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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

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

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

Summary

The present report is submitted in accordance with resolution 14/13 of the Human Rights Council. It outlines the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR), treaty bodies and special procedures in relation to economic, social and cultural rights. The report also covers OHCHR activities on assistance and technical cooperation to States, United Nations agencies and entities, civil society organizations and other relevant stakeholders.

* All references to Kosovo shall be understood in the context of Security Council resolution 1244 (1999), and without prejudice to the status of Kosovo.

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I. Introduction

1. In its resolution 14/13, the Human Rights Council (HRC) requested the High Commissioner for Human Rights to submit to the Council an annual report on the question of the realization in all countries of economic, social and cultural rights (ESCRs). The present report refers to activities relevant to the promotion and protection of these rights, with a particular focus on the activities of United Nations treaty bodies, special procedures mandates holders, and the Office of the High Commissioner for Human Rights (OHCHR). The present report includes a number of illustrative examples of the activities undertaken by OHCHR headquarters and field presences in the area of economic, social and cultural rights.

2. The year under review witnessed an important development in the field of ESCRs. On 28 July 2010, the United Nations General Assembly (GA) adopted a resolution recognizing **water and sanitation** as rights. On 30 September 2010, the HRC unanimously adopted a resolution affirming “that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity”, thereby anchoring it in article 11 of the International Covenant on Economic Social and Cultural Rights. In November 2010, at its forty-fifth session, the Committee on Economic, Social and Cultural Rights adopted a statement on the right to sanitation in which it highlighted the need for the full recognition of this right by States parties. In addition to the support provided to the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation and to the above-mentioned resolutions, in 2010, OHCHR, in collaboration with World Health Organization (WHO) and United Nations Human Settlement Programme (UN-HABITAT), issued a fact sheet on the right to water in order to raise awareness on the content of this right.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

A. Leadership in human rights

3. The 2010 annual report of the High Commissioner for Human Rights to the Economic and Social Council focused on the economic, social and cultural rights of **migrants** in host countries (E/2010/89). Based on international instruments, the work of treaty bodies and special procedures mandate holders, as well as international and regional case law, the report highlighted the human rights obligations of States with regard to all migrants, including irregular migrants.

4. As Chair of the Global Migration Group (GMG) for the second half of 2010, OHCHR promoted and mainstreamed a human rights-based approach to migration within the United Nations system and beyond, thus contributing to increased responsiveness to migrants’ rights on the part of the international community. On 30 September 2010, the Principals of GMG adopted a landmark joint statement on the human rights of irregular migrants, stressing the principle of non-discrimination and States’ obligations to respect, protect and fulfil, inter alia, the economic, social and cultural rights of migrants under international law, including the right to the highest attainable standard of health, adequate food, adequate housing, just and favourable conditions of work.

5. OHCHR also conducted and submitted to the Human Rights Council a study on migrant children’s rights, including their rights to health, education, adequate housing and

family reunion. In March 2010, OHCHR supported and participated in the Global Consultation on Migrants' Health organized by WHO and the International Organization for Migration (IOM) in Madrid, Spain.

6. In relation to the **food crisis**, OHCHR actively participated in the Secretary-General's High-Level Task Force on the Global Food Security Crisis. In particular, OHCHR contributed to updating the Comprehensive Framework for Action, as a common strategic framework for United Nations agencies, international financial institutions and the World Trade Organization (WTO). The Updated Comprehensive Framework for Action (UCFA) recognizes the right to food and the human rights-based approach as strategic entry points for addressing world food security and nutrition. Human rights considerations are integrated throughout the recommendations formulated in the UCFA as cross-cutting issues.

7. OHCHR continued its advocacy for the use of **indicators** to strengthen human rights policies and monitoring systems on economic, social and cultural rights at country, regional and international levels. On the occasion of the first World Statistics Day (20 December 2010), the High Commissioner highlighted how data enable more effective promotion, monitoring and implementation of human rights standards, and noted that the framework developed by OHCHR¹ makes available precise and up-to-date data to help States assess progress in human rights implementation and capacity-building.

8. Drawing from this methodology, which was endorsed by the treaty bodies in 2008, field presences in **Ecuador, Mexico and Nepal** have continued working towards strengthening the capacity of national authorities for developing indicators to be used as a tool to monitor economic, social and cultural rights. For example, in Mexico, OHCHR, the National Institute for Statistics and Geography, and the National Human Rights Commission have achieved prominent advances in their work on indicators, especially for the rights to health and education. Indicators for the right to health were subject to validation involving over 70 experts, including governmental institutions, civil society organizations and human rights local commissions, which contributed to improving the indicators and enabling more systematic monitoring of the right. In Nepal, OHCHR continued its support to the Government, national human rights institutions and civil society organisations to identify and contextualize indicators for monitoring ESCRs. One of the outcomes was the integration of human rights indicators into the National Human Rights Action Plan that outlines the Government's plans and priorities for 2010-2012, in a number of areas, including health, education, administration of justice and institution building, and addresses targeted programmes for marginalized and vulnerable groups. In Ecuador, OHCHR, the Ministry of Justice and Human Rights, the National Institute of Statistics and Census, the National Secretary of Planning and Development, the Ombudsman and United Nations agencies were involved in the design of a national plan for developing the use of indicators to promote and monitor the implementation of human rights, including economic, social and cultural rights.

9. Given the Committee on Economic, Social and Cultural Rights' request to States parties to identify statistical indicators and related national benchmarks for each right provided for in the Covenant, OHCHR conducted training workshops on the conceptual and methodological framework for indicators developed with the treaty bodies at the request of national stakeholders, including Governments, national human rights institutions, and United Nations Country Teams. Technical assistance on human rights indicators was also provided by OHCHR to a number of countries, including **Guatemala, Kenya** and the **United Kingdom**. OHCHR started developing practical tools to help disseminate and

¹ Outlined in HRI/MC/2008/3.

operationalize the adopted framework. An expert meeting organized by OHCHR in June 2010, and attended by members of the Committee on Economic, Social and Cultural Rights and other treaty bodies, help to validate the preliminary draft of a practical guide on the methodology for developing indicators. OHCHR's methodology for developing human rights indicators also contributed to the framework for action of the High-Level Task Force on the Global Food Security Crisis, which provided illustrative indicators for assessing, monitoring and evaluating food and nutrition security situations.

10. Further to Human Rights Council resolution 11/8, OHCHR prepared a thematic study on **preventable maternal mortality and morbidity** and human rights (A/HRC/14/39), which was considered in a panel discussion on 14 June 2010. Following the discussion, 108 countries issued a joint statement requesting the High Commissioner to take the study to the High-level Plenary Meeting on the Millennium Development Goals (MDGs) to demonstrate the need to integrate a human rights perspective to achieving all MDGs, in particular Goal 5 on maternal health. On 30 September 2010, the Council adopted, by consensus, a resolution welcoming OHCHR's report, and requesting the Office of the High Commissioner to prepare an analytical compilation on good and effective practices to prevent maternal mortality and morbidity. That request, which was supported by 96 co-sponsors, indicated the international community's increasing responsiveness to the issue which previously had been addressed outside the human rights arena.

11. The year 2010 marked an important milestone in the process towards achieving the **Millennium Development Goals**, which are intimately linked and instrumental to the progressive realization of human rights, including economic, social and cultural rights. The OHCHR substantively contributed to the General Assembly's High-level Plenary Meeting on the MDGs (MDG Summit) by advocating a stronger position for human rights in the deliberations and in the outcome of the Summit, and promoting greater understanding of the linkages between human rights and development. As part of its communication strategy, the United Nations and OHCHR have developed complementary and linked communications tools, including websites.² In August 2010, an article on human rights and the MDGs, entitled "MDGs: Time is Running Out", signed by the High Commissioner, was published in 16 media outlets in 13 countries in 8 languages. Such efforts have succeeded in the earning recognition by Heads of States of the central importance of human rights for achieving the MDGs, by spelling out human rights commitments in concrete terms to illustrate how commitments can be translated into action. These commitments highlight the practical implications of key human rights principles, such as equality, non-discrimination, participation, accountability and transparency, in both national development strategies and international development partnerships. Furthermore, the outcome document of the MDG Summit made more explicit the alignment of MDG targets with specific sets of human rights standards as a pre-requisite for formulating and implementing more integral human rights-sensitive development strategies.

12. On 20 October 2010, the High Commissioner delivered her statement at the 65th session of the General Assembly, in which she referred, inter alia, to the financial crash, the economic recession and the MDG Summit. With regard to the latter, she noted that the outcome document provided "a framework for filling gaps that invariably open up when abuses of human rights take place, including economic, social and cultural rights violations."

² Such as <http://www.un.org/en/mdg/summit2010/> and <http://www.ohchr.org/EN/Issues/MDG/Pages/MDGIndex.aspx>.

13. During the period under review, OHCHR continued to identify areas where further human rights analysis was needed. OHCHR organized a first consultation (Geneva, 29 November-1 December 2010) to discuss **land** issues – an emerging issue of concern – from a human rights perspective, and to inform the work of the Office. Discrimination, inequalities and poverty are often closely linked to land issues, and heavily impact a large number of human rights, many of which are economic, social and cultural rights, and the situation of many marginalized groups, such as women, indigenous peoples, minorities, internally displaced persons (IDPs), and urban and rural poor.

14. In 2010, OHCHR stepped up its research and strategic advocacy within the United Nations system, and with external stakeholders, in order to bring visibility to the critical human rights situation of **older persons**. OHCHR organized an Expert Group Meeting (Geneva, 25-26 May 2010), jointly with UNDESA, and contributed to the Secretary-General's report, Follow-up to the Second World Assembly on Ageing (A/65/157), which provided a comprehensive overview of the social situation, well-being, development and rights of older persons the world over. OHCHR also contributed to two key developments relating to the economic, social and cultural rights of older persons, namely the report of the Independent Expert on the question of human rights and extreme poverty to the Human Rights Council on social pensions and older persons (A/HRC/14/31), and General Recommendation No. 27 on older women and protection of their human rights of the Committee on the Elimination of Discrimination against Women, adopted in October 2010.

15. In December 2010, the General Assembly adopted resolution 65/182 establishing an open-ended working group aimed at strengthening protection of the human rights of older persons by considering the existing international framework, identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.

16. OHCHR continued to deliver various training courses on economic, social and cultural rights. A pilot course on strategies and skills to monitor and protect economic, social and cultural rights was offered to OHCHR staff in all regions and types of field presences, including headquarters. This course is intended to be a regular feature of the OHCHR learning and training courses offered to staff and stakeholders as a part of the training programme based on the OHCHR Human Rights Monitoring Manual. Budget monitoring is particularly pertinent to monitoring the realization of economic, social and cultural rights in relation to the maximum use of available resources. Therefore, OHCHR published a training package and a guide on human rights and budget monitoring, in partnership with the International Human Rights Internship Program (IHRIP) for member States and other national partners, and trained 28 OHCHR staff to support follow-up initiatives at the regional and country levels.

17. OHCHR continues to prioritize the development, publication and dissemination of tools and materials to enhance knowledge about economic, social and cultural rights. In 2010, OHCHR published several fact sheets, including on the right to adequate food, in collaboration with the Food and Agriculture Organization (FAO). OHCHR continues to produce the OHCHR ESCR Bulletin for in-house circulation, and since October 2010, for public distribution. The Bulletin is a bi-monthly information tool summarizing key developments, materials, tools and case law on ESCRs around the world.

18. OHCHR also used public information to promote economic, social and cultural rights worldwide and to inform various target audiences of their rights. During 2010, OHCHR issued 49 press releases and 37 feature stories relating to economic, social and cultural rights, organized media briefings, interviews and press conferences, including for the presentation of special procedures mandate holders reports to the United Nations General Assembly.

B. Country engagement and field presence

19. In 2010, OHCHR continued to strengthen its country engagement efforts through awareness-raising and 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. Technical staff working on ESCRs at headquarters undertook over 20 missions in 2010 to offer assistance and support to Governments, Parliaments, United Nations Country Teams (UNCTs), field presences and civil society on rights such as the right to the highest attainable standard of physical and mental health, adequate housing, adequate food, education, and on the legal protection and justiciability of economic, social and cultural rights. The following sections give a non-exhaustive illustration of some of the activities undertaken by OHCHR field presences around the world.

20. In **Moldova**, OHCHR Human Rights Adviser (HRA) assisted the Government with ratifying the International Convention on the Rights of Persons with Disabilities in September 2010, and continues to support the implementation of the Convention with the Ministry of Labour, Social Protection and the Family, the Ministry of Health and the State Chancellery. In March 2010, OHCHR assisted the Ministry of Health in establishing a Health and Human Rights Working Group to review law, policy and practice in the health field for its human rights compliance. Subgroups were subsequently established on HIV/AIDS, tuberculosis, sexual and reproductive health, and mental health. During 2010, a number of regulations in this field were revised, including those addressing the detention of persons with tuberculosis, and access to personal data about persons living with HIV/AIDS. OHCHR also provided the Supreme Court with relevant international law guidance with regard to mandatory HIV testing of foreigners as justification for refusing residence. The December 2010 Supreme Court ruling paved the way for legal reform in this area. In addition, OHCHR assisted the Government in preparing a comprehensive anti-discrimination law, provided advice on a draft Education Code, and worked with the Bureau on Inter-ethnic Relations to prepare a new Action Plan on Roma Inclusion. Throughout the period, the HRA also worked with Moldovan civil society and national human rights institutions (NHRIs) and UNCT to strengthen knowledge of economic, social and cultural rights, by organizing training sessions on the International Covenant on Economic, Social and Cultural Rights (ICESCR) and processes for monitoring the treaty.

21. In May 2010, the OHCHR HRA in **Serbia**, in collaboration with the Ministry of Human and Minority Rights, and with the support of United Nations Roma Theme Group and OHCHR Geneva organized two workshops on the right to adequate housing and the nature of State obligation at the local and national levels. The workshops were held in Belgrade on 19 and 20 May 2010, and participants included representatives of six local self-governments, namely Kragujevac, Kraljevo, Nis, Vranje, Leskovac and Novi Sad, representatives of various national institutions, such as line ministries, Office of the Ombudsman, Serbian Roads public company, national Poverty Reduction Strategy (PRS) team, as well as representatives of the City of Belgrade.

22. The OHCHR field presence in **Kosovo**³ introduced the OHCHR human rights indicators framework, particularly those relating to economic, social and cultural rights, in a training course for 50 government officials responsible for human rights policymaking and implementation, and advocated for more effective implementation of the Anti-Discrimination Law in this context. Between 2005 and 2010, the field presence monitored the cases of about 700 Roma, Ashkali and Egyptian internally displaced persons in northern

³ See reference on page 1.

Kosovo who had been affected by lead-poisoning, advocated their relocation to safer conditions, and supported the special procedures mandate holders in monitoring the situation. In October 2010, relocation was successfully completed, following combined or separate actions of United Nations agencies, United Nations Interim Administration in Kosovo, Kosovo institutions, the European Commission and bilateral donors.

23. The OHCHR-**Regional Office for Central Asia** translated a number of international human rights instruments and tools into national languages, including the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the Basic principles and guidelines on development-based evictions and displacement. The translations were printed for further distribution among Government bodies, judges, NGOs, universities and United Nations agencies.

24. OHCHR continued raising awareness in the **Russian Federation** through the reprinting and dissemination of ESCR-related publications, co-sponsoring human rights promotional activities, and holding discussions with ombudspersons. In Moscow, OHCHR contributed to the celebration of World Habitat Day with a presentation on the right to adequate housing.

25. In 2010, the OHCHR-**Pacific Regional Office** increased its engagement on human rights and trade, and contributed to raising the profile of the link between human rights and trade in the Pacific region, which impacts on a number of economic, social and cultural rights. The Regional Office (RO) also assisted UNCTs in Fiji and Samoa with developing and implementing a strategy on human rights with 14 Governments in the region. The RO coordinated the finalization of a strategy on human rights prepared by a UNCT, which was adopted in January 2010. Both strategies included the promotion of economic, social and cultural rights. The strategy resulted in the issuance of invitations to visit to several special procedures mandate holders by State authorities. The RO also supported the establishment of the Pacific Humanitarian Protection Cluster, and has worked actively to increase its membership. The RO, together with partners, provided training on protection in emergencies in three countries, and supported human rights integration into plans in four countries. The RO supported the creation of human rights protection working groups in Samoa and Fiji, advocated for long-term displacement situations in Solomon Islands and Papua New Guinea, and will release (in 2011) the report of a pilot study entitled, "Human rights monitoring of persons internally displaced by the 2009 tsunami in Samoa".

26. In **Papua New Guinea**, OHCHR undertook an assessment mission on the right to adequate housing in Port Moresby, Goroka, Madang and Lae in July 2010. The mission team, made up of the regional representative for the Pacific, the HRA in Papua New Guinea and a housing rights expert from headquarters, held consultations with relevant Government officials at the national and local levels, and civil society organizations. In each location, workshops were held to raise awareness among stakeholders of international standards on the right to adequate housing, with particular focus on forced evictions. The mission visited settlements in all of the cities to consult with victims of forced evictions and people living in informal settlements. The findings were presented to UNCT, which has since increased dialogue on the issue with the Government. A report including a proposal for programming on forced evictions and the right to adequate housing from 2011 onwards is being finalized. In December 2010, the HRA actively contributed to the organization of a film festival and debates on, inter alia, ESCRs and the right to adequate housing. A large portion of the audience was constituted by people living in informal settlements.

27. **Timor Leste** is finalizing its National Strategic Development Plan for the next 10 years, following consultations in all sub-districts, and has set national priorities which are in line with the Government's commitment to furthering the MDGs, with a strong focus on economic and social rights, in particular poverty eradication, food security, housing, water and sanitation, and employment. In November 2010, at an OHCHR-funded event to

celebrate International Children's Day, the right to food was actively discussed by representatives of the Ministries of Health, Education, and Social Solidarity and a Member of the National Parliament, among others. In November 2010, the United Nations Integrated Mission in Timor Leste (UNMIT) Human Rights and Transitional Justice Section (HRTJS) completed a survey on the challenges faced by the Mental Health Focal Points (MHFP) of the Ministry of Health—of which there are 16 in the country—and which have reported that they are responsible for providing medical care to more than 3,000 persons with mental disabilities, nationwide. The main challenges reported by the MHFPs included the lack of specialized training and information, insufficient human resources, lack of access to specialized doctors in the districts, lack of transport and basic communication equipment, shortage of medicines, and families objecting to modern medical treatment, instead of traditional medicine.

28. The National Parliament of Timor Leste celebrated International Human Rights Day with an extraordinary session on economic, social and cultural rights, during which different speakers, including the President of the Republic, the President of Parliament and Party leaders, stressed the importance of realizing economic, social and cultural rights. During the reporting period, UNMIT-HRTJS provided seven Timorese civil society organizations and networks with micro-grants from OHCHR's Technical Cooperation Project to monitor the right to education, health, adequate housing and food. As a result, the NGOs have produced reports that are being used for advocacy with the Government at the local and national levels. UNMIT-HRTJS also launched a pilot project on ESCRs in a remote village in Bobonaro District, with a view to strengthening the capacity of the community to claim rights, and that of duty bearers to realize rights. The community, which was involved in every step of the project, identified its priorities, and work was started to improve sanitation in the village. The project will continue until mid 2011.

29. On 30 March 2010, OHCHR released a report based on field research and entitled, "The Human Rights Dimension of Poverty in **Afghanistan**". The report emphasizes the importance of integrating human rights concerns, such as those relating to the right to food, health, adequate housing and education, among others, into Afghanistan's poverty reduction policies and strategies, in order to address the root causes of poverty. As a follow-up to the report, OHCHR and United Nations Assistance Mission in Afghanistan (UNAMA) is conducting extensive research on the right to health, with focus on human rights principles, including equality and non-discrimination, in health-sector policies and programmes.

30. In 2010, OHCHR-**Nepal**, in cooperation with the National Human Rights Commission, organized three major workshops on monitoring economic, social and cultural rights for local government officials, civil society organisations and community-based groups. These workshops resulted in the creation of local networks to monitor economic, social and cultural rights violations in various districts. The Office also advocated increased protection of economic, social and cultural rights in the new Constitution, through the provision of inputs and comments to the Committee on Fundamental Rights and Directive Principles of the Constituent Assembly. OHCHR-Nepal continued to monitor forced evictions of landless people in the Far Western Region, as well as the process of liberation and rehabilitation of *haliyas* (bonded labourers working as land tillers) and *kamlaris* (bonded child labourers) through advocacy with the Government, and support to local NGOs in their efforts to improve access to justice and basic services for these groups. A positive development was the completion by the Government of official national statistics on the *haliya* population, following the survey that was conducted in 2009.

31. In May 2010, OHCHR-**Regional Office for West Africa**, in cooperation with the International Labour Office (ILO) Regional Office for the Sahel, organized a two-day regional conference on the justiciability of economic, social and cultural rights for

Parliamentarians, State representatives, national human rights institutions, trade unions and civil society organizations from Burkina Faso, Cape Verde, Mali and Senegal. As a follow-up to the conference, the RO supported the publication of leaflets explaining the purpose of the Optional Protocol to ICESCR, and encouraged its ratification by, among others, organizing national seminars, including in Mali and Burkina Faso in December 2010. In October 2010, OHCHR provided training sessions on reporting under ICESCR in Senegal and Cape Verde. It also organized training and awareness-raising activities for internal staff and external partners in West Africa, with a view to increasing knowledge on key issues affecting women's access to justice, economic, social and cultural rights and participation in decision-making. A training workshop on women's human rights, and gender mainstreaming was organized in Niamey, Niger, for 10 Heads of field presences in West Africa and 20 United Nations and national partners.

32. The United Nations Joint Human Rights Office (UNJHRO) in the **Democratic Republic of Congo (DRC)** continued to monitor the violations of economic, social and cultural rights, and the illegal exploitation of natural resources, with particular attention to the case of mass rape in Walikale. It also conducted capacity-building activities for Governmental and non-governmental actors on the topic, including a round table with the Parliamentarian Network for the Protection and Promotion of Human Rights, held on 25 and 26 October 2010. Moreover, UNJHRO, in collaboration with the International Conference on the Great Lakes Region (ICGLR), organized a workshop on economic, social and cultural rights and exploitation of natural resources in DRC on 17 and 18 August 2010. The workshop paid particular attention to the relation between the exploitation of natural resources and the ongoing conflict in the eastern part of the country. It was recommended that DRC strengthen the fight against impunity, and ratify the protocols on certification and traceability.

33. OHCHR-Middle East Regional Office continued to advocate for Palestinians' right to work in Lebanon through its participation in the United Nations Integrated Working Group on Palestinian Issues, the Protection Working Group in North Lebanon, and its cooperation with the Committee for the Employment of Palestinians in Lebanon. A first positive step in 2010 was the decision made by the Lebanese Ministry of Labour exempting Palestinian refugees from application of a law restricting certain professions to Lebanese citizens only.

C. Partnerships with civil society and United Nations agencies

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

35. OHCHR participated as a panellist in an Inter-American Commission on Human Rights (IACHR) thematic hearing of 23 March 2010 on discrimination against women in the exercise of their economic and social rights. In addition, on 18 and 19 October 2010, OHCHR participated in the IACHR working meeting aimed at identifying ways to overcome the barriers currently limiting the economic, social and cultural rights of women in the Americas.

36. OHCHR continues its work with United Nations Development Programme (UNDP) to integrate human rights into development cooperation, and to support the efforts of other organizations to integrate human rights into their work. OHCHR participated in the launch of United Nations Population Fund (UNFPA) manual, "A Human Rights-Based Approach to Programming: Practical Information and Training Materials", which provides tools to

link human rights principles and standards to programming in the areas of, inter alia, sexual and reproductive health, gender, and youth.

37. In 2010, OHCHR and WHO strengthened their partnership and increased the areas of mutual collaboration. New areas of cooperation include the Tuberculosis and Human Rights Task Force, co-chaired by WHO and UNAIDS, which OHCHR has joined, and increased focus on non-communicable diseases from a human rights perspective. WHO provided technical inputs and guidance on a number of issues, including social pensions and older persons, the High Commissioner's report on maternal mortality and morbidity, the report to the Human Rights Council by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which examines the criminalization of same-sex conduct and sexual orientation, sex-work, and HIV transmission (A/HRC/14/20), as well as the Committee on ESCR day of general discussion on sexual and reproductive health. OHCHR has also provided substantive input to WHO's ongoing work on a Public Health Law Manual, the WHO-led year-long consultations for an Interagency⁴ Statement on gender-biased sex selection, and several training courses. A number of joint publications were issued, including an information sheet on a human rights-based approach to health, and a document entitled, "Human Rights and Gender Equality in Health Sector Strategies – How to Assess Policy Coherence", prepared in close collaboration with the Swedish International Development Cooperation Agency and intended for use primarily by national multi-disciplinary teams of health planners, policy makers and human rights practitioners.

38. OHCHR continued its close partnership with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and other partners in preparing the Report of the Secretary-General on the promotion and protection of human rights in the context of HIV and AIDS, pursuant to HRC resolution 12/27. The report identified protection gaps and human rights concerns which require programmatic responses in order to reduce HIV infection rates and ensure equitable access to HIV services. It also highlighted the need for community empowerment and meaningful participation in decision-making by people living with HIV and affected populations. On the capacity-development and awareness-raising fronts, a Handbook on HIV/AIDS and Human Rights was rolled out to some 35 national human rights institutions from Asia, Latin America, the Middle East, and Central and West Africa, in a series of regional workshops organized by the Danish Institute for Human Rights, with co-sponsorship and support of OHCHR, UNAIDS and UNDP.

39. In September 2010, OHCHR and FAO co-organized a panel discussion on the right to food as a side event of the 15th session of the Human Rights Council. The discussion was aimed at raising awareness on the practical implication of the implementation of the right to food at the country level, and sharing tools made available to the relevant stakeholders.

40. Human rights and development have often been pursued in parallel, in a disjointed and sometimes contradictory fashion, contrary to the holistic vision of the 1986 Declaration on the Right to Development, as well as the Millennium Declaration. At the same time, since the establishment of the Universal Periodic Review, there has been greater demand from UNCTs and their national partners for more support to national capacity development. Consequently, and consistent with Member States' commitments in the 2005 World Summit Outcome and 2010 MDG Summit Outcome, OHCHR has been leading interagency efforts to establish the new United Nations Development Group structure to mainstream human rights in response to the increasing demand for a coherent and coordinated approach to human rights by the United Nations system. Therefore, in coming years, OHCHR,

⁴ Comprising OHCHR, UNFPA, UNICEF, UN Women and WHO.

together with UNDP and other United Nations agencies, will strive to fully operationalize this mechanism, and ensure that its priorities and work plans are implemented efficiently so as to produce greater results. This will include, among others, the provision of necessary support to Resident Coordinators and UNCTs.

41. OHCHR is participating in the Secretary-General's Global Pulse initiative which, in the wake of the recent food, fuel and financial crises, seeks to establish a monitoring system to better track the impact of compound crises on vulnerable populations.

D. Work with United Nations human rights bodies

42. In accordance with Human Rights Council resolution 13/17, OHCHR organized the 2010 Social Forum on climate change and human rights from 4 to 6 October 2010, which gave rise to outcome recommendations on the right to life and economic, social and cultural rights, as well as measures and actions to address the impact of climate change on the full enjoyment of human rights at the local, national, regional and international levels.

43. Pursuant to HRC resolution 12/24, OHCHR convened an expert consultation in Geneva on 11 October 2010, which focused on access to medicines as a fundamental element of the right to health, emerging issues, existing obstacles to providing access to medicines, and ways forward. The consultation contributed to gathering expert opinions on these issues, and highlighted the need for increased policy coherence between human rights obligations and other areas of government policymaking, as well as the need to strengthen global partnerships for development, institutional coordination and collective action so as to enhance access to medicines.

44. In 2010, OHCHR continued its support to the Human Rights Council Advisory Committee to advance its normative work on economic, social and cultural rights. Pursuant to Council resolution 6/10, a preliminary draft of a United Nations Declaration on Human Rights Education and Training was developed for consideration by the HRC at its 16th session. In addition, pursuant to Council resolutions 8/13 and 12/7, the Advisory Committee formulated a set of principles and guidelines on the elimination of discrimination against persons affected by leprosy and their family members. The HRC noted with appreciation the principles and guidelines (resolution 15/10), and the General Assembly encouraged Governments, the United Nations system, other international organizations and national human rights institutions to give due consideration thereto in the formulation and implementation of policies (resolution 65/215).

III. Activities of treaty bodies

A. Committee on Economic, Social and Cultural Rights

45. As of 7 February 2011, there were 160 States parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR), reflecting the same number of ratifications as in 2010. On 10 December 2008, the United Nations General Assembly adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was opened for signature and ratification on 24 September 2009. As of 7 February 2011, there were three States parties to the treaty and 32 signatories.

46. During 2010, the Committee on Economic, Social and Cultural Rights held two sessions and examined the implementation of the Covenant in the following 10 States parties: Afghanistan, Algeria, Colombia, the Dominican Republic, Kazakhstan, Mauritius, the Netherlands, Sri Lanka, Switzerland and Uruguay. The Committee held its day of

general discussion on the Right to sexual and reproductive health on 15 November 2010, during which views were exchanged, and insights were gathered from practitioners and experts on topic. Office-wide support was received for the initiative, to which experts from the United Nations, civil society and academia were invited as panellists, and numerous participants contributed to the discussions, presenting a broad range of views on the topic.

B. Committee on the Rights of Persons with Disabilities

47. As of February 2011, 98 States had ratified, and 147 States had signed the Convention on the Rights of Persons with Disabilities (CPRD), while its Optional Protocol had 90 signatories and 60 ratifications. The rapidly growing number of ratifications throughout 2010 triggered an expansion of the Committee, which held its second elections in New York in September 2010, and increased its membership from 12 to 18 persons.

48. The question of accessibility impacts many aspects of economic, social and cultural rights. At its fourth session, the Committee held a day of general discussion on Accessibility on 7 October 2010, to which States parties, intergovernmental organizations (IGOs), NGOs, academics and individual experts contributed written submissions and statements. The Committee subsequently established a Working Group which will draft a general comment on Accessibility in due course.

C. Committee against Torture

49. In the context of considering State party reports, the Committee against Torture continued to address the enjoyment of economic, social and cultural rights in relation to the rights of detained persons, including women and children, as well as in relation to the rights of minorities, indigenous people, migrant workers, non-citizens, asylum-seekers, victims of trafficking, and other individuals or groups made vulnerable by discrimination or marginalization and who are especially at risk of torture or ill-treatment. The Committee reiterated that facilitating the exercise of these rights, and protection of these individuals or populations are part of States parties' obligations. The Committee also continued to express concern that economic, social or cultural factors affect the right of victims of torture and other forms of violence, including of women and girls, to lodge complaints and have their cases examined promptly, thoroughly and impartially, as well as obtain redress and fair and adequate compensation, including rehabilitation and social reintegration. The Committee recalled that States parties should also adopt positive measures to ensure the protection of these persons or groups.

IV. Activities of special procedures

50. In her annual report to the Human Rights Council, the Special Rapporteur on **adequate housing** focused on the impact of mega-events by considering the positive and negative legacy of mega sports events, such as Olympic and World Cup games, and the role of the sponsors in the selection processes for host countries and cities. The Special Rapporteur also submitted reports on missions to the Maldives and the United States, as well as on the follow-up to recommendations from previous missions to Brazil, Cambodia and Kenya. In 2010, the Special Rapporteur undertook two country visits to Croatia and Kazakhstan, and visited the World Bank to discuss issues related to post-conflict and post-disaster housing reconstruction, housing policies, land titling and involuntary resettlements. The Special Rapporteur's report to the 65th session of the General Assembly in October 2010 was devoted to migration and the right to adequate housing. During the reporting period, the Special Rapporteur also led a project on post-disaster and post-conflict

reconstruction, with a view to assessing housing reconstruction strategies in countries affected by disasters or conflicts in the last 10 to 15 years.

51. The Independent Expert on the issue of human rights obligations related to access to safe drinking **water and sanitation** presented a statement to the General Assembly in October 2010 on how the rights to water and sanitation can contribute to achieving the MDGs. The Independent Expert's thematic report to the Human Rights Council in June 2010 focused on the issue of non-State service provision of water and sanitation in an attempt to address the heated debate in water and sanitation circles concerning the involvement of the private sector in the provision of these basic services, and the resulting impact on human rights. The report offered an analysis of the reality of water and sanitation service provision, developing on States' obligations, as well as of the responsibilities of the private sector.

52. In her first report to the Human Rights Council, the Independent Expert in the field of **cultural rights** developed her preliminary views on the conceptual and legal framework of her mandate and developed her initial thoughts on the interaction of the principle of universality of human rights, recognition and implementation of cultural rights, and the need to respect cultural diversity. The Independent Expert also selected a list of priority themes for her work programme, including the issue of cultural rights, globalization of exchanges and information, and development processes, as well as participation, access and contribution to cultural life without discrimination.

53. The Independent Expert on the effects of **foreign debt** and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights submitted a report to the fourteenth session of the Human Rights Council in April 2010 on vulture funds and human rights. Prior to the publication of the report, the Independent Expert issued a press statement in which he expressed regret that a British court had ordered Liberia to pay its debt from 1978 to a vulture fund. Civil society organizations in the United Kingdom referenced the statement in their advocacy work to urge the United Kingdom Parliament to pass the Debt Relief (Developing Countries) Act, which prohibits profiteering by vulture funds. The Independent Expert also submitted a report to the sixty-fifth session of the General Assembly on international trade, debt and human rights, which cautions against the current approach to trade and debt by the World Trade Organization and the Bretton Woods institutions, as it does not take into account their human rights obligations, and may undermine human development in development countries.

54. The Special Rapporteur on the right to **food** submitted a report to the sixty-fifth session of the General Assembly in April 2010 on access to land and the right to food, in which he explored the threats posed by the increasing pressures on land, with focus on indigenous peoples, smallholders and special groups, such as herders, pastoralists and fisher folk. This report, as well as his report to the thirteenth session of the Human Rights Council entitled, "Large-scale land acquisitions and leases: a set of minimum principles and measures to address the human rights challenge", respond to emerging concern over land issues and provide guidance from the right to food perspective.

55. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental **health** submitted a report to the sixty-fifth session of the General Assembly in April 2010 on drug control and the right to health, which questioned the current international drug control efforts that have focused on creating a drug-free world through, almost exclusively, law enforcement and criminal sanctions. The Special Rapporteur suggested that approaches that reduce harm associated with drug use and the decriminalization of certain laws would improve the health and welfare of people who use drugs and benefit society. He also submitted a report to the fourteenth session of the Human Rights Council, focusing on the right to health and

criminalization of same-sex conduct and sexual orientation, sex-work and HIV transmission.

56. The Independent Expert on the question of human rights and **extreme poverty** continued to examine public policies in the area of social protection. Her 2010 thematic report to the Human Rights Council focused on older persons, poverty and the importance of social protection. She drew attention to the phenomena of ageing, and the need to devise strategies to protect older persons from poverty. Her report to the General Assembly addressed the contribution of social protection to the attainment of the MDGs, and indicated the key features of a gender-sensitive approach to social protection. In September 2010, the Independent Expert presented a report on guiding principles on human rights and extreme poverty. In 2010, the Expert conducted a mission to Zambia, and a joint mission with the Independent Expert on water and sanitation to Bangladesh.

57. The Special Rapporteur on the right to **education** devoted his annual report to the fourteenth session of the Human Rights Council to the question of the right to education of migrants, refugees and asylum-seekers. The report aimed to inform and assist Governments and interested parties in their efforts to address these matters and develop best practices so as to ensure the enjoyment of the currently unfulfilled right to education of migrants, refugees and asylum-seekers. In his report to the General Assembly, the Special Rapporteur addressed the issue of sexual education, including the interdependence of sexuality, health and education and the relationship of this right to other rights from a gender and diversity perspective. He also discussed the right to sexual education in the context of international human rights law. During the reporting period, the Special Rapporteur conducted a mission to Mexico.

58. In his last report to the Human Rights Council, the Special Rapporteur on adverse effects of the movement and dumping of **toxic and dangerous products and wastes** on the enjoyment of human rights, Okechukwu Ibeanu, reviewed the scope of the mandate in respect of norms, standards and principles in the field of environmental law regulating production and management of dangerous products and wastes. In order to further expand and strengthen the mandate, the Special Rapporteur recommended the monitoring of the adverse effects of dangerous products and wastes during their whole life cycle, from production to disposal, and the development of a set of guidelines on a human rights-based approach to the sound management of dangerous products and wastes. Calin Georgescu was appointed Special Rapporteur at the 14th session of the HRC.

59. The Independent Expert on **minority issues** guided the work of the third Forum on Minority Issues which was held on 14 and 15 December 2010, pursuant to Human Rights Council resolution 6/15. The theme of the Forum was “Minorities and effective participation in economic life” which covered issues such as land, property and housing rights, the right to work and social security, meaningful consultation and participation of minorities in economic development plans and national budget allocation, the MDGs, national development strategies including Poverty Reduction Strategy papers (PRSPs); and affirmative action in the workplace.

60. In June 2010, the Special Rapporteur on contemporary forms of **slavery**, including its causes and consequences organized an expert consultation on domestic servitude, which contributed to her 2010 thematic report to the HRC. The report outlined the various ways in which domestic workers are economically exploited, and provided recommendations on how to prevent domestic servitude through the realization of economic, social and cultural rights. The Special Rapporteur also provided substantive input to the ILO Draft Convention on Decent Work for Domestic Workers. She made a number of recommendations with regard to non-discrimination of domestic workers on the basis of gender, ethnicity, race, skin tone or caste. The Special Rapporteur also highlighted the need for domestic workers to be given the same rights and obligations as workers in other sectors.

61. The Special Rapporteur on the human rights of **migrants** devoted his annual report to the Human Rights Council to the question of the enjoyment of the rights to the highest standards of health and adequate housing by migrants. The report aimed to inform and assist Governments and interested parties in their efforts to effectively address these matters so as to ensure the enjoyment of these rights for migrants. He recalled the applicable international legal framework and discussed the main challenges encountered by migrants in the enjoyment of these rights, with particular attention to the situations of migrant women, girls and children. The Special Rapporteur also highlighted a number of good practices, and made a number of recommendations.

V. Conclusions and recommendations

62. The present overview indicates that the international community is increasingly aware of the importance of economic, social and cultural rights as demonstrated, *inter alia*, by recent resolutions on the rights to water and sanitation, and the call for greater inclusion of human rights in the MDGs in the outcome document of the General Assembly High-level Plenary Meeting on MDGs.

63. Yet, 2010 ended tragically in North Africa particularly, where a series of self-immolations underscored the desperation and frustration felt by many worldwide at the denial of their economic, social and cultural rights, and associated freedoms. These actions and the accompanying social protests clearly point to the indivisibility and interdependence of civil and political rights and economic, social and cultural rights. They highlight that freedom of expression, independent civil society organizations, the right to participate in decision-making, accountability, and the fight against corruption are essential for all human rights. Therefore, it is of utmost importance that States implement a number of actions, including the following:

64. States should address violations of human rights, including economic, social and cultural rights, in particular violations linked to State obligations of immediate effect, including discrimination in the enjoyment of economic, social and cultural rights, and attacks on human rights defenders.

65. States should take immediate and concrete steps to establish legal and policy frameworks towards the full realization of economic, social and cultural rights, with clear allocation of responsibilities, time-bound benchmarks and indicators to measure progress, and the provision of maximum available resources to implement such laws, policies and strategies.

66. States should end inequality in access to remedies, and strengthen the legal protection of economic, social and cultural rights by, *inter alia*, legally recognizing these rights, making economic, social and cultural rights effectively justiciable, building the capacity of the judiciary and other institutions, establishing various mechanisms to deal with grievances relating to economic, social and cultural rights, and swiftly ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

67. States should ensure consultation and participation of right-holders in designing, adopting, implementing, monitoring and evaluating laws and policies relevant to the implementation of economic, social and cultural rights, including through guaranteeing free participation in public debate and decision-making processes.