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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, 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 2006-2007 in which the Office's priorities are articulated, the present report reflects a significant increase in the work on economic, social and cultural rights, highlighting some of the major areas of enhanced capacity and engagement.

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I. 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 Council referred 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 and the Committee on the Rights of the Child; 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 examples of the activities undertaken in implementing the strategic vision set out in the High Commissioner's Strategic Management Plan for the period 2006-2007 and further detailed in the corresponding Plan of Action.

II. ACTIVITIES OF TREATY BODIES

A. Committee on Economic, Social and Cultural Rights

2. As at 1 December 2007, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 157 States,¹ an increase of two States parties during the reporting period.

3. During its two sessions held in 2007, the Committee on Economic, Social and Cultural Rights examined the status of implementation of the Covenant in 10 States parties, on the basis of reports submitted by those States parties and a constructive dialogue held with a delegation from each. The States parties examined were Belgium, Costa Rica, Finland, Hungary, Latvia, Nepal, the Netherlands (Antilles), Paraguay, San Marino and Ukraine.

4. At its thirty-ninth session, held from 5 to 23 November 2007, the Committee adopted general comment No. 19 on article 9 of the Covenant, outlining the normative content of the right to social security and the obligations of States parties emanating from it.

5. On 10 May 2007, the Committee adopted its sixteenth statement (E/C.12/2007/1), in which it outlined the factors it would take into account when examining a communication submitted under an optional protocol to the Covenant establishing an individual communications procedure, alleging failure of a State party to take steps to the maximum of available resources.

6. Also on 10 May, the Committee held a meeting with States parties to the Covenant. The meeting, attended by 59 States parties, focused on the proposed optional protocol to the

¹ See *Official Records of the Economic and Social Council, 2007, Supplement No. 2* (E/2007/22) for a list of States parties, information on the status of the submission of reports and the concluding observations of the Committee. An updated list of States parties, information on reservations, withdrawals, declarations and objections is available from the website of the United Nations Office of Legal Affairs at <http://untreaty.un.org>.

Covenant, the status of treaty body reform, the Committee's views on resolution 4/7 of the Human Rights Council on the rectification of the legal status of the Committee, and on its efforts to revise its working methods.

7. 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, held its sixth and seventh meetings on 9 May and 7 December 2007, respectively. The joint expert group discussed, inter alia, the essential components of free and compulsory primary education, including core obligations and quality education. It was recalled that basic education was a broader concept than primary education and that, in order to avoid confusion, the expert group should limit its discussion to primary education.

8. On 14 May, the Committee held a private teleconference with the Chairperson-Rapporteur of the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights, who informed the Committee about the progress achieved and the activities undertaken since the adoption of resolution 1/3 by the Human Rights Council.

9. On 21 November, members of the Committee held informal consultations with Government representatives serving on the Trade Policy Review Board and the Committee on Trade and Development of the World Trade Organization (WTO), as well as with staff members of OHCHR and WTO, to discuss potential areas of interaction between the trade and human rights reviews respectively undertaken by WTO and the United Nations system.

10. On 22 November, the Committee and the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations convened for their fifth informal meeting, with a view to strengthening cooperation. The meeting helped to guide the elaboration of the general comment on article 9 of the Covenant (the right to social security), which was adopted the following day. The informal meeting focused on the themes of (a) freedom of association and the complementarities of ILO and United Nations standards in this area; and (b) the draft optional protocol to the Covenant and the consequent need for close collaboration and coordination between the ILO Committee on Freedom of Association and the Committee on Economic, Social and Cultural Rights if and when the optional protocol came into force.

11. During the inter-session period, the Committee continued to contribute to a number of initiatives aimed at promoting, clarifying or improving the monitoring of economic, social and cultural rights. From 28 to 30 March 2007, the Committee organized the first regional workshop on follow-up to the concluding observations of the Committee in Bishkek, pursuant to resolution 4/1 of the Council and with the financial support of the Russian Federation. The workshop enabled national actors in Central Asian States to consider the implications of the concluding observations of the Committee for their countries. It brought together representatives of Governments, national human rights institutions (where one existed), non-governmental organizations, and agencies and programmes of the United Nations.

12. Members of the Committee also contributed to the day of general discussion of the Committee on the Rights of the Child on 21 September 2007, on article 4 of the Convention

and the obligation of States to undertake measures to the maximum extent of their available resources; and national and regional activities of OHCHR, including a national training workshop on reporting under the Covenant (Georgia, July 2007) and a regional workshop on the justiciability of economic, social and cultural rights (Chile, December 2007).

B. Committee on the Rights of the Child

13. 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. When considering the reports of States parties, and notably in its concluding observations, the Committee was particularly attentive to the sectors of children population encountering difficulties in the enjoyment of their economic, social and cultural rights owing to various forms of discrimination. When considering reports submitted pursuant to the optional protocols to the Convention on the Rights of the Child, the Committee also stressed that these children were at a heightened risk of becoming victims of the offences covered by the protocols, in particular sale, child prostitution, child pornography and recruitment into armed forces or armed groups.

14. The annual general day of discussion of the Committee, held on 21 September 2007, during its forty-sixth session, was devoted to article 4 of the Convention and to the obligation of States to undertake measures to the maximum extent of their available resources and, where needed, in the framework of international cooperation, to ensure implementation of economic, social and cultural rights. During preparation of the discussion, and during the discussion day itself, the Committee benefited from the contributions of a broad range of actors, including members of the Committee on Economic, Social and Cultural Rights, experts from other United Nations programmes and funds, the World Bank and civil society actors.

15. The set of recommendations adopted at the day of discussion² highlight the importance of allocating resources for the implementation of children's economic, social and cultural rights, including legislating for appropriate allocations, ensuring the visibility of those resources and the participation of children in the process. The primary obligation of States was highlighted, as was the importance of ensuring that economic growth was not pursued to the detriment of social sector expenditure. The role of international cooperation and the obligations of both donor and developing countries were also discussed. The Committee will continue to give due attention to the implementation of economic, social and cultural rights of children, and will dedicate its next general day of discussion to the issue of education in emergency situations.

16. The Committee was also involved in subregional workshops on the follow-up to its concluding observations, the last of which was hosted by the Government of Burkina Faso from 6 to 8 November in Ouagadougou. Experts from the region joined with other participants from eight francophone countries of the Economic Community of West African States to discuss challenges and good practices in promoting the enjoyment of economic, social and cultural rights

² The recommendations are available on the OHCHR website at the address www2.ohchr.org/english/bodies/crc/discussion.htm.

of children. In particular, issues related to education and health were debated, including from the perspective of overarching themes such as data collection, budgeting, non-discrimination and child participation.³

III. SPECIAL PROCEDURES ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

17. During the reporting period, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, carried out missions to Canada and South Africa. In April, the Special Rapporteur attended a forum on housing in Luanda, and actively engaged with various partners on issues relating to his mandate. In September, he and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, undertook a joint private visit to Mexico to assess the issues relating to the development of the La Parota hydroelectric dam in the State of Guerrero. In his annual report to the Human Rights Council (A/HRC/4/18), the Special Rapporteur presented several tools to help States implement the right to adequate housing, including basic principles and guidelines on development-based evictions and displacement. These practical tools were well received by the members of the Council. The Special Rapporteur continued his close collaboration with other mandate-holders, including in communication with Governments on alleged cases of human rights violations. He also pursued his collaborative work with treaty bodies, including the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, and his cooperation with regional bodies dealing with housing issues, such as the Council of Europe. The Special Rapporteur continued to apply a gender perspective in his work, as explained during the discussions on integrating a gender perspective in the work of the Human Rights Council. He also continued his collaborative work with the Special Rapporteur on violence against women, its causes and consequences.

18. The Special Rapporteur on the right to education, Vernor Muñoz Villalobos, undertook country visits to Bosnia and Herzegovina and Malaysia. He participated in conferences and seminars on topics such as education quality and social justice, inclusive education for persons with disabilities, and discrimination in education. In addition, as the theme of his 2008 annual report would be devoted to the right to education in emergency situations, the Special Rapporteur had various consultations with several actors such as United Nations agencies, international non-governmental organizations and other civil society organizations, in order to gather relevant information and address priority issues in this area.

19. The independent expert on the question of human rights and extreme poverty, Arjun Sengupta, focused on elaborating on the definition of extreme poverty, exploring the link between human rights and extreme poverty, addressing the need for an operational framework to apply multi-dimensionality of poverty in policymaking and suggesting programmatic measures to alleviate extreme poverty. He also looked into the experiences of different countries in Africa,

³ The recommendations of the workshop will be posted on the webpage of the Committee on the Rights of the Child at www2.ohchr.org/english/bodies/crc/follow-up.htm.

Asia and Europe. The independent expert organized expert consultations on extreme poverty and human rights in February 2007, which helped him incorporate some of the issues raised into his work.

20. The Special Rapporteur on the right to food, Jean Ziegler, continued to work closely with Governments, United Nations agencies and non-governmental organizations around the world. In 2007, the Special Rapporteur visited Bolivia from 29 April to 6 May (A/HRC/4/30/Add.2) and Cuba from 28 October to 6 November (A/HRC/7/5/Add.3). The Special Rapporteur also continued to work closely with the World Food Programme (WFP) and the Food and Agriculture Organization of the United Nations. The Special Rapporteur welcomed the fact that the World Food Day on 16 October was dedicated to the theme of the right to food. He participated in various activities and initiatives in Europe to commemorate that day. In order to protect the right to food of children, the Special Rapporteur followed the work of the United Nations Standing Committee on Nutrition on the issue of malnutrition, but also on obesity and its related problems. At the same time, the Special Rapporteur continued to follow up and work with social movements and non-governmental organizations involved in human rights and development around the world, and in promoting respect of the right to food. The Special Rapporteur also continued close collaboration with academia on issues relevant to his mandate.

21. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, undertook several missions in 2007: to Uganda in February, Ecuador in May, Colombia in September and India in November. The Special Rapporteur submitted a report to the General Assembly on the prioritization of health interventions, impact assessments, and water and sanitation (A/62/214), all of which were analysed in their relation to the right to the highest attainable standard of health. He also submitted a report to the Human Rights Council (A/HRC/4/28), in which he reported on some of the progress made by the health and human rights movement in past decades, including sample cases that showed how various tribunals had interpreted and applied health-related human rights. On 19 September, the Special Rapporteur launched for public consultation a draft set of human rights guidelines for pharmaceutical companies in relation to access to medicines. Although States have primary responsibility for enhancing access to medicines, pharmaceutical companies also have a profound impact, both positive and negative, on the ability of Governments to realize the right to the highest attainable standard of health. The guidelines, designed to help pharmaceutical companies and those monitoring their activities, were open for comments until 31 December 2007. The Special Rapporteur is still conducting formal and informal consultations with pharmaceutical companies, non-governmental organizations and academics. The Special Rapporteur participated at the “Women deliver” conference held in London on 19 October, when the International Initiative on Maternal Mortality and Human Rights was launched. One of the Initiative’s objectives is to expose maternal mortality as a human rights calamity and to reinforce existing efforts to reduce it.

22. The Special Representative of the Secretary-General on human rights defenders, Hina Jilani, focused her seventh report (A/HRC/4/37), submitted pursuant to Human Rights Council decision 1/102, on the situation of human rights defenders working in the field of economic, social and cultural rights. In her report, she gave an overview of the legal context for the activities of these defenders, highlighting violations against their rights in view of the

Declaration on Human Rights Defenders (General Assembly resolution 53/144). She focused on human rights defenders at particular risk for defending the rights of indigenous people and minorities, lesbian, gay, bisexual, transgender and intersex persons and women human rights defenders. Finally, the Special Representative outlined some recommendations to the United Nations, States, intergovernmental organizations, national human rights institutions, non-governmental organizations and defenders, on the situation of defenders working in this field.

23. The independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, Bernard Mudho, concentrated on drafting general guidelines to be followed when pursuing economic reform and debt relief programmes in developing countries. An expert consultation was organized on 9 and 10 July 2007 to incorporate their views into the current draft of the guidelines. The expert consultation was attended by representatives of the International Monetary Fund, the World Bank, United Nations agencies, WTO, the Committee on Economic, Social and Cultural Rights, academics and members from civil society. The independent expert also undertook a visit to Burkina Faso in April 2007, where he acknowledged the foreign debt situation and its effect on the country's capacity to comply with human rights norms and standards. In his consultation with stakeholders, he stressed the importance of strong participation and accountability elements during development of the poverty reduction strategy papers and foreign debt decision processes. He also updated the General Assembly on the progress being made for the finalization of the draft guidelines.

24. The Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu, focused his report to the Human Rights Council (A/HRC/7/21) on the impact of armed conflict on exposure to toxic and dangerous products and wastes. In his report, he analysed the human rights dimension of the issue in the context of armed conflict, notably rights which can be adversely affected, such as the right to life, the highest attainable standard of health, adequate food, work, information and participation and the right to a remedy. In 2007, the Special Rapporteur undertook a visit to Ukraine (A/HRC/7/21/Add.2). He continues to participate in numerous conferences and seminars, and recently delivered a statement to a United Nations expert group meeting on indigenous peoples and protection of the environment held in Khabarovsk, Russian Federation. He identified the importance of being aware and to act on the effects of environmental degradation on the livelihoods of indigenous peoples around the world. One solution he highlighted was for the relevant stakeholders to be included in the decision-making processes involving such issues.

25. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, continued to put special emphasis on the economic, social and cultural rights of indigenous peoples. In particular, his annual thematic report was devoted to a human rights-based approach to development in the context of indigenous peoples (A/HRC/6/15). In the report, the Special Rapporteur expressly noted that, in the area of economic, social and cultural rights, a large gap existed between the declared aims of Governments and the everyday experience of indigenous peoples, a gap that had been widening instead of disappearing. The Special Rapporteur visited Bolivia (A/HRC/6/15/Add.2) in April, and also undertook a joint visit to La Parota hydroelectric dam in Mexico, in September, with

the Special Rapporteur on housing, paying particular attention to the implications for the communities that would be affected or displaced as a result of the project. Additionally, the Special Rapporteur continued to focus his correspondence with Governments on the situation of specific communities regarding the enjoyment of these rights, with special emphasis on the situation of indigenous lands and natural resources.

26. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, devoted his annual report to the main thematic issue of economic, social and cultural rights in the context of countering terrorism (A/HRC/6/17). In the report, he referred to the normative framework and provided information on the work done to date by the treaty bodies, special procedures and other United Nations entities, such as the International Court of Justice, as well as regional human rights mechanisms. Through thematic and country-specific examples, the Special Rapporteur illustrated the negative impact that counter-terrorism measures could have on the enjoyment of economic, social and cultural rights and offered recommendations for the promotion of those rights in addressing and countering the conditions conducive to the spread of terrorism and in formulating long-term sustainable strategies. The Special Rapporteur also conducted a mission to Israel from 3 to 10 July 2007, and visited the Occupied Palestinian Territory (A/HRC/6/17/Add.4). In his report, key concerns regarding the situation in Gaza and the construction of a barrier in the West Bank were examined. Particularly, in relation to the barrier, the Special Rapporteur critically examined its legality and its impact on the Palestinian people and its effect on economic, social and cultural rights.

IV. ACTIVITIES OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS FOR THE PROMOTION AND REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

27. The High Commissioner's Plan of Action and the Strategic Management Plan for the period 2006-2007 identified a strengthened OHCHR thematic expertise in economic, social and cultural rights as a key priority. In 2007, the Office increased its work to promote and protect economic, social and cultural rights through a wide range of activities at the country, regional and headquarters levels. Critical situations such as evictions, forced displacement, land restitution, denial of access to health and education services and facilities and poor working conditions have increasingly been brought to the Office's attention as a result of action by States, non-governmental organizations, United Nations agencies, academic institutions and other relevant stakeholders.

28. In helping to close implementation gaps, OHCHR prioritized five main areas: (a) greater country engagement and presences at the field level, including technical cooperation, training and capacity-building; (b) an enhanced human rights leadership role for the High Commissioner; (c) closer partnerships with civil society and United Nations agencies; (d) more synergy in relations between OHCHR and the United Nations human rights bodies; and (e) strengthened management and planning for the Office. The sections below describe some of the activities carried out in these areas.

A. Greater country engagement

29. In 2007, OHCHR strengthened its country engagement efforts through monitoring activities, technical cooperation and assistance, documentation of cases, increased deployment of human rights staff to countries, regional offices and peace missions and a clear mandate to mainstream all human rights at all levels. Support for States and field presences has also taken the form of investigations, publications, reports, human rights capacity-building, advice and assistance in the development or reform of legislation and public policies, enhanced thematic expertise and work on transitional justice and economic, social and cultural rights.

30. Field presences monitored cases of violations of economic, social and cultural rights. The field presences in Angola, Cambodia, Cameroon, Mexico, Nepal, the Sudan, Tajikistan and Timor-Leste monitored forced evictions, land management and displacement cases in relation to the right to an adequate standard of living, including the rights to adequate housing and food. For example, OHCHR-Cambodia has been monitoring forced evictions in Phnom-Penh. OHCHR-Nepal has been monitoring caste-based discrimination, including forced eviction and access to water of Dalits, particularly through the viewpoint of access to justice.

31. In the area of peace missions, conflict and post-conflict work, in Sierra Leone, the Human Rights and Rule of Law section of the United Nations Integrated Office in Sierra Leone has been monitoring the realization of the right to education by assessing the availability of educational materials, staffing, as well as child pregnancy rates and school dropouts, in the light of the Government's education policy. Hospitals and health centres are also monitored to assess the availability of medicines and medical personnel and to offer technical support concerning international standards on public health policies. The human rights component of the United Nations Mission in Liberia (UNMIL) issued a report entitled "Human rights in Liberia's rubber plantations: tapping into the future", in which it documented labour and living conditions on rubber plantations. The UNMIL human rights component is following up on the recommendations made in the report. In Uganda, OHCHR, in partnership with the Uganda Human Rights Commission, conducted research and prepared a policy report on property and land restitution for returning internally displaced persons in Northern Uganda.

32. Human rights field presences have also supported processes of legal protection and reform of legislation on economic, social and cultural rights. For example, OHCHR-Colombia provided assistance in the drafting of an anti-discrimination bill, of relevance for all human rights, and OHCHR-Guatemala assisted in drafting legislation on the right to food. In the Sudan, the field presence supported capacity-building of the National Assembly to harmonize national laws with the country's international human rights treaty obligations, including those relevant to economic, social and cultural rights, under the interim national Constitution.

33. Field presences have also helped with the development and implementation of national public policies relevant to economic, social and cultural rights. In Burundi and Sierra Leone, OHCHR collaborated with the ministries of education and other national partners in implementing national policy on human rights education. OHCHR-Mexico gave particular emphasis to working on policies for women and indigenous communities. In doing so, it assisted in incorporating a human rights perspective into the national development plan for 2007-2012, including the rights to education, health, an adequate standard of living and labour rights. In the Sudan, support was provided for capacity-building in the analysis of public budget process from

a human rights perspective. UNMIS-Human Rights also provided technical assistance for the development of a policy framework on relocation, which aimed to provide increased protection to internally displaced persons and urban poor from forced relocations. OHCHR-Uganda contributed to the review of national policies, including a draft national land policy.

34. Large-scale infrastructure and development projects have also been monitored, particularly in view of the potential negative impact on the economic, social and cultural rights of marginalized and poor members of society. For example, OHCHR-Cambodia commented on the impact that agro-industrial plantations and concessions might have on the rights to land and resources of indigenous people, causing eviction and resettlement issues. Along similar lines, the Office in Mexico monitored the impact on human rights of a dam in the State of Guerrero, which could affect 20,000 people and flood more than 20 indigenous communities. In the Sudan, UNMIS-Human Rights monitored and reported on forced relocation and evictions due to the construction of two large-scale hydropower dams in the northern Nile valley.

35. Research on and assessments of human rights were conducted in various countries. Some examples include OHCHR-Mexico, which produced several documents on indigenous women and their access to justice, or on violence and discrimination, highlighting the interdependence between civil, cultural, economic, political and social rights. The documents contain conclusions and recommendations on how to improve respect and protection of indigenous and women's rights. In Nepal, OHCHR conducted a mission on poverty reduction and social exclusion to analyse national poverty reduction strategies, including social, economic, and governance policies, from a human rights perspective. The outcome of the mission was published in a detailed report. OHCHR-Uganda is conducting research into the human rights of persons with disabilities, with a focus on the rights of persons with mental disabilities in post-conflict situations. This field presence also collaborated with the Uganda Human Rights Commission to prepare a policy report on the right to land, housing and property restitutions for returning internally displaced persons in northern regions.

36. Many human rights field presences continued to provide support for capacity-building in the area of human rights, including economic, social and cultural rights. At the country level, OHCHR conducted training workshops to highlight international human rights standards, including economic, social and cultural rights, for ethnic minorities and indigenous communities, persons with disabilities, children, women, refugees, internally displaced persons and returnees. 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. Furthermore, other mechanisms to promote economic, social and cultural rights at the local and national levels were also enhanced. For instance, in OHCHR-Timor-Leste, a resource centre on economic, social and cultural rights was opened for the general public and nearly 400 documents were made available in English, Indonesian and Tetun. At the regional level, the Uganda field presence together with OHCHR in Geneva held a subregional workshop for East Africa on using human rights indicators in planning, promoting and monitoring the implementation of human rights commitments. The workshop included a session for health policymakers and national development planners on indicators on the right to health and on the use of indicators for poverty

reduction strategies. In December, a regional workshop on the justiciability of economic, social and cultural rights was organized and hosted by OHCHR-Chile in partnership with the Economic Commission for Latin America and the Caribbean.

B. Enhanced human rights leadership

37. The Strategic Management Plan for the period 2006-2007 emphasizes the leading role the High Commissioner plays, through greater interaction with relevant United Nations bodies and actors, 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, the creation of a women and gender unit and the strengthening of thematic expertise in a number of areas, such as HIV/AIDS, indicators, the right to development and the rights of minorities and internally displaced persons. The Plan also highlights the leading role that the High Commissioner plays in efforts to advance poverty reduction and the Millennium Development Goals.

38. In 2007, pursuant to Human Rights Council decision 2/104, OHCHR submitted a study on human rights and access to water and sanitation. In the study, OHCHR reviewed international human rights obligations related to the provision of safe drinking water and sanitation, discussing their scope and content, nature and monitoring, and pointed to areas needing further elaboration. The study ended with conclusions and recommendations to further strengthen and implement human rights obligations in relation to those areas, including a recommendation that access to safe drinking water and sanitation be considered a human right.

39. As part of its leadership activities, OHCHR has also analysed the human rights dimensions of climate change, an issue of central concern for the international community in 2007. While past analyses of climate change have traditionally focused on its economic and environmental repercussions, human rights norms and standards provide a framework to consider its human dimension, and to shed light on the impact it could have for present and future generations. The preparation of a background document and the support for the Deputy High Commissioner's attendance to the Bali Conference in December 2007 helped to provide an overview of the human rights dimension of climate change, while leading the way into much needed debate on the measures that the international community need to take.

40. In her report to the Economic and Social Council (E/2007/82), the High Commissioner focused on the concept of "progressive realization", exploring its meaning and how the treaties allow for gradual realization over time of economic, social and cultural rights while imposing obligations requiring immediate implementation by States parties. In the report, the High Commissioner also discussed some of the issues arising from the practical implementation of obligations subject to progressive realization, commenting on measures and national strategies to move towards progressive achievement of these rights. The essay by the High Commissioner "Economic and social justice for societies in transition", based on her speech of 25 October 2006 at the Second Annual Transitional Justice Lecture hosted by the New York University School of Law Center for Human Rights and Global Justice and the International Center for Transitional Justice, was in the same vein. By producing a series of such reports and essays, the Office aims at deepening the conceptual understanding of these rights and at providing tools for their better implementation.

41. Poverty is among the gravest human rights challenges faced by the world today. Human rights violations can cause and deepen poverty, and those living in poverty are, in turn, among the most vulnerable to violations of their economic, social and cultural rights. In the biennium 2006-2007, OHCHR made an assessment to identify how OHCHR could add value to the work of the United Nations system in addressing poverty from a human rights perspective. Looking at multidimensional poverty and the Millennium Development Goals from such a perspective provides insights for direct analysis of its root causes, focusing on intersecting axes of discrimination affecting those who are most marginalized. Civil and political rights should be central pillars of poverty reduction strategies, as must the legally binding obligations associated with economic, social and cultural rights. On 28 and 30 March 2007, OHCHR organized a poverty review meeting with field colleagues and invited experts to discuss and identify strategic country engagement entry points for OHCHR when addressing issues connected with poverty and human rights. Three field assessment mission reports (Guatemala, Liberia and Nepal) were reviewed during the meeting, led by a team of experts in development economics, human rights and conflict. Follow-up is particularly active in the case of Liberia.

42. Special attention has been paid to the issue of women and economic, social and cultural rights. In 2007, OHCHR conducted research and prepared several documents: a legal position paper as to the use of temporary special measures in relation to the provision of social and economic rights in post-conflict States, in order to ensure access for those made vulnerable by the conflict, in particular victims of sexual violence; a comprehensive survey on laws that discriminate against women, including their economic, social and cultural rights; a paper to be used as an annex to the reports of the special rapporteurs on violence against women and housing, making the link between the two sets of rights and State responsibility in this regard.

43. Economic, social and cultural rights are inextricably linked with the spread of the HIV/AIDS pandemic 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/AIDS 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. In 2007, a handbook on HIV and national human rights institutions was completed and launched at the eighth International Congress on AIDS in Asia and the Pacific from 19 to 23 August, in Sri Lanka. On that occasion, OHCHR, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Development Programme (UNDP) co-hosted a satellite event entitled "Unblocking the barriers to universal access: the role of national human rights institutions", which sought to involve national institutions in the response to HIV/AIDS and to promote accountability.

44. To mark the International Day for the Elimination of Racial Discrimination on 21 March 2008, OHCHR organized a high-level panel discussion in Geneva entitled "Racism and discrimination: obstacles of development", at which emphasis was put on, among other themes, the effect of racism on economic growth. It was observed during the discussions that people who were victims of discrimination, including racial discrimination, were marginalized in their societies and denied equal opportunities to social and other goods, facilities and services affecting their full potential to contribute to economic growth. It was also observed that economic growth was unachievable without good governance, which itself was unrealizable without broad participation by all communities and groups without discrimination.

C. Closer partnerships with civil society and United Nations agencies

45. Throughout 2007, OHCHR initiated or strengthened partnerships with United Nations agencies and programmes and civil society in relation to economic, social and cultural rights. Collaborative efforts were made to address economic, social and cultural rights issues through working groups, task forces and country teams, particularly with United Nations agencies at the country level. For example, OHCHR-Angola is collaborating with the United Nations Development Fund for Women (UNIFEM) and the United Nations Children's Fund (UNICEF) in addressing maternal and child health and human rights. In Burundi, the human rights field presence and WFP are collaborating to assess impact of food-aid delivery on the enjoyment of human rights by aid recipients. In Uganda, OHCHR and WHO jointly initiated the establishment of a health and human rights steering committee, chaired by the Ministry of Health, bringing together health and human rights practitioners and policymakers. Joint conferences and workshops to address poverty and human rights issues were held, for example, with UNIFEM and FAO (in the Central African region), and with the United Nations Population Fund (UNFPA), UNICEF and UNDP (in Chile for the Latin American region). In several training workshops held at the country level, human rights field presences partnered with other United Nations agencies, such as ILO, UNAIDS, UNICEF, WHO/PAHO, UNFPA and UNIFEM.

46. Collaboration with national human rights institutions has been enhanced. In October 2007, OHCHR participated in the sixth conference of African national human rights institutions held in Kigali, on the theme "The role of national human rights institutions in the protection of refugees, internally displaced and stateless persons". The declaration adopted at the conference reaffirmed the commitment of national human rights institutions to the Abuja declaration of 10 November 2005, which outlined the resolutions adopted by African national human rights institutions with regard to economic, social and cultural rights. The conference offered a platform to participants to give an account of the actions taken by their respective countries in the promotion of economic, social and cultural rights, in fulfilment of the Abuja declaration made at the previous conference. Substantive presentations were made by human rights institutions from Algeria, Congo, Ghana, Madagascar, Malawi, Mauritania, Morocco, Nigeria, Rwanda, South Africa, Togo and the United Republic of Tanzania. The Kigali declaration adopted at the sixth conference included a pledge to ensure the sustained livelihood of refugees regarding health and education, among other issues. OHCHR-Mexico entered into an agreement with the national commission for human rights of Mexico to carry out joint projects, including a project to develop human rights indicators for Mexico, also in collaboration with the National Institute of Statistics, Geography and Data Processing. The project will start with indicators on the rights to health and education, as well as the rights of persons in prison. Technical cooperation was also provided to the Asia Pacific forum of national human rights institutions in relation to a substantive research on human rights and environment in that region.

47. As a result of this close collaboration, OHCHR has produced several documents for wide dissemination. With various partners, the Office has published the *Handbook on Housing and Property Restitution for Refugees and Displaced Persons*.⁴ Other relevant publications prepared

⁴ Available from the OHCHR website at www.ohchr.org/Documents/Publications/pinheiro_principles.pdf.

in 2007 and due for dissemination in early 2008 are fact sheet 31 on the right to health, co-published with WHO; “The Millennium Development Goals and human rights”, which will provide an advocacy tool for human rights in development and set out a clear operational framework for policymakers and development practitioners on how efforts to reach the Millennium Development Goals can be aligned with human rights standards and obligations; and “Health, human rights and poverty reduction strategies”, a joint OHCHR and WHO publication, which mainly addresses public health workers and policymakers, providing answers to many questions raised by a human rights-based approach to poverty reduction.

48. Human rights presences also collaborated with other national partners, such as civil society, academic institutions and professional groups. For example, human rights field presences are supporting activities of non-governmental organizations monitoring the right to adequate housing and providing legal assistance to victims of forced eviction and domestic violence (Kyrgyzstan); providing assistance for the creation of a network of non-governmental organizations on the right to adequate housing (Timor-Leste); and supporting a project on national budget analysis (the Sudan). In China, OHCHR developed a grant agreement with the Institute of Law of the Chinese Academy of Social Sciences to support the justiciability of economic, social and cultural rights in China. In Mexico, OHCHR is collaborating with universities and human rights organizations to draft a proposal on constitutional reform in order to harmonize the Constitution of Mexico with international human rights standards, including those on economic, social and cultural rights.

49. OHCHR participated in numerous events, seminars and forums organized by States, regional systems and coalitions of non-governmental organizations. For example, at the 9th NGO Forum on Human Rights, dedicated to economic, social and cultural rights in European Union policies, in Lisbon, the Office took part in panels on indicators, human rights defenders and legal protection of economic, social and cultural rights. The event was organized by the Portuguese Presidency of the European Union in cooperation with the European Commission.

D. More synergy with United Nations human rights bodies

50. OHCHR continued to support the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Working Group conducted the first reading of the draft optional protocol at its fourth session from 16 to 27 July 2007. Besides that session, OHCHR supported other related activities, such as informal consultations relating to the Working Group.

51. 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. The field presences supported country visits by mandate-holders, followed up recommendations issued by the mandate-holders and investigated or monitored alleged cases of violation of economic, social and cultural rights brought to the attention of the mandate-holders. For example, in Nepal, the field presence conducted investigations on alleged violations of the right to food of an indigenous community and the right to health of a community living near a toxic waste dump, situations brought to the attention of the relevant mandate-holders. In Uganda, OHCHR and WHO supported the country visit of the Special Rapporteur on the right to health;

during his visit, they organized meetings with the Ministry of Health, WHO and the Swedish International Development Cooperation Agency to review progress made since the previous visit of the Special Rapporteur in 2005.

52. Field presences also provided support to the monitoring mechanisms of United Nations human rights treaty bodies. In Colombia, the field presence is providing technical advice to the Government, civil society and the United Nations system regarding the follow-up to the recommendations made by the Committee on Economic, Social and Cultural Rights and the mandate-holders of the special procedures with regard to economic, social and cultural rights. In Uganda, the field presence is engaging national experts to support the Government's preparation of a State party report to the Committee. The field presence in Nepal provided input to the Committee on Economic, Social and Cultural Rights upon the request of the Committee. The field presence in Sierra Leone is assisting that country's Government to comply with its reporting obligations to international treaty monitoring bodies, including the Committee, through capacity-building and technical advice. The OHCHR Regional Office for Central Asia, jointly with the Committee, organized a regional workshop on follow-up to the Committee's concluding observations.

53. Using the conceptual and methodological framework outlined in 2006 on indicators for monitoring compliance with international human rights instruments (HRI/MC/2006/7), lists of indicators on the right to adequate food, health, adequate housing, education, work and social security were developed by OHCHR, in consultation with a panel of experts, including members of treaty bodies, special rapporteurs, United Nations agencies and civil society organizations. Identified indicators bring to the fore an assessment of steps taken by States parties in addressing their obligations, from acceptance of international human rights standards (structural indicators) to efforts being made by the primary duty-bearer, the State, to meet the obligations that flow from the standards (process indicators), through to the outcomes of those efforts from the perspective of rights-holders (outcome indicators). The framework, which adopts a common approach to monitoring civil, cultural, economic, political and social rights, was further validated through workshops and consultations at the country level with national human rights stakeholders, namely national human rights institutions, policymakers, statistical agencies, civil society organizations and United Nations agencies. Subregional workshops were organized in India and Uganda and a national seminar on human rights indicators was held in Brazil in 2007.

54. In April 2007, OHCHR-Nepal organized a series of meetings in Nepal on social exclusion and long-standing discrimination. The meetings were attended by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène; the Special Rapporteur on human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen; and experts from the Sub-Commission on the Promotion and Protection of Human Rights, Chin Chung and Yozo Yokota. The visit of the experts in their unofficial capacity was specifically intended to assist OHCHR-Nepal to refine its policy and strategy for addressing social exclusion, discrimination and inequality issues, and to provide an opportunity to various local partners and stakeholders to conduct dialogues with the Special Rapporteurs and the experts on issues of concern relating to equality and non-discrimination. Issues concerning economic, social and cultural rights were raised during the discussions, particularly the problems faced by the Dalits in relation to literacy, school attendance, employment, health, nutrition and housing, with percentages significantly below national averages.

V. CONCLUSIONS

55. The past year has set the pace for a greater commitment, at all levels, to economic, social and cultural rights. While some previous areas of work have been strengthened, new processes, partnerships and capacities have marked the work of the Office of the United Nations High Commissioner for Human Rights. 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.

56. 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 paid close attention and devoted reports, visits and communications to these rights. Notably, the Special Representative of the Secretary-General on the situation of human rights defenders wrote a report in which she examined the particular risks and circumstances that face human rights defenders working in the field of economic, social and cultural rights. Similarly, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism dedicated his annual report to the thematic issue of economic, social and cultural rights in the context of counter-terrorism, including information on the work done to date by the United Nations human rights treaty bodies, special procedures and other United Nations entities, as well as regional human rights mechanisms. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has put special emphasis on the economic, social and cultural rights of indigenous peoples.

57. OHCHR has strengthened its thematic expertise in economic, social and cultural rights at the country, regional and headquarters level in line with the Strategic Management Plan for the period 2006-2007. When compared to previous reports of the Secretary-General on the question of the realization of economic, social and cultural rights in all countries, the current reporting cycle has seen a considerable growth in activities concerning these rights, both at headquarters and in human rights field presences. Those activities have included monitoring violations of economic, social and cultural rights; 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; undertaking research into new and challenging issues relating to economic, social and cultural rights, such as the right to water, climate change and human rights; following up the recommendations of treaty bodies and special procedures; and building and strengthening partnerships with WHO, UN-Habitat, FAO and other intergovernmental and non-governmental organizations.
