCR. The restrictions provided for in Article 8 take these areas of legal relations into account [Runtunuwu, Tjahyadi 2023:164].

As regards Article 22 of the ICCPR, the right to form trade unions and to join them for the protection of one's interests is formulated within the broader context of everyone's right to freedom of association with others. This presupposes consideration of all key aspects of ensuring freedom of association and the legal consequences arising therefrom, particularly derogations from obligations under Article 4 of the ICCPR⁷³. The specific character of Article 22 is reflected, in particular, in the article itself, which states: "This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right"⁷⁴. Article 8 of the ICESCR adds one more category of persons to these, alongside the armed forces and the police: the administration of the State⁷⁵.

Therefore, the CESCR and the HRC have the authority to express their views independently on particular provisions of the respective Covenant in their General Comments. There is no provision in either Covenant, nor in any act of the UN system, that would allow both treaty bodies – the CESCR and the HRC – to adopt a joint General Comment on analogous articles of the two Covenants [Runtunuwu, Tjahyadi 2023:162]. Nor are there any such cases in practice. Even the adoption of joint statements on key aspects of human rights is difficult for these two Committees, since such aspects may not always be perceived in the same way by UN Member States that are not parties to both International Covenants, such as, for example, the United States and the People's Republic of China.

In this context, it is also necessary to note the different approaches to limitations. The ICCPR refers both to "limitations" and to "derogations from obligations under the present Covenant" during a state of

emergency in a State (Article 4). Article 4 of the ICESCR refers only to such limitations as are determined by law. Hence, different interpretations arise [Lesch, Reiners 2023:399].

For example, members of the CESCR working group developing a draft General Comment on "the implementation of economic, social and cultural rights in situations of armed conflict" argue that, since the ICESCR contains no provisions on derogations during a state of emergency, unlike the ICCPR, it should therefore be asserted that economic, social and cultural rights apply in full in situations of armed conflict. Such an assertion has a weak basis, since it does not take into account the conditions of armed conflict, the rules of international humanitarian law, or the right of States parties to the ICESCR to adopt national laws limiting these rights, including provisions on derogations from obligations under international human rights treaties during armed conflicts, whether international or non-international in character.

X. Conclusion

The inclusion, in the constituent instrument of an international intergovernmental organization possessing universal competence in the field of ensuring and maintaining international peace and security – namely, the UN Charter – of provisions concerning international cooperation in promoting respect for and observance of human rights and fundamental freedoms as one of the conditions of stability and well-being necessary for peaceful and friendly relations among nations under Article 55 of the UN Charter, as well as the establishment, for the achievement of this principal purpose of the United Nations, of one of its six principal organs – ECOSOC – represents an innovative post-war development and a historically significant fact that has not yet been fully appreciated.

This legacy of the States of the anti-Hitler coalition must be defended and protected by all possible means from attempts by all kinds of neo-Nazis and revanchists to substitute and distort the Charter

⁷³ Art. 22. International Covenant on Civil and Political Rights. 16 December 1966. URL: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en (accessed date: 05.05.2026).

⁷⁴ Art. 22. International Covenant on Civil and Political Rights. 16 December 1966. URL: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en (accessed date: 05.05.2026).

⁷⁵ Art. 8. International Covenant on Economic, Social and Cultural Rights. 16 December 1966. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (accessed date: 05.05.2026).

provisions concerning the promotion of and respect for human rights and fundamental freedoms [Neumayer 2005:936], and to prevent a situation in which it would once again become necessary to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person”⁷⁶.

As was the case in 1948, when the UDHR was adopted, the provision reflected in its Preamble remains relevant:

- the UDHR is proclaimed “as a common standard of achievement for all peoples and all nations...”;
 – “whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge”⁷⁷.

What has been stated indicates that the task set forth in the UDHR cannot be fulfilled immediately, and that international cooperation must therefore continue in order to achieve it [The Universal Declaration ... 2023:10]. It also means that the achievement of these objectives requires the attainment of a

“common understanding of the nature of the rights and freedoms” enshrined in the instruments constituting the International Bill of Human Rights. This excludes any unilateral attempts to impose elements that have not been agreed upon within the framework of international humanitarian cooperation.

The approach of the USSR to the realization of human rights and freedoms also retains its relevance. Specifically, the practical implementation of human rights provisions agreed upon within the framework of international cooperation, including within the United Nations, as obligations to be fulfilled in accordance with the constitutional procedure in force in each UN Member State, depends decisively on those sovereign States themselves. It also depends on the extent to which they recognize the role and significance of an effective national system of guarantees for ensuring the rights and freedoms of all citizens and other persons lawfully present in the territory under their jurisdiction.

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⁷⁶ Preamble. Charter of the United Nations., San-Francisco. 26 June 1945. URL: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed date: 05.05.2026).

⁷⁷ Preamble. General Assembly resolution “Universal Declaration on Human Rights” (217 (III) A). 10 December 1948. URL: <https://digitallibrary.un.org/record/666853?v=pdf> (accessed date: 05.05.2026).

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