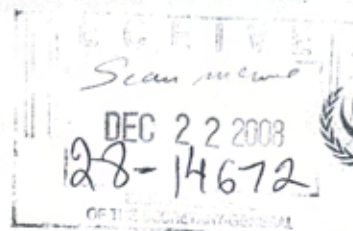




VN/NA (fi)

MEMORANDUM



TO: Mr. Vijay Nambiar
Chief of Cabinet
Executive Office of the Secretary-General

REF: MK/NM/is

DE/FROM: Navanethem Pillay
High Commissioner for Human Rights

DATE: 18 December 2008

OBJET: Report of the Secretary-General on the question of the realization in all countries of
SUBJECT: economic, social and cultural rights – For information ✓

1. Please kindly find attached, for information, the Secretary-General report (A/HRC/10/46) on the question of the realization in all countries of economic, social and cultural rights, covering the period January to December 2008.
2. This report is submitted pursuant to paragraph 16 of the Human Rights Council resolution 4/1, on the "Question of the realization in all countries of economic, social and cultural rights", in which it requested the Secretary-General "to submit to the Council an annual report on the implementation of the present resolution".
3. In the resolution, the Council refers to activities in a range of fields relevant to the promotion and protection of human rights, focusing particularly on the activities of the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Rights of the Child (CRC); the special procedures of the Human Rights Council with mandates focusing on one or more economic, social and cultural rights and also with other thematic mandates; and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Concerning OHCHR, the present report provides the Council with some examples of activities undertaken in implementing the strategic vision set out in the High Commissioner's Strategic Management Plan 2008-2009 and further detailed in the corresponding Plan of Action.
4. The enclosed report does not contain any controversial issue to be flagged for the attention of EOSG.

Thank you.

cc: - Mr. Ngonlardje Mbaidjol, Director, OHCHR, N.Y. Office
- Mr. Ibrahim Wani, Chief, DESIB

MAR 18 2009



General Assembly

Distr.
GENERAL

A/HRC/10/46
15 December 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Tenth session
Agenda Item 2

**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE
HIGH COMMISSIONER AND THE SECRETARY-GENERAL**

**Report of the Secretary-General 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 4/1 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. These activities include those of the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on Migrant Workers, several special procedures and of the Open-ended Working Group on an optional protocol to the International Covenant on 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. In line with the Strategic Management Plan for the period 2008-2009 in which the Office's priorities are articulated, the present report reflects a continued focus in the work on economic, social and cultural rights, highlighting some of the major areas of enhanced capacity and engagement.

* This document is submitted late to reflect the most recent information.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1	
I. ACTIVITIES OF TREATY BODIES	2-11	
A. Committee on Economic, Social and Cultural Rights	2-8	
B. Committee on the Rights of the Child	9-10	
C. Migrant Workers Committee.....	11	
II. ACTIVITIES OF SPECIAL PROCEDURES.....	12-20	
III. ACTIVITIES OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS	21-58	
A. Greater country engagement	24-34	
B. Enhanced human rights leadership	35-44	
C. Closer partnership with civil society and United Nations agencies	45-53	
D. More synergy with United Nations human rights bodies	54-58	
IV. CONCLUSIONS	59-63	

Introduction

1. In its resolution 4/1, the Human Rights Council requested the Secretary-General to submit to the Council an annual report on the implementation of that resolution. The Human Rights Council referred to activities in a range of fields relevant to the promotion and protection of human rights, focusing particularly on the activities of United Nations treaty bodies; the special procedures of the Human Rights Council, with mandates focusing on one or more economic, social and cultural rights and also with other thematic mandates; and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Concerning OHCHR, the present report contains some illustrative examples of the activities undertaken in implementing the strategic vision set out in the High Commissioner's Strategic Management Plan for the period 2008-2009 and further detailed in the corresponding Plan of Action.

I. ACTIVITIES OF TREATY BODIES

A. Committee on Economic, Social and Cultural Rights

2. As at 1 December 2008, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 159 States¹, an increase of two States parties during the reporting period.

3. During its two sessions held in 2008, the Committee on Economic, Social and Cultural Rights examined the status of implementation of the Covenant in 9 States parties, on the basis of reports submitted by those States parties, as well as a document submitted by the United Nations Interim Administration Mission in Kosovo (UNMIK) on the implementation of the Covenant in Kosovo since 1999. A constructive dialogue was held with a delegation from each of those States parties, as well as from UNMIK. The States parties examined were Angola, Benin, Bolivia, France, India, Kenya, Nicaragua, the Philippines and Sweden.

¹ <http://treaties.un.org>

4. At its forty-first session, held from 3 to 21 November 2008, the Committee adopted reporting guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant (E/C.12/2008/2). These guidelines replace the Committee's revised reporting guidelines (E/C.12/1991/1) and take into account the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.5), as well as the Committee's evolving practice in relation to the application of the Covenant, as reflected in its concluding observations, general comments and statements.

5. Also at its forty-first session, on 17 November 2008, the Committee held a half-day general discussion on "Non-discrimination and the International Covenant on Economic, Social and Cultural Rights", during which experts from specialized agencies, academic institutions, non-governmental organizations (NGOs) and OHCHR provided input for the preparation of a general comment on article 2, paragraph 2, of the Covenant.

6. On 1 May 2008, members of the Committee participated in an informal consultation on the impact of international trade agreements on the enjoyment of economic, social and cultural rights with WTO ambassadors, NGOs representatives, as well as with OHCHR and WTO staff members, to further discuss potential areas of interaction between the trade and human rights. On 10 November 2008, members of the Committee participated in an informal consultation on trade and human rights to discuss the possibility of drafting a set of questions which might serve as a reference in the Committee's dialogue with States parties, with a view to assessing the extent to which trade and trade-related policies affect the enjoyment of economic, social and cultural rights.

7. On 16 May 2008, at its fortieth session, the Committee adopted a statement on the world food crisis (E/C.12/2008/1). In the statement, the Committee urged States parties to address the structural causes of the crisis notably by promoting sustainable agriculture, investing in small-scale agriculture, revising the World Trade Organization (WTO) trade regime to ensure that trade rules promote, rather than undermine, the right to adequate food, as well as by undertaking ex-ante impact assessments of financial, trade and development policies.

8. The joint expert group on the monitoring of the right to education, which comprises two members of the Committee and two members of the Committee on Conventions and

Recommendations of the United Nations Educational, Scientific and Cultural Organization (UNESCO), held its eighth and ninth meetings on 6 May and 25 November 2008, respectively. The joint expert group discussed, inter alia, the inclusive dimensions of the right to education and made recommendations to ensure universal access to education without discrimination or exclusion. It presented its recommendations to the 48th International Conference on Education, held on 26 November 2008 in Geneva, emphasizing the legal obligation and political responsibility of States to give effect to the inclusive dimensions of the right to education.

B. Committee on the Rights of the Child

9. In 2008, the Committee on the Rights of the Child continued to address the issue of enjoyment of economic, social and cultural rights of all children in the course of its work.

10. The annual day of general discussion of the Committee, held on 19 September 2008 during its 49th session, was devoted to articles 28 and 29 of the Convention on the Rights of the Child dealing with the right to education, focusing upon the education of children in emergency situations. The Committee benefited from a large number of participants from States parties, international organizations, and NGOs, as well as individuals. The discussion identified, among key issues, the fact that quality education was a human right that children do not forfeit when struck by emergency situations; that education must form an integral part of every humanitarian response and must be provided from the outset of relief measures; and that minimum standards must be respected. The discussion also highlighted the need to take preventive action in order to ensure the right to education in emergency situations whenever possible.

C. Committee on Migrant Workers

11. The Committee on Migrant Workers continued to address the issue of enjoyment of economic, social and cultural rights of all migrant workers and members of their families in 2008. At its 8th and 9th session in 2008, the Committee considered reports submitted by Bolivia, the Syrian Arab republic and El Salvador. When considering reports of States parties and notably in its concluding observations, the Committee recommended to States parties to take the necessary measures, including legislative amendments, to ensure that migrant workers and members of their families can enjoy economic, social and cultural rights and notably the right to form and join trade unions. Further, the Committee expressed its concerns about the situation of

children of migrant families, and recommended that States parties carry out comprehensive studies regarding their situation in order to develop adequate strategies to ensure their protection and the full enjoyment of their rights, including the right to education and other economic, social and cultural rights. In its review of States parties' reports, the Committee also called upon States parties to ensure the equal treatment of migrant workers, particularly migrant women, in agriculture and domestic employment. To this purpose, the Committee urged for an effective monitoring of the employment conditions of migrant workers in agriculture and domestic employment. The issue of seasonal workers' enjoyment of the right to the same treatment as national workers, particularly with respect to remuneration and conditions of work, was also highlighted. In this regard, the Committee asked States parties to ensure systematic monitoring, by the relevant authorities, of compliance with international standards.

II. ACTIVITIES OF SPECIAL PROCEDURES

12. During the reporting period, the Human Rights Council decided to extend the mandate of the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living by its resolution 6/27. During its 7th session, the Human Rights Council appointed Raquel Rolnik to succeed to Miloon Kothari, who served as Special Rapporteur since 2000. After discussions with a number of States, civil society representatives and other actors interested in the mandate, the new Special Rapporteur presented her first report (A/63/275) to the 63rd session of the General Assembly, which gives her views on further directions of the mandate. In particular, the Special Rapporteur identified the following issues as priorities, in addition to those developed by the previous mandate holder: the relation between the organization of mega-events and housing policies, the right to adequate housing in post-conflict and post-disaster reconstruction, the effects of climate change on the right to adequate housing, migration and housing and issues of social inclusiveness. The Special Rapporteur also discussed common projects to be developed in the coming years with other mandate-holders. From 3 to 6 November 2008, the Special Rapporteur attended and participated as a keynote speaker to the 4th World Urban Forum in Nanjing, China.

13. During the reporting period, the Special Rapporteur on the right to education, Vernor Muñoz Villalobos, undertook a country visit to Guatemala. He participated in various conferences and seminars, notably in relation to the topic of his 2008 annual report, devoted to the right to education in emergency situations. In this context, he also attended the day of general discussion of the Committee on the Rights of the Child dedicated to this issue. In addition, he attended the International Conference on Education, hosted by UNESCO and the International Bureau of Education, as well as the Forum on Minority Issues organized by the Independent Expert on minority issues and OHCHR. The Special Rapporteur also held various consultations with several actors in order to gather relevant information for his 2009 annual report which will focus on the right to education of persons in detention.

14. The former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, undertook a mission to GlaxoSmithKline (GSK), a pharmaceutical company in London. The new Special Rapporteur, Anand Grover, succeeded Paul Hunt on 1 August 2008. In August 2008, the new Special Rapporteur participated at the AIDS International Conference held in Mexico City. In October, he presented a report to the General Assembly (A/63/263) prepared by his predecessor. The report discusses the importance of effective, transparent accessible and independent accountability mechanisms in relation to the highest attainable standard of health. The annex to the report contains "Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines". The Guidelines are the outcome of wide-ranging discussions and consultations spanning over five years and consider issues such as transparency, management, accountability, patents, licensing and pricing in the context of access to medicines.

15. Since he took office on 1 May 2008, the current Special Rapporteur on the right to food, Olivier de Schutter, devoted much attention to the global food crisis. In particular, he examined the extent to which the responses adopted at the international and national levels have integrated the right to food. He also encouraged States to call for a special session of the Human Rights Council on the food crisis, which took place on 7 May 2008. The Special Rapporteur presented a report on the food crisis at the September 2008 session of the Human Rights Council, where he was mandated to monitor the implementation of responses to the crisis at the national level and report back on this in September 2009. The Special Rapporteur also participated to the High-Level Conference on World Food Security: The Challenges of Climate Change and Bioenergy

organized by the Food and Agriculture Organization (FAO) on 3-5 June 2008. The Special Rapporteur also convened a multi-stakeholder consultation on 15-16 December 2008 to discuss how the initiatives taken to support the agricultural sector in Africa could create an enabling environment to respect, protect and fulfil the right to food.

16. The mandate of the Independent Expert on the question of human rights and extreme poverty was handed over from Arjun Sengupta to Magdalena Sepúlveda in May 2008. In October 2008, the Independent Expert presented to the General Assembly her first report (A/63/274) detailing her programme of work. From 10 to 15 November 2008, the Independent Expert visited Ecuador where she gathered information about the situation of people living in extreme poverty and the main social policies in place. The Independent Expert also started developing her first thematic report (which will focus on cash transfer programmes) by compiling available information and sharing a questionnaire on these programmes to Member States.

17. The former Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, Bernard Muthoo, presented in March 2008 to the Human Rights Council draft general guidelines to be followed when pursuing economic reform and debt relief programmes in developing countries. The Human Rights Council, by resolution 7/4, reformulated the mandate of the Independent Expert to focus 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. In the same resolution, it requested the mandate holder to continue consultations on the draft general guidelines. The new Independent Expert, Cephas Lumina, who took up his functions on 1 May 2008, undertook missions to Brussels, Paris, London and Washington, to discuss the relationship between foreign debt and human rights with key international institutions, and to seek further comments on the draft guidelines.

18. The Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, in her first report to the General Assembly (A/63/288), laid down her vision and defined her priorities with respect to the implementation of her mandate. She identified human rights defenders working on economic, social and cultural rights as a category of defenders most exposed to attack and violations, "who need specific and enhanced protection, as well as targeted

and deliberate efforts to make the environment in which they operate a safer, more enabling and more accepting one".

19. Following his 2007 report (A/HRC/6/17), which focused on economic, social and cultural rights in the context of countering terrorism, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, continued to monitor issues related to all human rights in the counter-terrorism context, including recent policy developments and capacity-building efforts in relation to economic, social and cultural rights. He also participated in an expert seminar on the impact of terrorism and counter-terrorism measures on the enjoyment of economic, social and cultural rights organized on 5-7 November 2008 by the United Nations Counter-Terrorism Implementation Task Force's Working Group on Protecting Human Rights while Countering Terrorism.

20. The Special Rapporteur on independence of judges and lawyers, Leandro Despouy, addressed the links between access to justice and economic, social and cultural rights in his annual report to the Human Rights Council (A/HRC/8/4). Referring to the historical disparity between economic, social and cultural rights and civil and political rights, he stressed the crucial importance of access to justice and remedies in relation to the enjoyment of economic, social and cultural rights.

III. ACTIVITIES OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

21. The High Commissioner's Plan of Action and the Strategic Management Plan for the period 2008-2009 selected as a priority the strengthening of OHCHR thematic expertise in economic, social and cultural rights, notably at the country level.

22. In 2008, 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. OHCHR's work on economic, social and cultural rights was notably guided by the following priorities identified in the 2005 Plan of Action and reiterated in the 2008-2009 strategic management plan: greater country engagement to ensure that international human rights

standards are implemented on the ground, enhanced leadership role for the High Commissioner, closer partnerships with civil society and United Nations agencies, as well as greater synergy with the United Nations human rights bodies.

23. 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 OHCHR's work on economic, social and cultural rights, but rather at providing some examples of the approaches taken and some key interventions at country, regional and headquarters levels.

A. Greater country engagement

24. In 2008, 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.

25. Entry points for greater country engagement on economic, social and cultural rights included work on poverty and poverty reduction, the fight against impunity, transitional justice, legal protection, as well as non-discrimination and equality. A focus on specific groups, including the poor, women, children, internally displaced persons and refugees, migrants, indigenous peoples or minorities also allowed developing specific activities and projects related to economic, social and cultural rights. In addition, work on economic, social and cultural rights was also integrated in regular monitoring activities, as well as dialogue with various stakeholders. In the course of 2008, the Office also endeavoured to integrate the protection of economic, social and cultural rights in its approach to the five challenges to the enjoyment of human rights identified in the 2008-2009 strategic management plan, namely combating impunity, poverty and global inequities, discrimination, armed conflicts and violence, as well as democratic deficits and weak institutions.

26. In their approach to economic, social and cultural rights, several field presences highlighted the interdependence and indivisibility of the enjoyment of economic, social and cultural rights and civil and political rights. The field presence in Timor-Leste stressed the importance of economic, social and cultural rights for the reconstruction process, as well as for

ensuring the rule of law and an independent and effective judiciary. In Cambodia, OHCHR addressed the importance of civil and political rights, notably access to justice, as well as freedom of assembly and expression in the context of forced evictions.

27. In 2008, several field presences prioritized the promotion and protection of economic, social and cultural rights, while others expressed interest in scaling up their work in this field. To support field presences in this endeavour, OHCHR developed a training module for field staff on economic, social and cultural rights. A first training workshop on economic, social and cultural rights was held in Liberia in October 2008 for the Human Rights and Protection Section of the United Nations Mission in Liberia (UNMIL). In 2008, headquarters also provided support to several field presences to develop specific projects or programmes on economic, social and cultural rights. For instance, headquarters worked with the Regional Office for Central Asia on the right to adequate housing. Similarly, headquarters worked with the Human Rights Section of the United Nations Mission in Haiti (MINUSTAH) in identifying possible entry points for the design and implementation of a strategy on economic, social and cultural rights, particularly in relation to the ratification of the International Covenant on Economic, Social and Cultural Right, the rights to water, food, and education, as well as about a human rights based approach to environmental degradation and the impact caused by natural disasters.

28. Activities carried out in relation to economic, social and cultural rights in the field included monitoring, research on specific issues, legal protection and legal reform, support to the development and implementation of national policies and programmes, capacity building and awareness-raising.

29. Several field presences monitored cases of violations of economic, social and cultural rights. The field presences in Cambodia, Central Asia, Mexico, Nepal, Sudan and Timor-Leste monitored the enjoyment of the right to food, adequate housing, education, health and work. The Human Rights and Transitional Justice Section of the United Nations Integrated Mission in Timor-Leste (UNMIT) designed a monitoring tool to review the enjoyment of the right to food throughout the country, including the distribution of rice subsidies in various districts. On the basis of OHCHR monitoring, the Government of Timor-Leste changed the distribution system for subsidized rice in order to reach the most vulnerable groups which were left out of the distribution scheme. The OHCHR Regional Office in Central Asia has been monitoring the

enjoyment of the right to adequate housing in Kazakhstan, Kirgizstan and Tajikistan, with a focus on forced evictions and homelessness. In the Sudan, the human rights component of the United Nations Mission in Sudan (UNMIS) continued to monitor and report on forced relocation and evictions due to the construction of two large-scale hydropower dams in the northern Nile valley. OHCHR in Mexico has been monitoring cases of violations of the right to health, the right to education and the right to work. As part of its ongoing work on the right to adequate housing, OHCHR in Cambodia has been monitoring and investigating cases of threats and attacks of community members and civil society actors in relation to land-related activism, as well as trials of individuals advocating on issues related to forced evictions and land. In Nepal, OHCHR monitored cases of cast-based discrimination against particular groups such as the Haliyas and Kamaiyas, including forced evictions and lack of access to safe drinking water, notably from the lenses of access to justice.

30. Research on and assessments related to the enjoyment of economic, social and cultural rights of were conducted in various countries. In Timor-Leste, the UNMIT's Human Rights and Transitional Justice Section launched a report on the right to food in December 2008. The report revised the existing legal framework for the protection of the right to food, along with challenges to its realization, notably in relation to the availability and accessibility of food. OHCHR Office in Uganda has been carrying out research on housing, land and property restitution in northern Uganda, looking at the existing legal framework related to restitution, as well as aspects of the restitution process in post-conflict northern Uganda.

31. 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. In the Former Yugoslav Republic of Macedonia, the Human Rights Adviser provided assistance to the Ministry of Labour and Social Policy in the drafting of a comprehensive anti-discrimination legislation covering notably economic, social and cultural rights. OHCHR Colombia revised the law modifying the right to strike and the draft law aiming at including the right to water in the Constitution. In addition, the Office also followed-up a number of judicial decisions which impact on the enjoyment of the rights to work, health and social security. In Uganda, OHCHR has been providing comments to the Land Amendment Bill in light of international human rights obligations related to the right to adequate housing. The Uganda Office has also been contributing to revising national legislation on mental health from the perspective of the

Convention on the Rights of Persons with Disabilities. OHCHR Office in Mexico participated in the elaboration of a proposal for a constitutional reform on human rights, with a specific chapter on economic, social and cultural rights.

32. Field presences have helped with the development and implementation of national public policies relevant to economic, social and cultural rights. UNMIS-Human Rights organized a two-day workshop on the human rights based approach to budgeting for 40 parliamentarians in Khartoum from 8-9 November 2008. Since parliamentarians had already received two general trainings on this issue in 2006 and 2007, the workshop – at the request of Parliament’s Human Rights Committee- focused on the rights to health and education. Participants were sensitised to their responsibilities vis-à-vis the realisation of economic, social and cultural rights through ensuring the adequate allocation of funds in the budget. After analysing the 2008 budget, parliamentarians pledged for a higher allocation of funds to education and health and also for a fair and adequate distribution of funds within these segments of the budget. In Colombia, OHCHR advised the Minister for Education on its National Plan for Education in Human Rights.

33. Many human rights 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. In Colombia, OHCHR implemented a programme aimed at incorporating the rights to health, water, work and education in municipal development plans, advising local authorities and civil society organizations in 20 municipalities and 2 districts of Bogota. The Office in Nepal conducted workshops for government officials, the National Commission on Human Rights, as well as civil society organizations addressing discrimination and the protection of economic, social and cultural rights, as well as on indicators and the monitoring of economic, social and cultural rights. These workshops focused on human rights indicators, human rights-based approaches to development, as well as on the right to food. The Office in Guatemala continued to train and build capacity of Government officials, the justice sector, and non-governmental organizations on the promotion and protection of economic, social and cultural rights. The field presence in Kirgizstan conducted a one-day seminar on human rights and the right to health for State authorities, United

Nations agencies and civil society organizations. In Ecuador, OHCHR organised with WHO a training session for journalists on the right to health. The Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) has been supporting, together with UNHCR, UNIFEM and UNICEF, the economic and social rights project of the Afghan Independent Human Rights Commission. In Kirgizstan, the Regional Office for Central Asia held a workshop for the Ombudsman on complaint handling, with a specific focus on complaints related to the enjoyment of economic, social and cultural rights. The United Nations Subregional Centre for Human Rights & Democracy in Central Africa has integrated the protection of economic, social and cultural rights in all its training activities for journalists and parliamentarians.

34. Field presences have also worked to raise awareness about economic, social and cultural rights among various stakeholders. In the framework of the 60th anniversary of the Universal Declaration of Human Rights (UDHR), OHCHR in Mexico organised a film festival addressing economic, social and cultural rights issues. OHCHR in Nepal developed a questions and answers on economic, social and cultural rights in Nepali aimed at responding to frequently asked questions related to the enjoyment of these rights.

B. Enhanced human rights leadership

35. The Strategic Management Plan for the period 2008-2009 emphasizes the leading role the High Commissioner plays in identifying and analysing human rights problems and proposing solutions to close implementation gaps. To fulfil this role, the Office has taken on board, as priority areas, the work on economic, social and cultural rights, with a focus on legal protection and advocacy.

36. The 60th anniversary of the UDHR and the one-year advocacy campaign launched by the Secretary General on 10 December 2007 to commemorate this important milestone has been the occasion for OHCHR to reiterate the universality, interdependence and interrelatedness of all human rights, as well as the equal importance of economic, social and cultural rights with civil and political rights. As part of the commemoration of the 60th anniversary, OHCHR called on all partners to pay special attention to the civil, cultural, economic, political and social rights of

persons deprived of their liberty in prisons and other places of detention, especially during the week of 6-12 October 2008 designated as "Dignity and Justice for Detainees Week". This initiative was intended to stress the importance of economic, social and cultural rights for detainees, notably in the context of detention of women and girls, children, disabled persons and migrants. In particular, OHCHR underlined that Governments are obliged to adopt appropriate measures to ensure that all detainees are able to enjoy their rights to health, food, water and education.

37. In the course of the year, OHCHR also undertook several other initiatives in the field of economic, social and cultural rights, notably in relation to the global food security crisis, counter-terrorism, the human impact of climate change, the Millennium Development Goals (MDGs), women's human rights, as well as HIV/AIDS.

38. In the context of the global food security crisis, the High Commissioner advocated for the integration of human rights in the responses to the crisis. The High Commissioner made a statement at the 7th special session of the Human Rights Council and at the FAO High Level Conference on World Food Security: The Challenges of Climate Change and Bioenergy in June 2008. In these statements, the High Commissioner highlighted the negative impact of the world food crisis on the enjoyment of the right to food and the importance of integrating the realization of the right to food in the global response to the crisis. OHCHR also supported the development of a UN-wide response to the food crisis, with a view to integrating a human rights based approach, and in particular the right to food. While OHCHR is not a part of the High-Level Task Force on the Global Food Security Crisis convened by the United Nations Secretary-General, the Office has actively contributed, together with the Special Rapporteur on the right to food, to the Comprehensive Framework for Action (CFA) developed by the Task Force. Likewise, OHCHR, jointly with UNICEF, convened an expert consultation on a human rights-based approach to the food crisis in August 2008 in New York.

39. As a leading member of the Working Group on "Protecting human rights while countering terrorism" of the United Nations Counter-Terrorism Implementation Task Force, OHCHR organized an expert group meeting on the impact of terrorism and counter-terrorism measures on the enjoyment of economic, social and cultural rights on 5-7 November 2008. The expert meeting aimed at discussing the impacts of terrorism and counter-terrorism measures in the field

of economic, social and cultural rights. It also endeavoured to analyze how denial of economic, social and cultural rights may contribute towards creating an “enabling environment” for terrorism.

40. OHCHR continued to analyse the human rights dimensions of climate change. Pursuant to Human Rights Council resolution 7/23, OHCHR prepared an analytical study on the relationship between human rights and climate change, taking into account the views of States, relevant inter-governmental organizations and other stakeholders. As part of the consultation process, OHCHR hosted an open-ended consultation meeting on the relationship between climate change and human rights on 22 October 2008 in Geneva. The meeting offered a unique opportunity for a wide range of stakeholders, including States, inter-governmental organizations, national human rights institutions and non-governmental organizations, to discuss key aspects of the climate change human rights nexus. The report will be considered by the Council at its tenth session in March 2009. Together with a summary of the Council’s debate, the study will be made available to the Conference of Parties to the UN Framework Convention on Climate Change, Copenhagen 2009. As the OHCHR study shows, climate change will have major implications for the effective enjoyment of range of human rights and, in particular, economic, social and cultural rights related to health, food, water, and housing.

41. In order to help articulate a human rights approach to the Millennium Development Goals (MDGs), OHCHR published in June 2008 *‘Claiming the MDGs: A human rights approach’*. This publication analyses the relationship between several economic, social and cultural rights – such as the rights to education, health, food or adequate housing – and the MDGs. It highlights how a human rights approach can address the risks related to MDG-based development efforts, as well as enhance the potential of MDGs to serve as a vehicle for the promotion and protection of human rights. As a follow-up to this publication, OHCHR organized two regional meetings, one in Africa in Johannesburg and one in Asia in Bangkok, to discuss key implementation challenges for MDGs from a human rights perspective, with a focus on the right to adequate food, health and water. The outcomes of these meetings will constitute a basis for identifying strategic entry points for OHCHR and partners to engage in follow-up actions, notably at the country level, to support and strengthen MDG-based national development strategies from a human rights perspective.

42. OHCHR continued to pay special attention to the issue of women and economic, social and cultural rights. In her report to the Economic and Social Council (E/2007/82), the High Commissioner focused on how the principles of equality between men and women and non-discrimination against women are paramount to the promotion and implementation of economic, social and cultural rights. The report clarified the scope of State parties' obligations to eliminate discrimination and ensure equality between men and women in relation to economic, social and cultural rights. It also addressed the relevance of women's economic, social and cultural rights in the context of post-conflict reconstruction and democratization programmes and policies. In June 2008, the Office also supported the holding by the Human Rights Council of a thematic discussion on maternal mortality, which included the participation of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. OHCHR also submitted a briefing on international human rights law and reproductive rights to the Supreme Court of Justice in Mexico, highlighting international jurisprudence from United Nations treaty bodies and regional human rights bodies as a guide to interpretation. Other activities included the launch, in December 2008, of an expert paper on women's economic, social and cultural rights in post-conflict, highlighting the impact of women's non-enjoyment of economic, social and cultural rights on access to justice, as well as on the reconstruction and reparation processes.

43. Economic, social and cultural rights are inextricably linked with the spread of HIV and its impact on individuals and communities around the world, where a lack of respect for all human rights fuels the spread and exacerbates the impact of the disease. At the same time, HIV undermines progress in the realization of human rights. This link is apparent in the disproportionate incidence and spread of the disease among marginalized groups, women, children and young adults, as well as in access to medication, as highlighted in the Secretary-General's report on "access to medication in the context of pandemic such as HIV/AIDS, tuberculosis and malaria" (A/HRC/7/30), which was presented to the 7th session of the Human Rights Council in March 2008. In 2008, OHCHR also facilitated training workshops for United Nations staff on a human rights based approach to programming on HIV, addressing these linkages. The Office is also a member of the International Task Team on HIV-related Travel Restrictions which, together with membership from civil society, Governments, UN partners and people living with HIV, developed recommendations on steps to eliminate travel bans on the

entry, stay and residence of people living with HIV in some countries. Technical advice was also provided on the integration of human rights into HIV specific laws, especially in countries that are in the process of enacting such legislation.

44. Throughout the year, OHCHR also participated in several meetings related to the promotion and protection of economic, social and cultural rights. In doing so, the Office had the opportunity to raise awareness about and advocate for economic, social and cultural rights with a wide range of stakeholders including health practitioners, business leaders, architects, urban planners and development practitioners. For instance, at the World Medical Association General Assembly, the Deputy High Commissioner delivered a keynote speech on the right to health, highlighting the main obligations deriving from the right and the important role that health practitioners play in ensuring the effective implementation of this right. In the occasion of the 60th anniversary of the Universal Declaration of Human Rights, the High Commissioner delivered a speech on public health and human rights before the New York Academy of Science and the Johns Hopkins Bloomberg School of Public Health-New York.

C. Closer partnerships with civil society and United Nations agencies

45. Throughout 2008, OHCHR strengthened partnerships with United Nations agencies and programmes and civil society in relation to economic, social and cultural rights.

46. 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 FAO, the World Health Organization (WHO), UN-Habitat, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNESCO. As a result of this close collaboration, OHCHR produced several documents for wide dissemination in collaboration with other UN agencies. With WHO, OHCHR published Fact-Sheet 31 on the right to health. Other relevant publications prepared in 2008 and due for dissemination in early 2009 are a 'Frequently Asked Question on Economic, Social and Cultural Rights', as well as fact sheets on the right to adequate housing, co-published with UN-Habitat, and on the right to food, co-published with FAO.

47. In connection with its long-standing cooperation with the United Nations Human Settlements Programme (UN-Habitat), the Office participated and contributed to the 4th World Urban Forum in November 2008 on "Harmonious Cities". In this context, the Deputy High

Commissioner for Human Rights underlined the importance of the right to adequate housing and the protection against forced evictions in urban planning processes. The Office also stressed the need to address discrimination against women, notably in laws and policies, to ensure sustainable urbanization. In 2008, OHCHR also collaborated with the CEO Water Mandate of the United Nations Global Compact to raise awareness about the right to water and advocate for the integration of the right to water in this initiative.

48. Collaborative efforts were made to address economic, social and cultural rights issues through working groups, task forces and United Nations Country Teams, particularly at the country level. Several field presences have also continued to build the capacity of other United Nations agencies and United Nations Country Teams on human rights based approaches to development, poverty reduction or specific issues including water management, environmental protection, food or health. For example, the OHCHR Regional Office in Latin America conducted several trainings with a strong focus on economic, social and cultural rights for UN Country Teams in Brazil, Ecuador, Panama and Uruguay. In Nicaragua, the Human Rights Adviser to the United Nations Country Team collaborated with other United Nations agencies and the Nicaraguan Association of Municipalities to train government officials and community leaders from 54 municipalities on a rights-based approach to nutritional and food security issues. The Office also issued a joint statement with the World Food Programme to welcome the Nepal Supreme Court's decision on the right to food.

49. The OHCHR Regional Office in Bangkok co-organized with the International Labour Organization (ILO) on 23-24 June 2008, a "Sub-Regional Meeting on Disability Legislation: Decent Work for Persons with Disabilities in Asia". The purpose of the meeting was to examine the main legal issues in disability discrimination law within the framework of the Convention, with particular emphasis on the right to work and decent work. Representatives from 8 countries, together with lawyers, judges, representatives of disabled people organizations as well as workers and employers associations attended the event.

50. OHCHR in Cambodia collaborated with UN-Habitat to develop a United Nations Country Team position on forced evictions and involuntary resettlement based on Cambodian law and international standards related to the right to adequate housing and forced evictions. OHCHR also collaborated with United Nations agencies in Cambodia to conduct assessments of

relocation sites and evaluate, in coordination with UNAIDS, the special needs of families living with HIV/AIDS. In Kyrgyzstan, OHCHR mobilized support within the United Nations Country Team to assist homeless persons during the winter period. The United Nations Subregional Centre for Human Rights & Democracy in Central Africa carried out a field mission with the United Nations Children's Fund (UNICEF) and the International Labour Organisation (ILO) to the East of Cameroon with a focus on the rights to education and health of indigenous children.

51. During the year, OHCHR continued to collaborate with national human rights institutions (NHRIs). On 16 April 2008, OHCHR organized a parallel event on the role of NHRIs in poverty reduction, on the side lines of the 20th Annual Meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). This event stimulated discussion around NHRIs' involvement in national development processes, with a particular focus on poverty reduction strategies as well as the challenges and opportunities encountered in these processes by NHRIs. On 19 May 2008, OHCHR, together with the Iberoamerican Federation of Ombudsman and the University of Alcalá organized a seminar on the role of national human rights institutions in the protection of economic, social and cultural rights.

52. Human rights field presences also collaborated with other national partners, such as civil society, academic institutions and professional groups in the monitoring and protection of economic, social and cultural rights. For example, human rights field presences continued to strengthen the capacity of civil society organizations through trainings on the monitoring of economic, social and cultural rights (Timor-Leste), facilitating a consultation process among representatives of indigenous peoples on the right to education for minorities (Colombia), the diffusion of a manual on monitoring economic, social and cultural rights (Timor-Leste), the development of a network of organizations at the local and national levels to promote economic, social and cultural rights and in particular the right to food and housing (Nepal), or the organization of workshops on States parties' obligations related to economic, social and cultural rights (Mexico).

53. OHCHR also participated in the ESCR-Net Strategies Meeting in Nairobi, Kenya, with 200 delegates from social movements as well as national and international civil society organizations

from over 50 countries and all regions. The focus of the meeting was "Challenging Poverty and Inequality through human rights".

D. More synergy with United Nations human rights bodies

54. OHCHR continued to provide substantive and organizational support to the open-ended Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and related inter-sessional consultations. At its fifth session, held from 4-8 February and 31 March - 4 April 2008, the Working Group agreed to transmit the draft optional protocol to the Human Rights Council for its consideration. The Working Group thus completed its mandate. The Human Rights Council adopted the Optional Protocol at its 8th session in June 2008 and transmitted the text to the General Assembly which, on 10 December 2008, adopted this new human rights instrument by consensus. OHCHR also supported the African Regional Consultation Meeting on the Optional Protocol, held in Cairo, 9-10 January 2008, and hosted by the Government of Egypt. The meeting followed on from similar regional consultation meetings held in Latin America (Mexico, 30-31 May 2006) and Europe (Finland, 27-28 July 2006) and examined experiences at national and regional levels relevant to a future optional protocol.

55. United Nations human rights field presences actively supported the mandates of the special procedures relevant to economic, social and cultural rights established by the Human Rights Council. For instance, the Human Rights Advisor in Ecuador prepared and supported the mission of the Independent Expert on extreme poverty and human rights and identified the priority topics related to the promotion and protection of economic, social and cultural rights deserving the Independent Expert's attention. In Mexico, the Office organized a dialogue between non-governmental organizations, academics and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Office also assisted victims of violations of the rights to health, adequate housing and work to send communications to relevant Special Procedures of the Human Rights Council.

56. In Colombia, OHCHR facilitated a consultation process among representatives of indigenous communities on the right to education of minorities to input the inaugural session of the United Nations Forum on Minorities that took place in Geneva on 15-16 December 2008.

57. Field presences also provided support to the United Nations treaty bodies. In Cambodia, the Office supported the Government's preparation and translation of a State party report to the Committee on Economic, Social and Cultural Rights (CESCR). OHCHR Cambodia also supported – notably through trainings and advice – civil society organizations to submit contributions to the CESCR. OHCHR Cambodia further provided the CESCR with a comprehensive oral and written briefing at the Committee's pre-sessional working-group meeting in November 2008. In the Former Yugoslav Republic of Macedonia, OHCHR supported the Government, civil society and the United Nations Country Team in a coordinated joint follow-up on recent concluding observations issued by various treaty-bodies, including the CESCR. UNMIS-Human Rights, in cooperation with the Sudanese Government's Advisory Council for Human Rights, organized a four day workshop in Khartoum in June 2008 on "Reporting under the Covenant on Economic, Social and Cultural Rights and other human rights treaties". The participants included members of the Advisory Council for Human Rights, various ministries, including the Ministry of Legal Affairs and Constitutional Development of South Sudan, the Southern Sudan Human Rights Commission and non-governmental organizations involved in human rights promotion. One of the recommendations emanating from the workshop was to set up an inter-ministerial body to contribute to the drafting process of the report to the CESCR.

58. OHCHR also prepared a report on Indicators for Promoting and Monitoring the Implementation of Human Rights, including economic, social and cultural rights, (HRI/MC/2008/3) for the inter-Committee Meeting of the treaty bodies in June 2008. The report outlines the adopted conceptual and methodological framework for identifying contextually relevant quantitative and other appropriate indicators to promote and monitor the implementation of all human rights. The report also describes the configuration of structural, process and outcome indicators and lists illustrative indicators on selected human rights, including the right to adequate food, the right to health, the right to adequate housing, the right to education, the right to work and the right to social security. The framework was developed by OHCHR in consultation with a panel of experts, including members of the treaty bodies, Special Rapporteurs, United Nations organizations and civil society organizations, and has been validated through workshops and consultations with national stakeholders, namely national human rights institutions, Government bodies responsible for State parties reporting, national

statistical agencies, United Nations Country Teams and non-governmental organizations. As a follow-up to similar sub-regional workshops organised by OHCHR in Asia and Africa in 2007, a Latin American workshop on human rights indicators was organised in Colombia on 25-26 November. National workshops and consultations in support of initiatives on indicators for human rights assessments at country level were also held in Nepal, Mexico and Colombia.

IV. CONCLUSIONS

59. The adoption of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly on 10 December 2008 marks a very significant development for the promotion and protection of economic, social and cultural rights. The adoption of the Optional Protocol carries important repercussions on national jurisdictions and will help strengthening the legal protection of economic, social and cultural rights worldwide.

60. The year 2008 also marks an ongoing commitment, by the Office of the United Nations High Commissioner for Human Rights, to increase and further strengthen its work in the field of economic, social and cultural rights at the country, regional and international levels. In the context of the year-long campaign for the 60th anniversary of the Universal Declaration of Human Rights, OHCHR has reiterated the equal status of economic, social and cultural rights and the need to protect these rights in the context of the global food crisis, the fight against terrorism or in relation to climate change. The importance of economic, social and cultural rights for achieving the Millennium Development Goals, as well as the relevance of economic, social and cultural rights for achieving gender equality and addressing discrimination in relation to HIV/AIDS were also highlighted.

61. Treaty bodies have strengthened their work on economic, social and cultural rights through the periodic reporting process, the elaboration of general comments and statements and the holding of general days of discussion. Special procedures with thematic mandates covering economic, social and cultural rights have continued monitoring the implementation and respect for these rights around the world. Additionally, other special procedures have also continued to pay close attention and devoted reports, visits and

communications to economic, social and cultural rights and their interlinkage with civil and political rights.

62. OHCHR continued to expand its thematic expertise in economic, social and cultural rights at the country and regional levels, in line with the Strategic Management Plan for the period 2008-2009. Activities carried out have included monitoring violations of economic, social and cultural rights, research on specific issues, providing technical assistance to States to promote economic, social and cultural rights, including the drafting of legislation; strengthening the legal protection of economic, social and cultural rights; following up the recommendations of treaty bodies and special procedures; and building and strengthening partnerships with United Nations agencies.

63. An increased and strengthened involvement on economic, social and cultural rights does not come without challenges. These notably include the operationalization of economic, social and cultural rights in the field; the mainstreaming of economic, social and cultural rights in regular field work and existing priorities; the perception that economic, social and cultural rights are not legally enforceable; and the lack of knowledge among OHCHR staff and other stakeholders about economic, social and cultural rights.



Cecilia
Canessa/UNCHR/UN@UNCH
R

22/12/2008 09:36 AM

To SGCentral/NY/UNO@UNHQ

cc Kayoko Gotoh/NY/UNO@UNHQ, Astrid
Melchner/NY/UNO@UNHQ, Ngonlardje
Mbaidjol/NY/UNO@UNHQ, Ibrahim

bcc

Subject Report of the Secretary-General on the question of
realization in all countries of economic, social and cultural
rights - For information

Please find attached the Human Rights Council report of the Secretary-General on the question of
realization in all countries of economic, social and cultural rights, for the EOSG's information.

Thank you for your attention

Cecilia Canessa
Personal Assistant to the High Commissioner
Tel: + 41 22 917 93 42
Fax: + 41 22 917 90 12
Email: ccanessa@ohchr.org

--For more information on the HP Digital Sender please visit:



<http://www.digitalsender.hp.com> scan.pdf