



# General Assembly

Distr.: General  
6 April 2010

Original: English

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## Human Rights Council

### Fourteenth session

Agenda items 2 and 3

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

## **Report of the High Commissioner for Human Rights on the question of the realization in all countries of economic, social and cultural rights\***

### *Summary*

The present report is submitted in accordance with resolution 10/1 of the Human Rights Council. It outlines the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR), treaty bodies and special procedures in relation to economic, social and cultural rights. The report also covers OHCHR activities on assistance and technical cooperation to States, United Nations agencies, civil society and other relevant stakeholders.

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\* Late submission.

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## **I. Introduction**

1. In its resolution 10/1, the Human Rights Council requested the High Commissioner for Human Rights to submit to the Council an annual report on the question of the realization in all countries of economic, social and cultural rights. The present report refers to activities relevant to the promotion and protection of these rights, focusing particularly on the activities of United Nations treaty bodies; the Human Rights Council special procedures with mandates relevant to economic, social and cultural rights; and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Concerning OHCHR, the present report includes some illustrative examples of the activities undertaken at headquarters and field presences in the field of economic, social and cultural rights.

## **II. Activities of treaty bodies**

### **A. Committee on Economic, Social and Cultural Rights**

2. As of 26 February 2010 there are 160 States parties to the International Covenant on Economic, Social and Cultural Rights, an increase of one State party, the Bahamas, in 2009.

3. On 20 December 2008, the United Nations General Assembly adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. This treaty was opened for signature and ratification in New York on 24 September 2009 and as of 1 March 2010 there are 32 signatories to the treaty.

4. During 2009, the Committee on Economic, Social and Cultural Rights held two sessions and examined the status of implementation of the Covenant in the following 10 States parties: Australia, Brazil, Cambodia, Chad, Cyprus, the Democratic Republic of the Congo, Madagascar, Poland, the Republic of Korea and the United Kingdom of Great Britain and Northern Ireland.

5. The Committee adopted two new general comments during 2009: No. 20 (art. 2, para. 2 of the Covenant) on non-discrimination in the enjoyment of economic, social and cultural rights and No. 21 (art. 15, para. 1 (a), of the Covenant) on the right of everyone to take part in cultural life.

6. In October 2009, OHCHR organized for the Committee a seminar on the justiciability of economic, social and cultural rights, aiming to offer relevant inputs on comparative experiences in the adjudication of such rights, given that the Optional Protocol mandates the Committee to examine individual communications amongst other functions. The seminar provided space to discuss relevant substantive and procedural issues posed by litigation in the field of economic, social and cultural rights.

7. At its forty-third session, in November 2009, the Committee held an information session on the right to sexual and reproductive health organized by the United Nations Population Fund and with the participation of the World Health Organization.

### **B. Committee on the Rights of the Child**

8. In 2009, the Committee continued to address issues of economic, social and cultural rights as part of its periodic reviews of State party reports.

9. Furthermore, the Committee adopted two general comments in 2009 exploring aspects of economic, social and cultural rights. During its fiftieth session in January 2009,

the Committee on the Rights of the Child adopted its general comment No. 11 on indigenous children and their rights. The general comment underscores the importance of the right to be registered, to bilingual education, to health, to the enjoyment of culture, religion and language and to participation, and highlights special measures required by States in order to guarantee the effective exercise of indigenous children's rights.

10. During its fifty-first session in June 2009, the Committee on the Rights of the Child adopted its general comment No. 12 on the right of the child to be heard. The general comment addresses the application of article 12 to, *inter alia*, the rights to health, social security, education, living conditions and protection.

11. In December 2009, the first session of the Open-ended Working Group to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child took place.

### **C. Human Rights Committee**

12. In 2009, the issue of the enjoyment of economic, social and cultural rights was raised by the Human Rights Committee in connection with rights provided in the International Covenant on Civil and Political Rights, in particular the prohibition of discrimination and equality between men and women, the rights of detained persons and the rights of minorities, thus highlighting the indivisibility, interrelatedness and interdependence of all human rights.

13. During its review of States parties' periodic reports in 2009, the Committee expressed concern about serious disadvantages regarding access to housing, social security, health care and education facilities as a result of discrimination on the grounds of sexual orientation. The Committee also deplored the shortcomings in access to housing and employment as a form of discrimination suffered by persons with disabilities. On several occasions the Committee expressed great concern about massive shortcomings in the provision of health facilities and adequate food in prisons.

14. In its concluding observations addressed to one State party, the Committee expressed concern about the lack of conservation of the cultural heritage of a specific minority. In relation to three other States parties, the Committee regretted the insufficient access of certain minorities to health, education, and social security services. In Views adopted regarding an individual communication, the Committee recalled that economic development shall not undermine the rights protected by article 27, and considered that the State party concerned had taken measures which substantially interfered with the culturally significant economic activities of an indigenous community, without giving them an opportunity to participate in the decision-making process. The Committee concluded that the State party had breached the complainant's right to enjoy her own culture together with the other members of her group.

### **D. Committee on Migrant Workers**

15. The Committee on Migrant Workers continued to address the enjoyment of economic, social and cultural rights of all migrant workers and members of their families. During 2009, the Committee held two sessions and considered the initial reports submitted by Azerbaijan, Bosnia and Herzegovina, Colombia, the Philippines and Sri Lanka. Issues raised during the consideration of these reports were, *inter alia*, the right to form and join trade unions; the right to an effective remedy for violations of migrants' rights, especially labour rights; right to health, in particular for undocumented migrant workers and members of their families; supervision of recruitment agencies; the situation of children of migrant

families; and the desirability of social security agreements between countries of origin and of employment.

16. On 1 May 2009, the Committee organized, on the International Labour Day, a round table on the right to freedom of association for migrant workers, in cooperation with the ILO and trade union organizations. In October 2009, the Committee held a day of general discussion on migrant domestic workers, with the participation of human rights experts, representatives of States, United Nations agencies, and international and civil society organizations. The Day aimed at providing input to the debate at the ninety-ninth session of the International Labour Conference in 2010, which will discuss “Decent work for domestic workers” and consider the adoption of a new ILO instrument on domestic workers by 2011. More generally, the Committee intended to promote greater awareness of the particular situation and rights of migrant domestic workers.

### **E. Committee on the Elimination of Discrimination against Women**

17. During its forty-third session, in January 2009, the Committee adopted a statement on the international financial crisis stressing that gender perspectives should be taken into account in relation to the impacts of the crisis on both a long- and short-term basis, including in relation to education, health, security and livelihoods. The Committee underscored the importance of recognizing the unique contribution that women can make in the timely resolution of the crisis and called upon States parties to include women in the dialogue and decision-making processes around these issues. The Committee also adopted a statement calling on all States parties to support international efforts to alleviate the humanitarian and economic situation in Gaza and to facilitate the provision and distribution of humanitarian assistance including food and medical treatment, especially to women and children.

18. At its forty-fifth session, in July 2009, the Committee adopted a statement on gender and climate change which recalled that safety nets and insurance for social protection are essential to national adaptation plans as part of poverty reduction strategies, but that many women do not have access to health-care facilities and social security. While all women have the right to an adequate standard of living, housing and communications as well as to shelter during crisis situations due to natural disasters, the Committee regretted that women often face discrimination in this regard. Sex-disaggregated data, gender-sensitive policies and programme guidelines to aid Governments are necessary to protect women’s rights to personal security and sustainable livelihoods.

### **F. Committee on the Elimination of Racial Discrimination**

19. In 2009, the Committee on the Elimination of Racial Discrimination concluded its thematic discussion on the special measures to promote disadvantaged racial or ethnic groups in fields such as education, employment and housing under the International Convention on the Elimination of All Forms of Racial Discrimination. As a result, in August 2009, the Committee adopted general recommendation No. 32, which includes a detailed list of such measures.

### **G. Subcommittee on Prevention of Torture**

20. In the context of its mandate to visit all places of detention and to provide assistance to States parties to prevent torture and cruel, inhuman or degrading treatment or punishment, the Subcommittee on Prevention of Torture (SPT) undertook in 2009 three

preventive visits, to Cambodia, Honduras and Paraguay. In such endeavours, the SPT adopted an integral approach, considering both civil and political and economic, social and cultural rights. The conditions that the SPT monitors during its visits encompass the enjoyment of economic, social and cultural rights by persons deprived of their liberty. Reports and recommendations of the SPT refer to, inter alia, the enjoyment of the right to health, the right to food, the right to work, the right to education and other economic, social and cultural rights. Attention was particularly paid to persons in vulnerable situations, such as children, persons with disabilities, indigenous peoples and people of African descent, women, and migrants.

### **III. Activities of special procedures**

21. The independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, devoted 2009 to examining the issue of human rights obligations related to access to sanitation, recognizing that this topic has been relatively neglected if compared with the associated area of water. The report reviews the integral relationship between sanitation and multiple other civil, cultural, economic, political and social rights, and concludes that analysing sanitation only through the lens of other human rights is insufficient. She notes a trend towards recognizing sanitation as a distinct right, and supports this trend because of its fundamental connection to human dignity. She also embarked on a process of collecting good practices, beginning by establishing criteria for the identification of such practices from a human rights perspective. She undertook fact-finding missions to Costa Rica and Egypt, as well as a joint mission to Bangladesh with the independent expert on the question of human rights and extreme poverty.

22. In March 2009, the Human Rights Council established the mandate of the independent expert in the field of cultural rights. In October 2009, the Council appointed the first independent expert on cultural rights, Farida Shaheed. The mandate requires her to identify best practices in the promotion and protection of cultural rights, to identify obstacles to the enjoyment of cultural rights, to work with States to foster the adoption of measures to promote and protect cultural rights, and to study the relationship between cultural rights and cultural diversity.

23. In 2009, the Special Rapporteur on the right to food, Olivier De Schutter, continued working on the impact of the global food prices crisis, notably by participating in the General Assembly thematic dialogue on the global food crisis and the right to food in April 2009. He also participated in the reform of the FAO Committee on World Food Security. The Special Rapporteur examined the impact of trade policies and agriculture policies on the realization of the right to food, and advocated for a new approach and renewed investment in agriculture in Africa. He also studied the phenomenon of large-scale land acquisitions and leases, calling on all stakeholders to consider their potential effect on the realization of the right to food and to improve the security of tenure of smallholder farmers. He set forth guiding principles on large-scale land acquisitions and leases. In June 2009, the Special Rapporteur convened a conference in Berlin of representatives of agricultural business corporations to discuss their role in the protection of the right to food. He also conducted two missions to Benin and Nicaragua and two follow-up missions to Guatemala and Brazil.

24. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, presented his annual report to the Human Rights Council in June 2009. The report considered the relationship between the right to the highest attainable standard of health and intellectual property rights, especially with regard to access to medicines, as well as impact of the TRIPS

Agreements and flexibilities on national patent laws of developing and least-developed countries. In his annual report presented to the General Assembly in August 2009, the Special Rapporteur discussed the human rights basis for informed consent in clinical practice, public health and medical research and outlined its importance for respecting, protecting and fulfilling the right to health. During the reporting period, he undertook country missions to Poland and to Australia.

25. 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, Raquel Rolnik, undertook missions to Maldives and to the United States of America. In March 2009, she presented her annual report to the Human Rights Council on the consequences of the housing and financial crisis in the realization of the right to adequate housing. She also presented a report on the follow-up to country recommendations for Afghanistan, Mexico, Peru and Romania and a preliminary note on her mission to Maldives. In October 2009, she presented her annual report to the General Assembly on the impacts of climate change in the fulfilment of the right to adequate housing.

26. The Special Rapporteur on the right to education, Vernor Muñoz, presented his annual thematic report to the Human Rights Council, which focused on the right to education of persons in detention. The report calls for sustained efforts to respect, protect and fulfil that right. It underscores that prisoners face significant and complex educational challenges, due to a range of environmental, social, organizational and individual factors. In his report to the General Assembly, he discussed the issue of lifelong learning and human rights underlining their mutual interdependence. He undertook missions to Paraguay and Mongolia.

27. In his annual report to the Human Rights Council, presented in September 2009, the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu, focused on the adverse effects of ship-breaking activities on the enjoyment of human rights. The report notes that every year a great number of workers die or are seriously injured because of work-related accidents or occupational diseases related to long-term exposure to hazardous materials present on end-of-life ships. Workers do not usually receive any information or safety training and live in facilities which often lack basic requirements such as sanitation, electricity and drinking water. There is a general lack of medical facilities and social protection, and injured workers or their relatives hardly receive any compensation for accidents resulting in fatal injuries or permanent disabilities. During 2009, he undertook a country visit to the Kyrgyz Republic, where he examined the potential adverse effects that the unsound management of radioactive wastes and obsolete or banned pesticides may have on human health and the environment.

28. The independent expert on the question of human rights and extreme poverty, Magdalena Sepulveda, is currently developing an in-depth analysis of public policies aimed at eliminating extreme poverty with a view to identifying best practices and disseminating important lessons learned. In 2009, her reports focused on cash transfer schemes and the importance of social protection in the context of the global financial crisis. The report to the Human Rights Council recognized that cash transfer schemes are a tool to fulfil obligations under human rights law relating, in particular, to the right to social security and the right to an adequate standard of living. Nonetheless, it underlines that these schemes must be integrated within social protection systems and grounded in human rights standards and principles. The report to the General Assembly describes the need to establish solid social protection systems in the context of the global financial crisis. In 2009, she visited Bangladesh and Zambia, paying particular attention to social assistance schemes in both countries.

29. The independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephaz Lumina, undertook a country mission to Norway and Ecuador to examine the issue of illegitimate debt. The independent expert participated in the 2009 Social Forum in Geneva where he spoke on the impact of the global economic and financial crisis on efforts to combat poverty.

30. The independent expert on human rights and international solidarity presented his report to the Human Rights Council in September 2009. This report underscored that international solidarity is a principle of international law, and a precondition to human dignity and rights, particularly against the backdrop of the current global crises and climate change. The report discussed collective and shared responsibilities, inter- and intra-generational equity and common but differentiated responsibilities in the context of sustainable development. It also made explicit reference to general comments by the Committees on Economic, Social and Cultural and on the Rights of the Child on obligations not only to implement within the jurisdiction of ratifying States, but also to contribute, through international cooperation, to global implementation.

#### **IV. Activities of the Office of the United Nations High Commissioner for Human Rights**

31. During 2009, the Office of the High Commissioner for Human Rights conducted an office-wide consultation to elaborate the High Commissioner's Plan of Action and the Strategic Management Plan for the period 2010–2011. As a result, six thematic priorities and strategies were identified: countering discrimination; combating impunity and strengthening accountability, the rule of law and democratic society; pursuing economic, social and cultural rights and combating inequalities and poverty; protecting human rights in the context of migration; protecting human rights in situations of armed conflict, violence and insecurity; and strengthening human rights mechanisms and the progressive development of international human rights law. While one of the thematic priorities is directly focused on economic, social and cultural rights, the Strategic Management Plan makes it clear that these rights make an integral part of all six priorities.

32. In 2009, the Office continued to work for the promotion and protection of economic, social and cultural rights through a wide range of activities at the country, regional and headquarters levels. The work of OHCHR on economic, social and cultural rights was guided by the following priorities: greater country engagement to ensure that international human rights standards are implemented on the ground, an enhanced leadership role for the High Commissioner, closer partnerships with civil society and United Nations agencies, and greater synergy with the United Nations human rights bodies.

33. The sections below illustrate some of the activities implemented by the Office in the field of economic, social and cultural rights through the lens of these priorities. These do not aim at offering an exhaustive overview of the work of OHCHR on economic, social and cultural rights, but rather at providing some examples of the action taken at country, regional and headquarters levels.

##### **A. Greater country engagement**

34. In 2009, OHCHR continued to strengthen its country engagement efforts through monitoring activities, research on specific issues, technical cooperation and assistance, collaboration with various stakeholders, as well as increased deployment of human rights staff to countries, regional offices and peace missions.



35. Activities carried out in relation to economic, social and cultural rights in the field included monitoring, support to legal protection and legal reform, support to the development and implementation of national policies and programmes, capacity-building and awareness-raising. The Millennium Development Goals (MDGs) and the right to development also offered entry points for field presences to engage in work on economic, social and cultural rights.

36. Several field presences monitored cases of violations of economic, social and cultural rights. For example, as part of its programme on the right to adequate housing and land issues, OHCHR-Cambodia has been monitoring a number of cases of eviction and resettlement of communities. The Office worked with government authorities, United Nations agencies, development partners and NGOs to promote that evictions and relocations are conducted legally and uphold United Nations resettlement standards. In rural areas, OHCHR-Cambodia has continued to monitor the impacts of the sale or lease of land for agro-business purposes on communities' economic, social and cultural rights. The Office continued to monitor and investigate cases of threats and arrests of community members and civil society actors in relation to land-related activism, providing advice to relevant authorities to comply with the due process of law. Furthermore, OHCHR-Cambodia prison reform programme systematically monitored prisoners' economic, social and cultural rights, such as access to food, to health services, to adequate drinking water and sanitation and to education or vocational training.

37. OHCHR-Colombia paid special attention in 2009 to the protection of rights of indigenous peoples and Afro-Colombian communities, in particular with respect to the implementation of the 2009 Constitutional Court orders on the situation of internally displaced persons. The Office participated in a public hearing in Congress about a judicial order regarding indigenous people and provided analysis and made recommendations regarding the implementation of an order on Afro-Colombian communities.

38. In 2009, Guatemala again faced a food crisis caused by climate and economic phenomena resulting in harvest losses and higher basic grain prices. The crisis affected an estimated population of 2.5 million people, particularly in the "dry corridor", including an undetermined loss of lives of children due to acute malnutrition. OHCHR-Guatemala carried out missions to monitor the situation, focusing specially on the right to food.

39. OHCHR-Mexico followed several cases on economic, social, cultural and environmental rights, especially those of indigenous people. The Office had focused its attention particularly on human rights issues related to land and natural resources. Most of these cases are related to large-scale development projects. OHCHR-Mexico followed up on several cases by systematizing information, sending letters to relevant authorities, building up the legal capacity of communities, participating in different forums and seminars and sending information to special procedures.

40. OHCHR-Nepal paid close attention to land occupation and forced evictions, with the aim to ensure that the rights of those subject to eviction are respected. To this end, OHCHR developed eviction guidelines (in English and Nepali) in coordination with the National Human Rights Commission which set forth minimum standards for State authorities in relation to evictions.

41. After publishing a thematic report on the right to food at the end of 2008, the Economic, Social and Cultural Rights Unit of the Human Rights and Transitional Justice Section of UNMIT (the United Nations Mission in Timor-Leste) conducted follow-up monitoring and reporting between February and June 2009. Some recommendations from the thematic report of 2008 were implemented at the district level, and awareness regarding Government-subsidized rice increased in the general population.

42. OHCHR/UNAMA (Afghanistan) undertook field-based research to contribute to a better understanding of how human rights perspectives can contribute to poverty alleviation. The report, entitled “Willful Neglect: The Human Rights Dimension of Poverty”, employs the enjoyment of the right to food as the entry point to examine poverty.

43. In Serbia, an important joint work was undertaken by the Human Rights Adviser, in close collaboration with the United Nations Country Team (UNCT) and other key partners, on the evictions and relocation of informal Roma settlements in Belgrade. This work included, inter alia, an expert mission to assess the situation, dissemination of information on international standards related to forced evictions, assessment of relocation sites and collaborative work with the authorities.

44. Human rights field presences have also supported processes of legal protection and reform of legislation related to the enjoyment of economic, social and cultural rights. For example, OHCHR-Uganda has engaged in advocacy for the establishment of functional land adjudication bodies, training for land adjudicators on due process, non-discrimination, and gender standards, and advocacy at the national level for prioritization and resource provision for oversight and review of local land adjudication.

45. In October 2009, OHCHR Regional Office in Panama organized a regional seminar for parliamentarians. A day was devoted to the Optional Protocol to the Covenant on Economic, Social and Cultural Rights. In follow-up to the seminar, the Regional Office has been in contact with parliamentarians in El Salvador and Costa Rica to promote the ratification of the Optional Protocol.

46. The Human Rights Adviser in Ecuador promoted the justiciability of economic, social and cultural rights, organizing activities with the National Assembly, the Ministry of Justice, the judiciary, universities and civil society organizations. A book on judicial protection of social rights and an interactive CD-ROM toolbox on these rights were published and distributed. A session with the National Assembly was devoted to promote the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

47. Field presences have helped with the development and implementation of national public policies relevant to economic, social and cultural rights. In 2009 OHCHR-Cambodia undertook work at policy level to encourage development partners and the Government to develop comprehensive national guidelines on resettlement. Advice was also offered to development partners and the Government on the human rights and legal aspects of two key policy documents developed in 2009: a Circular on Illegal Settlements in urban areas and a Law on Expropriation. Several tools and materials on land and evictions were published.

48. OHCHR-Uganda’s support was sought by the Ministry of Health to contribute with a human rights review of sector policies and plans. In addition, technical advice was provided to the draft mental health bill which was revised in line with the provisions of the Convention on the Rights of Persons with Disabilities and international human rights standards. OHCHR has also engaged in advocacy for the establishment of functional land adjudication bodies, training for land adjudicators on due process, non-discrimination, and gender standards, and advocacy at national level for prioritization and resource provision for oversight and review of local land adjudication.

49. In the former Yugoslav Republic of Macedonia, the Human Rights Adviser disseminated widely and brought to the attention of partners general comment No. 20 of the Committee on Economic, Social and Cultural Rights on non-discrimination in economic, social and cultural rights. This informed the Government’s draft of a comprehensive anti-discrimination law which includes discrimination in the area of economic, social and cultural rights.

50. Field presences in Ecuador, Nepal and Mexico have worked towards strengthening the capacity of national authorities to integrate human rights indicators in the work of their statistic-collecting agencies, and in monitoring and evaluating public policies oriented to fulfil economic, social and cultural rights. For example, OHRHC-Mexico has promoted the elaboration of indicators on the right to health and education, among others, in collaboration with the National Institute for Statistics and Geography and the National Human Rights Commission. OHCHR-Nepal conducted a number of workshops for government officials, the national human rights institution and civil society organizations on human rights indicators and their use of a tool for measuring progress of human rights, especially economic, social and cultural rights. OHCHR-Nepal is working to ensure that human rights indicators are contextualized in Nepal and adopted as a tool for evaluating the implementation of treaty body recommendations. In Ecuador, OHCHR provided training on human rights indicators to the Ministry of Justice and Human Rights, the System of Social Indicators, the National Institute of Statistics and Census, the National Secretary of Plan and Development, and the Ombudsman. As a result, these authorities decided to implement a system of justice and human rights indicators to guarantee the coordination, systematization and updating of the information on the situation of respect of human rights and the access of justice.

51. Many OHCHR field presences continued to provide support for capacity-building in the area of economic, social and cultural rights notably through training workshops. Participants in the workshops included government officials, local authorities, parliamentarians, national human rights institutions, non-governmental and community-based organizations, United Nations staff, representatives of the private sector and the media, human rights defenders, legal and health professionals, academia, trade unions and students. For instance, OHCHR-Uganda continued to work on justice for internally displaced persons in land matters. The respective strategy entailed, inter alia, training on women's rights including in access to land, and on advocacy skills for women's groups, community-based organizations, and agro-community organizations. Such capacity strengthening is extended to enable these organized entities to support rights holders, especially women.

52. OHCHR/UNAMA (Afghanistan) undertook a mentoring programme for the Afghan Independent Human Rights Commission on economic and social rights that focused on strengthening its capacity to analyse economic and social data from a human rights perspective. This resulted in the Afghanistan Independent Human Rights Commission (AIHRC) preparing its fourth annual report on economic and social rights and in the submission by the AIHRC of a shadow report to the Committee on Economic, Cultural and Social Rights. It also conducted three workshops on a human rights-based approach to development in Dai Kundi province, in particular for provincial authorities.

53. In Timor-Leste, UNMIT conducted seven follow-up workshops on economic, social and cultural rights and a human rights-based approach at the district level. As a result six NGOs are monitoring these rights and applying some human rights-based approach principles. The unit also conducted in-house training on monitoring these rights for staff of the National Human Rights Institution in 2009, which resulted in the NHRI monitoring these rights since February 2010. Furthermore, it organized a workshop on the right to adequate housing for representatives of the Government and NGOs. Following the workshop, the housing rights network, consisting of six NGOs, has been conducting research on adequate housing in Timor-Leste.

54. In 2009 the OHCHR Regional Office for Central Asia organized several trainings and a regional workshop to increase awareness of the international standards on the right to adequate housing among human rights activists and NGOs in Kazakhstan, Kyrgyzstan and Tajikistan. Moreover, grants were allocated by the Regional Office to four NGOs to support

them in undertaking concrete initiatives to promote the right to adequate housing in their respective countries. Grant projects focus on provision of free legal aid, advocacy for ratification of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, raising awareness about the relevant national legislation on housing rights and international standards as well as advocacy through creation of video reels and films.

55. OHCHR Regional Office for Central America in Panama led the establishment of a regional inter-agency human rights group. One of the initiatives of the group was to organize, in April 2009, training for trainers on the right to food, especially regarding indigenous peoples and Afro-descendant population, with various United Nations agencies and the support of the Regional Directors Team. In September 2009 the Regional Office and WFP organized a technical consultation on the right to food with special focus on children under 2 years of age. The consultation brought together experts, representatives of United Nations agencies and programmes, international cooperation agencies and NGOs. The outcome document calls on OHCHR and WFP, in cooperation with other agencies, to further promote the analysis and action to strengthen the enjoyment of the right to food by children under 2 in the region.

56. OHCHR Regional Office in Chile sponsored and participated in the teaching of two diploma courses on economic, social and cultural rights organized by the Henry Dunant Institute for NGOs, public officials and other stakeholders from the Latin American Region in Santiago.

57. OHCHR Regional Office in Bangkok provided support to capacity-building in the area of economic, social and cultural rights notably through training workshops and worked to raise awareness about economic, social and cultural rights among various stakeholders and has been supporting the establishment of an ASEAN human rights system.

58. Field presences have also worked to raise awareness about economic, social and cultural rights among various stakeholders. For example, to further raise awareness on United Nations standards on resettlement, OHCHR-Cambodia published a bilingual booklet containing frequently asked questions on the right to housing and protection against eviction, general comment No. 7 on forced evictions and the Basic Principles and Guidelines on Eviction and Displacement by the Special Rapporteur on adequate housing. The latter was also published by OHCHR-Mexico. OHCHR-Nepal has engaged in awareness-raising about the human rights of *haliyas* (bonded labourers working as land tillers) and other socially marginalized and discriminated groups through the medium of forum theatre combined with workshops for local advocacy and capacity-building activities. OHCHR Regional Office in Bangkok contributed to increasing awareness among persons with disabilities by publishing and distributing leaflets about their rights and producing an advocacy documentary dedicated to issues of employment opportunities and accessibility of buildings for persons with disabilities.

59. The MDGs and the right to development also provided field presences with opportunities to approach development and poverty reduction from a human rights perspective. In 2009, OHCHR set a strategic goal to strengthen national accountability in MDG-based development processes and poverty reduction strategies from human rights perspectives. Consultations with OHCHR field presences and assessment missions to Haiti and Liberia during the first half of 2009 helped developing a draft operational framework on the practical use of existing human rights monitoring tools in assessing and monitoring the specific human rights standards and principles most relevant to policies, particularly in the poverty reduction context. The framework provided an analytical mapping of key research initiatives, to be further complemented with country case studies and good experiences.

60. Furthermore, OHCHR developed a draft training package on a human rights-based approach to budget monitoring and advocacy. A first training workshop on budget monitoring was held in Haiti in November 2009 jointly with the Human Rights Section of the United Nations Mission in Haiti. Similar training was also organized in Liberia in December 2009 with support and assistance from the Human Rights and Protection Section of the United Nations Mission in Liberia. A variety of Government, civil society and UNCT actors in both countries benefited from these workshops. As follow-up, OHCHR field presences in Haiti and Liberia, through consultation with national partners, are in the process of formulating specific follow-up projects in the country, with a focus on piloting some of the budget monitoring tools in the national policy and budget formulation and implementation processes. The prospects of such follow-up in Haiti will be delayed, due to recent tragic consequences of the earthquake in early January 2010.

61. In October 2009 in Arusha, Tanzania, the OHCHR Regional Office in East Africa jointly organized with the Department for Political Affairs of the African Union Commission and the United Nations Economic Commission for Africa, a meeting of experts on the universal periodic review (UPR) and the African Peer Review Mechanism, with specific consideration of the right to development in Africa. Practical recommendations from the meeting included the need for both mechanisms to focus on the right to development and to request information on specific State policies regarding development. While harmonization and coordination of reporting systems at the national level were felt necessary, the need for strengthening the African Peer Review Mechanism structure at the national level to ensure that State submissions reflect input of civil society organizations was also emphasized in order to raise public awareness and ownership.

## **B. Enhanced human rights leadership**

62. The High Commissioner advocated for the integration of a human rights-based approach in the response efforts to the global food security crisis. OHCHR contributed to the Secretary-General's statement at the High-Level Meeting on "Food Security for All", held in Madrid in January 2009, emphasizing that the right to food should be fully integrated into both emergency assistance and in efforts to achieve sustainable food and nutrition security for all. During the World Summit on Food Security, organized in Rome in November 2009, the Deputy High Commissioner stressed that the right to food requires concrete actions, such as the mapping of the food insecure, the adoption of legislation and policies with a right to food framework, the establishment of accountability mechanisms to enable rights-holders to claim their rights, and the participation of rights-holders, particularly the most vulnerable, in the design and monitoring of relevant legislation and policies. In February 2009, OHCHR joined the High-Level Task Force on the Global Food Security Crisis convened by the United Nations Secretary-General and actively contributes to the update process of the Comprehensive Framework for Action.

63. In the context of the recent global financial crisis, the High Commissioner advocated for the integration of human rights in the responses to the crisis. In particular, the High Commissioner participated in the General Assembly Conference on the World Financial and Economic Crisis and Its Impact on Development to assess the financial crisis (June 2009) and the International Seminar on Human Rights and MDGs (The Hague, May 2009), strongly advocating and highlighting the international dimensions of human rights obligations. OHCHR also contributed to efforts in framing the longer-term United Nations response to the financial crisis.

64. The High Commissioner devoted her 2009 report to the Economic and Social Council to the implementation and monitoring of economic, social and cultural rights. The report outlines various ways of monitoring legislation and other normative measures, such

as regulations, policies, plans and programmes, in the area of economic, social and cultural rights.

65. In 2009, the OHCHR continued the advocacy work on the centrality of human rights in the AIDS response. This was done by providing information to the treaty monitoring bodies on the HIV-related human rights concerns in countries under consideration and by preparing the Secretary-General's report on the protection and promotion of human rights in the context of HIV and AIDS for the tenth session of the Human Rights Council. The Deputy High Commissioner for Human Rights participated in the Ninth International Congress on AIDS in Asia and the Pacific held in Bali, where she made a number of statements highlighting the urgent need to address human rights issues in order to overcome obstacles to an effective response to the epidemic. OHCHR organized a side event during the Durban Review Conference on "HIV-related discrimination: restrictions on the entry, stay and residence of people living with HIV". Furthermore, regional workshops were held in Dakar and Lima to support national human rights institutions in promoting rights-based national responses to HIV and to operationalize the joint OHCHR/UNAIDS Handbook on HIV and Human Rights for National Human Rights Institutions.

66. Under its mandate to mainstream the right to development, OHCHR organized activities aimed to integrate the right to development in several areas of international cooperation. These included a parallel event on Financing for Development during the 2009 General Assembly session in New York; a co-sponsored event on Human Rights Impact Assessments at the World Trade Organization Public Policy Forum with an NGO; and a side event on the World Intellectual Property Organization's Development Agenda, co-sponsored by the United Nations Conference on Trade and Development and the International Centre for Trade and Sustainable Development.

### **C. Closer partnerships with civil society and United Nations agencies**

67. OHCHR continued its close partnership and collaboration with various United Nations agencies and civil society organizations working on issues related to the promotion and protection of economic, social and cultural rights, the MDGs and poverty reduction.

68. In 2009 OHCHR continued to closely collaborate with various United Nations agencies working on issues related to the promotion and protection of economic, social and cultural rights, including the Food and Agriculture Organization (FAO), the World Health Organization (WHO), UN-Habitat, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNESCO. As a result of this collaboration, OHCHR produced several documents for wide dissemination with other United Nations agencies, including the joint publication of a fact sheet on the right to housing with UN-Habitat, and the joint elaboration of fact sheets on the right to water with WHO and UN-Habitat and on the right to food with FAO, both to be published in 2010. With UNESCO and UNICEF, OHCHR started working on a joint publication on the right to education in the Convention on the Rights of Persons with Disabilities, which will be ready for publication in 2010. The Office substantively contributed to the joint OHCHR/WHO tool on a human rights-based approach and gender equality in national health strategies, and to the finalization of the Inter-Agency Standing Committee (IASC) Guidelines on HIV in Humanitarian Situations, and co-produced the Policy Brief on Disability and HIV, together with UNAIDS and WHO.

69. OHCHR continued its close collaboration with UN-Habitat. A delegation from the Office travelled to UN-Habitat's headquarters in Nairobi to discuss how to enhance and develop the joint work. The delegation also met with UNEP to discuss the development of the two organizations' joint work in various areas, including on environment and climate change and human rights. OHCHR also contributed to the publication of a Policy Guide to Housing for Indigenous Peoples in Cities with UN-Habitat.

70. Joint work with UNESCO included the participation of OHCHR in seminars to support the adoption of the general comment on the right to participate in cultural rights by the Committee on Economic, Social and Cultural Rights, and to clarify the scope of the right to benefit from scientific progress and its applications.

71. Regarding collaboration with civil society, OHCHR continued to facilitate a consultation process among representatives of indigenous communities and seven Governments of the Amazon Basin and El Chaco to formulate guidelines to protect the rights of indigenous peoples in voluntary isolation and in initial contact. A first draft of the guidelines was revised at a consultation meeting convened in Geneva in March 2009. The draft guidelines include principles for the development of policies and programmes in key areas such as health, and underscore the interdependence between the cultural rights of indigenous peoples and other rights such as the right to self-determination.

72. OHCHR continued its work related to the impact of extractive industry activities on indigenous peoples and their land. It participated in an expert meeting held in Spain in October 2009 to examine existing international and other initiatives and mechanisms for the prevention of conflict related to extractive industries and indigenous peoples. As part of its substantive and organizational support to the United Nations Expert Mechanism on the Rights of Indigenous Peoples, OHCHR organized a technical workshop on the right of indigenous peoples to education in order to contribute to the study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education.

73. The work of the OHCHR in the field of minority rights also contributed to the promotion and implementation of economic, social and cultural rights. This included a comprehensive minority fellowship programme that contained substantive elements of economic, social and cultural rights, building minorities' capacity and skills in these areas. The Office has also launched a regional capacity-building project for Afro-descendants in the Andean region, aimed to strengthen their capacity and skills to invoke human rights standards, including economic, social and cultural rights.

#### **D. More synergy with United Nations human rights bodies**

74. OHCHR has worked on strengthening the capacity of States parties to submit their reports to treaty bodies and engage with special procedures, as well as the capacity of civil society to participate in these mechanisms, in the area of economic, social and cultural rights.

75. OHCHR encouraged and systematized inputs to ensure the inclusion of economic, social and cultural rights in the UPR conducted by the Human Rights Council. During the first seven sessions of the Human Rights Council Working Group on the UPR held in 2008–2010, recommendations were made to a number of States concerning economic, social and cultural rights. Recommendations request States to ensure that national legislation and policies comply with international obligations; ratify relevant instruments, including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, cooperate with special procedures United Nations human rights mechanisms, meet reporting obligations and implement their recommendations. Furthermore, recommendations were made to intensify efforts to guarantee the right to food; strengthen poverty alleviation strategies and policies; enhance efforts in the provision of adequate housing, access to clean water and sanitation; ensure access to quality education, especially for girls and women; and ensure equal access to health services, including children and migrant women, refugees and asylum-seekers, indigenous peoples and persons belonging to minorities.

76. Field presences have worked towards the enhancement of State party reporting and NGO shadow reporting in the area of economic, social and cultural rights. For example, OHCHR-Uganda and the Uganda Human Rights Commission co-organized a workshop addressed to ministries involved in treaty reporting, Uganda Human Rights Commissioners and NGOs on good practices in treaty reporting with the main focus on the still pending Ugandan initial report under the International Covenant on Economic, Social and Cultural Rights. In 2009, the Regional Office in Eastern Africa held workshops in Tanzania, Djibouti and Ethiopia with government institutions, NGOs and other stakeholders, which resulted in States parties submitting overdue reports in the area of economic, social and cultural rights.

77. Several field presences have also assisted special procedures focusing on economic, social and cultural rights in fulfilling their mandate. For example, in September 2009 OHCHR-Guatemala assisted the Special Rapporteur on the right to food in carrying out his follow-up mission to the country. In turn, OHCHR/UNAMA (Afghanistan) and the Human Rights Adviser in the former Yugoslav Republic of Macedonia coordinated the UNCT's responses to the Special Rapporteur on the right to food. OHCHR/UNAMA also produced an analysis of the measures taken by the Government to address the recommendations of the Special Rapporteur on the right to adequate housing following his country mission.

78. At the request of national stakeholders, OHCHR conducted training workshops on the conceptual and methodological framework on indicators developed with the treaty bodies (outlined in HRI/MC/2008/3). Technical assistance on human rights indicators was provided by OHCHR in a number of countries, including in Ecuador, Guatemala, Kenya, Mexico and Nepal. Following recommendations of the treaty bodies, OHCHR started the development of practical tools to facilitate the use of the adopted framework. OHCHR has encouraged further exchanges on country level experiences in using statistical and other structural, process and outcome indicators to foster the implementation and monitoring of economic, social and cultural rights.

79. OHCHR continued to provide organizational, substantive and analytical support to the Human Rights Council mechanism of the intergovernmental Working Group on the Right to Development and its high-level task force on the implementation of the right to development, which has been engaged with global partnerships for development from the perspective of the right to development, through dialogue and other forms of collaboration. The task force has engaged in the area of development aid, jointly with several international and regional bodies, in issues including trade, access to essential medicines, debt relief and sustainability and transfer of technology.

80. OHCHR played an integral role in facilitating the 2009 Social Forum of the Human Rights Council. The Forum was attended by representatives of Member States, civil society organizations, major United Nations System Organizations and inter-governmental organizations. Recommendations were made on national anti-poverty programmes, implementation of social security programmes from a human rights perspective, negative impacts of economic and financial crisis on efforts to combat poverty and international assistance and cooperation in combating poverty.

## V. Conclusions

81. **The year 2009 witnessed some important developments in the area of economic, social and cultural rights. The opening for signature and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the ensuing significant number of signatures show a positive trend in closing the historical protection gap affecting those rights. Likewise, OHCHR successfully lead**



the incorporation of a right to food perspective in the international community's response to the world food crisis.

82. The appointment of two new independent experts in the area of economic, social and cultural rights — water and sanitation, and cultural rights — are also examples of a trend aiming to devote increased attention to the clarification and operationalization of economic, social and cultural rights that received little attention in the past.

83. The Committee on Economic, Social and Cultural Rights has also contributed to the further clarification of the application of the principle of non-discrimination to economic, social and cultural rights, and of the right to participate in cultural life. In addition, several other treaty bodies have developed substantive interpretations involving economic, social and cultural rights.

84. In 2009 the Office of the United Nations High Commissioner for Human Rights has increased and further strengthened its work in the field of economic, social and cultural rights at the country, regional and international levels. The firm inclusion of economic, social and cultural rights as a cross-cutting component of the six thematic priorities and strategies of the 2010–2011 Strategic Management Plan will consolidate this trend.

85. The Office will continue to devote efforts to achieve an even consideration of economic, social and cultural rights and civil and political rights. More emphasis will be placed on the incorporation of economic, social and cultural rights in the work plan of all field presences; capacity-building of OHCHR staff and other stakeholders about economic, social and cultural rights and the adequate coordination of efforts with other United Nations agencies.

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