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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Question of the realization in all countries of  
economic, social and cultural rights**

**Report of the Secretary-General**

**Summary**

The present report is submitted in accordance with paragraph 16 of Commission on Human Rights resolution 2005/22. The report outlines the activities of the Office of the United Nations High Commissioner for Human Rights in relation to economic, social and cultural rights. These activities cover assistance to treaty bodies and special procedures, the provision of administrative and substantive support to the open-ended working group to consider options regarding an optional protocol to the International Covenant on Economic, Social and Cultural Rights, technical cooperation as well as cooperation with United Nations agencies. The report also reflects a significant increase in the work on economic, social and cultural rights of the OHCHR National Human Rights Institutions Unit.

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## Introduction

1. In paragraph 16 of its resolution 2005/22, “Question of the realization in all countries of economic, social and cultural rights”, the Commission requested the Secretary-General “to submit to the Commission at its sixty-second session a report on the implementation of the present resolution”.
2. In the resolution, the Commission refers to activities in a range of fields relevant to the promotion and protection of human rights, focusing particularly on the activities of: the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Rights of the Child; the special procedures of the Commission with mandates focusing on one or more economic, social and cultural rights; and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The present report provides the Commission with information on related activities over the year 2005.

### I. ACTIVITIES OF TREATY BODIES

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

3. As of 1 December 2005, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 151 States.<sup>1</sup> This represents an increase of nine States parties in the past five years with one new ratification over the present reporting period.
4. At its thirty-fourth session, from 25 April to 13 May 2005, CESCR adopted general comment No. 16 on article 3 of the Covenant (the equal right of men and women to the enjoyment of all economic, social and cultural rights), and continued its consideration of a draft general comment on article 6 (the right to work). On 10 May 2005, the Committee held a meeting with States parties to the Covenant. The meeting was attended by 49 States parties and focused on the proposed optional protocol to the Covenant.
5. At its thirty-fifth session, from 6 to 24 November 2005, the Committee continued its consideration of, then adopted, general comments No. 17 on article 15 (1) (c) (the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author) and No. 18 on article 6 (the right to work) of the Covenant.

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<sup>1</sup> A list of States parties, as well as information on the status of the submission of reports by States parties, can be found in document E/C.12/2004/9. Information on reservations, withdrawals, declarations and objections under the Covenant can be found in document E/C.12/1999/3/Rev.6 of 9 February 2004. An updated list of States parties, information on reservations, withdrawals, declarations and objections is available on the website of the United Nations Office of Legal Affairs: <http://untreaty.un.org>.

6. The UNESCO/CESCR Joint Expert Group on the monitoring of the right to education, which includes two members of CESCR and two members of the United Nations Educational, Scientific and Cultural Organization Committee on Conventions and Recommendations (CR), held its third meeting on 2 May 2005 at UNESCO headquarters in Paris to continue discussions on how collaboration between UNESCO (CR) and the Economic and Social Council (CESCR) in monitoring and promoting the right to education could be further strengthened.

7. On 22 November 2005, Committee members and members of the ILO Committee of Experts on the Application of Conventions and Recommendations convened a third informal meeting with a view to strengthening the cooperation between the two treaty monitoring bodies. The meeting focused on the project of a draft general comment on article 9 of the Covenant (the right to social security).

8. On 7 November 2005, the Committee met with Ms. Catarina de Albuquerque, Chairperson-Rapporteur of the Open-Ended Working Group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. Ms. de Albuquerque informed the Committee about the progress achieved by the Working Group during its second session held in Geneva from 10 to 21 January 2005.

9. On 17 November 2005, the Committee held a meeting with the High Commissioner for Human Rights to discuss the process of treaty body reform, in particular the possibility of establishing a unified standing treaty body.

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

10. The Convention on the Rights of the Child covers both economic, social and cultural rights and civil and political rights. This comprehensive treaty strongly reaffirms the interdependence and indivisibility of all human rights.

11. During the reporting period, the Committee on the Rights of the Child adopted two general comments: on "Treatment of unaccompanied and separated children outside of their country of origin" (CRC/GC/2005/6); and, on "Implementing child rights in early childhood" (CRC/C/GC/7). Both of these general comments cover areas related to economic, social and cultural rights. The Committee also held a day of general discussion on "Children without parental care" during its fortieth session, on 16 September 2005. In its recommendations, the Committee noted that poverty and difficult social and economic conditions were potential contributing factors leading to abandonment of children and the presence of street children. The Committee stressed that States parties should ensure that children living in poverty be provided access to services, education and adequate housing. It also highlighted that certain groups of children may be additionally vulnerable and in need of special support measures, such as children with disabilities, children associated with drug abuse, street children, refugee or asylum-seeking children and children infected with or affected by HIV/AIDS.

12. In the process of considering State party reports, the Committee has systematically addressed issues related to the enjoyment of economic, social and cultural rights by children from developing as well as developed countries.

## **II. SPECIAL PROCEDURES ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

13. The mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (the right to health), was extended for a period of three years by the Commission at its sixty-first session (resolution 2005/24). In addition to those activities already detailed in his interim report to the General Assembly (A/60/348), in September the Special Rapporteur, Paul Hunt, travelled to India to deliver a keynote address at the annual meeting of the International Federation of Health and Human Rights Organizations on “Engendering health and human rights: maternal mortality as a violation of the right to health”. In New Delhi, he participated in an international conference on women and health, and attended separate, informal meetings with a member of the National Human Rights Commission at the regional office of WHO and with a number of non-governmental organizations. In October, he attended a meeting in Geneva organized by the Ethical Globalization Initiative on “Corporate responsibility, human rights and the pharmaceutical sector”. The Special Rapporteur made a joint presentation, together with Mary Robinson, on the need for a pharmaceutical industry framework to support the right to health. In November, the Special Rapporteur presented his work on right to health indicators, and on prioritization and the right to health, at an informal consultation on health and human rights for WHO regional and country offices. On the occasion of Human Rights Day, on 9 December 2005, the Special Rapporteur participated in the launch of a leaders’ call to action entitled “Everyone has the right to health”. The aim of the statement, which was endorsed by over 30 former heads of State and prominent figures from across the world, was to raise public awareness about what the right to health means in practice and what Governments can do to promote its realization.

14. During 2005, the Special Rapporteur on the right to food, Jean Ziegler, continued to work in cooperation with a range of actors in the discharge of his mandate. His activities are detailed in his report to the General Assembly (A/60/350). The Special Rapporteur has also worked with the World Food Programme to promote the right to food and to focus attention on issues raised regarding the World Trade Organization and food aid. During the year, the Special Rapporteur also continued work with the Food and Agriculture Organization of the United Nations on the promotion and dissemination of the new Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security adopted by the FAO Council in November 2004. Special collaboration was also initiated with the secretariat of the Convention to Combat Desertification to draw out the linkages between desertification, hunger and the right to food, in advance of an international conference that will be held in Geneva in April 2006. He was asked to serve as United Nations Convention to Combat Desertification Special Adviser on Human Rights in December 2005. At the invitation of the Government of Switzerland, he spoke on the theme of economic, social and cultural rights at the national Conference on International Human Rights and Humanitarian law held in Fribourg

from 20 to 23 September 2005. He gave an inaugural address on the right to food for the opening of the academic year at the University of Geneva. On 26 November 2005, he was also invited to make the inaugural presentation at the first conference for the creation of an international association on the right to water, ACME (Association pour le contrat mondial de l'eau), and has continued to work with a number of non-governmental organizations on the right to water in relation to its linkage to the right to food. In December 2005, under the auspices of the Government of Switzerland, he was invited to address the International Colloquium of Francophone Ministers of Human Rights and Ambassadors, held in Berne.

15. During 2005, 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, has continued his investigation on the effects of the illicit dumping of toxic and dangerous products and wastes on the enjoyment of several human rights - including the right to health, the right to an adequate standard of living, safe and healthy working conditions. On 19 to 24 September 2005, the Special Rapporteur attended the third session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management (SAICM). In his statement, the Special Rapporteur noted that sound chemical management may contribute to the effective realization of human rights, and encouraged the Preparatory Committee to adopt a rights-based approach to chemical management. Some of the suggestions made by the Special Rapporteur ultimately found a place in the draft High-Level Declaration and the overarching policy strategy, which will be finalized and ultimately adopted at the International Conference on Chemicals Management, which will be held in Dubai from 4 to 6 February 2006.

16. In his first report on human rights and extreme poverty (E/CN.4/2005/49), presented to the sixty-first session of the Commission, in 2005, the independent expert, Arjun Sengupta, defined extreme poverty as a composite of income poverty, human development poverty and social exclusion. The report promoted the implementation of poverty-reduction strategies that explicitly included the realization of human rights as objectives and focused on employment creation as one of the most effective ways of dealing with extreme poverty. Over 2005, Mr. Sengupta held consultations with representatives from the World Bank and the International Monetary Fund during a mission to Washington, from 7 to 11 March 2005. He has also held meetings in Geneva with the World Bank, IMF and ILO, in March, June and July 2005. He also attended the Third Social Forum from 20 to 22 July 2005 as a panellist on the issue of "growth with accountability"; met on 22 July with Mr. José Bengoa, to ensure coordination with the work of the ad hoc expert group of the Sub-Commission on the Promotion and Protection of Human Rights on the link between human rights and extreme poverty; and he undertook a fact-finding mission to the United States of America from 23 October to 8 November 2005.

17. Over the past year, the Special Rapporteur on the right to education, Vernor Muñoz, participated in various events, conferences and meetings which aimed at advancing the consideration of economic, social and cultural rights. In January, the Special Rapporteur participated in the World Social Forum in Porto Alegre, Brazil. The Special Rapporteur used

the opportunity of his participation in various meetings to advocate for the justiciability of economic, social and cultural rights, with a special mention for the right to education. Indeed, he submitted a paper entitled “Del derecho a la justicia” in which he re-emphasized that economic, social and cultural rights were not mere ideas but enforceable and justiciable rights. In June, in cooperation with the Human Rights Education Alliance, he participated in a global chat on child labour and the right to education. In September, the Special Rapporteur also participated in an expert seminar organized by the Office of the High Commissioner for Human Rights on “Combating racism, racial discrimination, xenophobia and related intolerance: role of education and awareness-raising”. This regional seminar for South and South-East Asia was held in Bangkok. The Special Rapporteur moderated the working group, which considered the role of national legislation in combating racism and racial discrimination and submitted a concept paper to the plenary in which he highlighted the role of school as an education environment to combat discrimination.

18. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, co-organized, in June 2005, with the German Federal Foreign Office and the German Institute for Human Rights, an International Workshop on Forced Evictions. The workshop aimed at the discussion and drafting of new standards, in the form of guidelines or guiding principles to capture, in a comprehensive manner, preventive and compensatory measures that need to be taken to tackle forced evictions. During the month of August, the Special Rapporteur was invited by the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, to join a steering group to oversee the development of a manual for legislators to assist them in adapting the Guiding Principles on Internal Displacement to national law. The steering group’s first meeting was held on 9 August 2005. From 15 to 17 October, the Special Rapporteur participated in a Regional Consultation on Women and Housing in North America, held in Washington, D.C., and organized by a pool of American and Canadian-based NGOs in close cooperation with the Special Rapporteur. The results of the consultation are included in his study on women and housing, currently before the Commission (E/CN.4/2006/41/118). The Special Rapporteur also contributed as a panellist to the international conference on The Human Right to Water, which the German Federal Foreign Office organized together with OHCHR on 21-22 October in Berlin.

19. The second meeting of the steering group to oversee the development of a manual for legislators to assist them in adapting the Guiding Principles on Internal Displacement to national law took place in Geneva on 16 and 17 November. From 20 to 23 November, Mr. Kothari travelled to Budapest to head the Regional Consultation on Women and Housing in Eastern Europe and Central Asia, organized by OHCHR and the European Roma Rights Centre (ERRC). The results of the consultation are also included in his study on women and housing, mentioned above. The Special Rapporteur travelled to Colombo, Sri Lanka, to host a panel on “Women human rights defenders and accountability of State and non-State actors in the context of globalization” during the last days of the Consultation on Women Human Rights Defenders (WHRDs) held in Colombo from 29 November to 2 December 2005. On 9 and 10 December 2005, the Special Rapporteur attended the International Conference on Economic, Social and Cultural Rights: Models of Enforcement hosted by the Irish Human Rights Commission in Dublin.

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

#### **A. Inter-agency initiatives**

20. Under the Action 2 initiative, developed pursuant to the request of the Secretary-General in his report "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1), and endorsed by the United Nations Development Group (UNDG), the Executive Committee on Humanitarian Affairs (ECHA) and United Nations principals in September 2003, OHCHR has continued close cooperation with United Nations development and humanitarian entities and particularly with United Nations country teams to integrate human rights, including economic, social and cultural rights, into global policies and country level actions. The inter-agency plan on Action 2, in which OHCHR is the lead partner, is aimed at enhancing the ability of the United Nations to respond to Member States' needs in their efforts to promote and protect human rights.

21. As part of the Action 2 programme, OHCHR prepared the review of Common Country Assessments (CCA) and the United Nations Development Assistance Framework (UNDAF) prepared by United Nations country teams during 2003-2004, which showed their increasing efforts to adopt a human rights-based perspective to these documents and processes, with a strong focus on economic, social and cultural rights especially in analysing and monitoring the progress of implementing the Millennium Development Goals (the Goals) at country level. OHCHR has provided support to country teams in the CCA/UNDAF process, by providing summary compilations of recommendations and concluding observations adopted by the treaty bodies and special procedure mechanisms, delivering in-country training workshops on rights-based approach to CCA/UNDAF, and providing comments and advice at various stages of drafting these documents.

22. Also, under the Action 2 initiative, OHCHR is promoting closer interactions between United Nations country teams and its human rights mechanisms, namely treaty-monitoring bodies and fact-finding missions of special rapporteurs and independent experts of the Commission. In 2005 OHCHR prepared a guidance note for United Nations country teams which provided an overview of these mechanisms and their added value for the work of country teams, aimed at providing entry points for them to participate in and benefit from the functioning of these mechanisms.

23. OHCHR continues to work on human rights and their relevance in combating HIV and AIDS, largely in the context of joint activities with the Joint United Nations Programme on HIV/AIDS (UNAIDS). Current activities include publication of a handbook on the human rights aspects of HIV/AIDS for national human rights institutions; briefing notes for field presences on human rights aspects of testing for HIV; responding to requests from United Nations country teams for assistance; and regular briefings on HIV/AIDS issues to the human rights treaty bodies in relation to the consideration of country reports as well as special procedures in preparation for

country missions. OHCHR participates in UNAIDS' Global Reference Group on Human Rights and HIV/AIDS, and is active in inter-agency forums' work to harmonize United Nations action in the response to the epidemic.

## **B. Technical cooperation**

24. In Sri Lanka, OHCHR held a seminar on the right to health with the Law and Society Trust in March 2005. OHCHR also held a seminar on human rights and the Millennium Development Goals, with Philip Alston as speaker, on 8 December. Further, OHCHR integrated economic, social and cultural rights into training activities for local authorities and supported the National Human Rights Commission in the preparation of Sri Lanka's next periodic report to CESCR.

25. In Cambodia, OHCHR has undertaken the following activities on economic, social and cultural rights:

(a) *Treaty reporting*: Since 2001, the Office has assisted the governmental Cambodian Human Rights Committee in finalizing its initial report to the Committee on Economic, Social and Cultural Rights. The Committee has reported that the draft report was being finalized;

(b) *Workshop*: OHCHR co-organized a national workshop on rights-based education in Phnom Penh with UNESCO and the Ministry of Education, Youth and Sports in February 2005;

(c) *Providing analysis*: OHCHR followed up on a study of the impact of land concessions for economic purposes on the human rights of local populations and issued annexes to the report on specific case studies;

(d) *Supporting national capacities for monitoring, and documenting economic, social and cultural rights*: OHCHR continued to support the work of the Housing Rights Task Force to help prevent violations of housing rights in Phnom Penh, including forced evictions.

## **C. Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**

26. The group of independent eminent experts held its second meeting from 21 to 23 February 2005. At the meeting, the experts confirmed their determination to mobilize the international community in support of the right to education as a central tool for developing a culture of mutual respect and tolerance among societies and groups, as well as offering an important opportunity for victims of discrimination to overcome their disempowerment (E/CN.4/2005/125).

27. The fourth session of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action was scheduled for 16 to 27 January 2006. A thematic discussion on the issue of globalization and racism was

held within the session with a view to exploring how globalization as a dynamic force can strengthen and enhance international cooperation through equality of opportunities for trade, economic growth and sustainable development. The discussion will also focus on the role of interregional and intraregional migration and its connections to globalization, in particular from the South to the North, and how globalization can contribute to the eradication of racism through the participation of national populations.

28. During the period covered by this report, OHCHR organized and participated in various activities towards the effective implementation of the Durban Declaration and Programme of Action, including the organization of seminars by OHCHR to identify obstacles and challenges impeding the implementation of the commitments contained in the Durban Declaration and Programme of Action. In this regard, OHCHR and the Pan-American Health Organization jointly organized an intergovernmental seminar in Brasilia on “Ensuring that the Millennium Development Goals contribute to overcoming racism, racial discrimination, xenophobia and related intolerance in Latin America and the Caribbean Region”(1-2 December 2004) (E/CN.4/2005/22). OHCHR also held a regional expert seminar on “Combating racism, racial discrimination, xenophobia and related intolerance: role of education”, in Bangkok, Thailand (19-21 September 2005) (E/CN.4/2006/22) as well as a seminar, in cooperation with UNDP Peru and the Government of Peru, devoted to the development of strategies for poverty reduction, which took place in Chincha, Peru (2-5 November 2005).

#### **D. Millennium Development Goals**

29. Throughout the reporting period, OHCHR worked to draw attention to the human rights aspects of the Millennium Development Goals, particularly focusing on preparations for the World Summit, held in September 2005. While reaffirming the goals and commitments made in the Millennium Declaration (including human rights commitments), the World Summit outcome document also underlined the essential role of respect for human rights in achieving positive development outcomes as well as for maintaining peace and security. As a contribution to the debate leading up to the Summit, the High Commissioner devoted her report to the 2005 substantive session of the Economic and Social Council to an exploration of the links between Member States’ human rights obligations and strategies to achieve the Millennium Development Goals. Following the World Summit, OHCHR has actively participated in the United Nations Development Group review of United Nations action in support of the achievement of the Goals.

30. The importance of strategies to achieve the Millennium Development Goals to promoting and protecting human rights was recognized by the High Commissioner in her Plan of Action, submitted at the request of the Secretary-General in May 2005. In her plan, the High Commissioner noted that “properly understood, the Millennium Development Goals are themselves human rights aspirations” (para. 66). The High Commissioner committed OHCHR to considerably enhancing its work on the Goals to ensure that due attention is paid to human rights, both in the process and in the outcomes of the implementation of the Goals, as well as promoting rights-sensitive poverty reduction strategies. The plan also recognizes that the Goals require rich countries to assist poor countries in meeting mutually agreed targets for poverty

reduction. OHCHR will use the human rights framework to buttress and solidify pledges made by the richer countries. To enhance work on these issues, OHCHR has established a unit dedicated to working on the Goals and rights-based approaches to development.

### **E. National human rights institutions**

31. From 21 to 23 September 2005, the Network of National Institutions of the Americas organized a regional workshop on National Human Rights Institutions and the Right to Education with the collaboration of the OHCHR National Institutions Unit and UNESCO in Copán, Honduras. One of the main outcomes of the workshop was the creation of a working group composed by representatives of national human rights institutions (NHRIs) from Canada, Panama, Paraguay, Nicaragua and Venezuela and of experts such as the Inter-American Institute of Human Rights. The main task of the working group is to create a plan of action for NHRIs to promote and protect the right to education more effectively. The plan of action is divided in three phases, starting with a collection of data on NHRIs, followed by the preparation (within 18 months) of a diagnostic of the situation and, finally, the preparation of tailor-made activities addressed to NHRIs.

32. The Fifth Conference of African National Human Rights Institutions, held in Abuja, Nigeria, from 8 to 10 November 2005, focused on the role of NHRIs in the promotion and protection of economic, social and cultural rights. The Conference was hosted, organized and supported by the National Human Rights Commission of Nigeria, the Coordinating Committee of African National Human Rights Institutions (CCANI) and OHCHR in cooperation with UNESCO among other partners. Twenty-five African countries were represented in Abuja through their NHRIs, non-governmental, governmental and intergovernmental organizations: Burkina Faso, Burundi, Chad, Comoros, the Democratic Republic of Congo, Egypt, Gambia, Ghana, Kenya, Liberia, Malawi, Mali, Mauritius, Morocco, Namibia, Niger, Nigeria, Rwanda, Senegal, South Africa, Tanzania, Togo, Tunisia, Uganda and Zambia.

33. The final Abuja Declaration, adopted by consensus, highlighted the commitment of African NHRIs to promoting and protecting ESCR at the national level and to report on their activities at their next conference. Among important commitments can be mentioned the resolution by participants to build their capacity to understand better the application of a rights-based approach to development; to undertake advocacy and sensitization of their Governments, policymakers, civil society and the public about the advantages and added value of a rights-based approach to development; to ensure that economic, social and cultural rights are key components of the action plans of national human rights institutions; and to monitor current development strategies in their countries to analyse whether they conform to a rights-based approach to development and to make recommendations to their Governments where appropriate.

34. From 29 November to 1 December 2005, the OHCHR National Institutions Unit and the National Human Rights Commission of India co-organized an International Round Table on "NHRIs and the implementation of ESCR" in New Delhi, India, with the active participation of 25 NHRI representatives from Africa (Burkina Faso, Cameroon, Democratic Republic of Congo, Kenya, Senegal, South Africa, Uganda), Latin America (Argentina, Costa Rica, Mexico),

Asia (Fiji, India, Mongolia, Nepal, Republic of Korea, Sri Lanka, Thailand), as well as from Albania, the Kyrgyz Republic, Ireland, Jordan, Morocco and New Zealand. The objective of the round table was to strengthen the capacity of NHRIs to promote the realization of economic, social and cultural rights at the national level. The round table first addressed the international human rights instruments and principles that guide State responsibilities in relation to ESCR and subsequently focused on the context of the mandate and the potential role of NHRIs in relation to the implementation of economic, social and cultural rights.

35. At the occasion of the first congress of the Association francophone des Commissions nationales des droits de l'Homme (AFCNDH) in Montreal, Canada (29 September to 1 October 2005), a statement on ESCR was delivered on behalf of the High Commissioner. The congress brought together members of the Francophonie, NGOs, civil society, academics and others supporting the realization of economic, social and cultural rights. As a main outcome of the congress, the Déclaration de Montréal sur les droits économiques, sociaux et culturels (the Montreal Declaration) was adopted.

36. In 2005, OHCHR published the Economic, Social and Cultural Rights Handbook for National Human Rights Institutions, Professional training Series No. 12 in English, French and Spanish. The aim of the handbook is to help NHRIs maximize the effectiveness of their functions and powers in addressing ESCR. It is intended to assist NHRIs in the development of policies, processes and skills to integrate ESCR further into their work, thereby enabling them to address poverty and development, for example, through an ESCR framework. Although the handbook is directed specifically at the promotion and protection of ESCR, many of its approaches are equally applicable to the work of NHRIs in relation to civil and political rights. The Handbook was launched during the Fifth Conference of African National Human Rights Institutions in Abuja and at the New Delhi International Round Table on national institutions and the implementation of economic, social and cultural rights.

#### **F. Activities of the High Commissioner**

37. In 2005, the High Commissioner submitted to the General Assembly her Plan of Action, requested by the Secretary-General in his report *In larger freedom*, which presented a strategic vision for the future direction of the Office of the High Commissioner for Human Rights. The Plan of Action identified action points in five areas, namely: greater country engagement; human rights leadership; closer partnership with civil society and United Nations agencies; more synergy in the relationship between OHCHR and United Nations human rights bodies; and strengthened management and planning for OHCHR. Within these action points, the High Commissioner set strategic priorities which included a commitment to increase work on economic, social and cultural rights, with a focus on legal protection and advocacy.

38. During 2005, the High Commissioner has undertaken specific activities to advocate on issues relating to economic, social and cultural rights. On 14 January 2005, the High Commissioner addressed the second session of the Open-ended Working Group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. There, the High Commissioner stated: "The importance of economic, social and cultural rights cannot be overstated. Poverty and exclusion lie behind

many of the security threats that we continue to face both within and across borders and can thus place at risk the promotion and protection of all human rights. Even in the most prosperous economies, poverty and gross inequalities persist and many individuals and groups live under conditions that amount to a denial of economic, social, civil, political and cultural human rights. Social and economic inequalities affect access to public life and to justice. Globalization has generated higher rates of economic growth, but too many of its benefits have been enjoyed unequally, within and across different societies. Such fundamental challenges to human security require action at home as well as international cooperation.”

39. On 3 March 2005, the High Commissioner gave the Lafontaine-Baldwin lecture on “Freedom from want - from charity to entitlement” in Montreal, Canada. In this context, the High Commissioner recalled the significance of freedom from want and emphasized the need for legal protection, noting that “the possibility for people themselves to claim their human rights entitlements through legal processes is essential so that human rights have meaning for those most at the margins, a vindication of their equal worth and human agency. There will always be a place for charity, but charitable responses are not an effective, principled or sustainable substitute for enforceable human rights guarantees”.

40. On 4 October 2005, the High Commissioner gave the keynote address at the International Conference on “Poverty, inequality and violence” organized by the World Organization Against Torture. The High Commissioner addressed the question of how to prevent or reduce violence, including torture, by addressing its root causes found in violations of economic, social and cultural rights. Questioning the simple categorization of human rights as civil and political or economic, social and cultural, the High Commissioner stated that: “I do not wish to suggest that all rights are the same or that all rights need similar strategies of implementation and remedial action. I do, however, emphasize that differences between rights cut across simplistic categories. For example, aspects of economic, social and cultural rights are immediately realizable in the same way as civil and political rights. The forced and arbitrary eviction of people from housing, the unfair dismissal of a worker, or the exclusion of a pregnant girl from school require the same type of immediate action and redress as does the prohibition of torture or the protection of free speech. At the same time, aspects of economic, social and cultural rights call for long-term investments; but the same can be said for aspects of civil and political rights. Take for example the establishment of an effective criminal justice system as a guarantee for a fair trial; or the preparations for free and fair elections to guarantee the right to vote. The key is to understand that if responses to violations of rights may differ, the root causes have much in common.”

41. Finally, in her report to the sixtieth session of the General Assembly (A/60/36), the High Commissioner encouraged Member States to consider how international and national jurisprudence had demonstrated that economic, social and cultural rights were not ideals, but legally enforceable entitlements. She encouraged States to draft an optional protocol to the Covenant in the form of an individual communications procedure.

### **G. Development of in-house expertise**

42. OHCHR has further developed in-house expertise on economic, social and cultural rights through participation in several meetings over the year. From 5 to 7 September 2005, staff participated as experts in the “High-level expert seminar on economic, social and cultural rights”

hosted by the Government of France in Nantes. Staff made presentations on various issues concerning the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. From 30 September to 2 October, staff participated in an expert seminar hosted by the Government of Portugal with a view to finalizing the analytical paper on “Elements for an optional protocol to the International Covenant on Economic, Social and Cultural Rights” of the Chairperson to the Open-ended Working Group on the same issue. Staff also participated in an expert panel on “An optional protocol to the ICESCR” in a seminar on “Globalization and the future of economic, social and cultural rights” in Lisbon from 24 to 26 November 2005. Finally, staff participated in a conference on “Economic, social and cultural rights: models of enforcement” hosted by the Irish Human Rights Commission in Dublin from 9 to 10 December 2005.

#### IV. CONCLUSIONS

43. OHCHR has continued working on economic, social and cultural rights over the year 2005. Work has focused on assisting treaty bodies and special procedures of the Commission as well as providing both administrative and substantive assistance to the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights. OHCHR has also cooperated with United Nations agencies in Geneva and at the country level to promote wider understanding of and respect for economic, social and cultural rights.

44. Importantly, these activities have been significant factors in strengthening an in-house expertise on economic, social and cultural rights. However, as the High Commissioner’s Plan of Action has identified, more needs to be done to ensure universal respect for economic, social and cultural rights. For this reason, the High Commissioner has decided, as a priority of OHCHR, to increase work on economic, social and cultural rights with an emphasis on legal protection and advocacy. To this end, the High Commissioner has devoted several keynote addresses and speeches to the theme of economic, social and cultural rights, and has strongly supported the work of the Open-ended Working Group to consider options regarding the elaboration of an optional protocol to the Covenant.

45. The treaty bodies and special procedures have also continued their work on economic, social and cultural rights. Of particular note, the Committee on Economic, Social and Cultural Rights adopted three general comments in 2005 - on article 3 of the Covenant (the equal right of men and women to the enjoyment of all economic, social and cultural rights), on article 6 (the right to work) and on article 15, paragraph 1 (c) (the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author). The adoption of general comments continues to assist States parties to the Covenant in understanding more clearly the nature and content of their obligations to promote and protect economic, social and cultural rights.

46. Another advance in 2005 has been the growing focus on economic, social and cultural rights of the OHCHR Unit on National Human Rights Institutions, with the Unit participating in and organizing specific meetings on these rights in Honduras, Nigeria, India and Canada and the publication of the Economic, Social and Cultural Rights Handbook for NHRIs.