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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

## Promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from the coronavirus disease (COVID-19) pandemic

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

Prepared pursuant to Human Rights Council resolution 49/19, the present report contains an overview of the research activities and projects of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in promoting and protecting economic, social and cultural rights within the context of addressing inequalities, and of the efforts and progress OHCHR has made in improving its capacity, and the remaining gaps, in this field.

The coronavirus disease (COVID-19) crisis has spotlighted the wide gap between the human rights commitments of States and the effective fulfilment of economic, social and cultural rights for all: inadequate investment in social sectors, including housing, education, and health systems; gaps in social protection; structural inequalities; environmental degradation; and a poorly addressed climate crisis. OHCHR has stepped up its engagement to combat economic and other inequalities, while it strives to strengthen the promotion and protection of economic, social and cultural rights using an indivisibility approach to all human rights. OHCHR emphasizes that human rights provide a comprehensive blueprint for a sustainable recovery, as echoed by the Secretary-General in “The highest aspiration: a call to action for human rights” and in his report entitled “Our Common Agenda”.

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## I. Introduction

1. In its resolution 49/19, the Human Rights Council requested the United Nations High Commissioner for Human Rights to submit, at the fifty-first session of the Council, a report on the research activities and projects of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in promoting and protecting economic, social and cultural rights within the context of addressing inequalities, as well as on efforts and progress it has made in improving its capacity in this field. In preparing the present report, OHCHR gathered information on different experiences, challenges and opportunities, as well as lessons to be learned. It is grateful for the inputs received from member States. Pursuant to the Council's request, the High Commissioner will present the vision of OHCHR for reinforcing its work in a report at the fifty-fourth session, which will be followed by an interactive dialogue.

2. Economic, social and cultural rights, as enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and other international and regional human rights instruments,<sup>1</sup> are an integral part of the international human rights framework in which all rights are universal, indivisible and interdependent and interrelated.<sup>2</sup> They reflect the minimum conditions required to ensure freedom from fear and want, and provide all societies with a road map for the continuous improvement of these rights, leading to stable and inclusive societies.<sup>3</sup>

3. The Universal Declaration of Human Rights made no distinction, hierarchy or categorization of human rights yet, since the development of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, a sometimes unhealthy split has arisen between civil and political rights on the one hand and economic, social and cultural rights on the other. This dichotomy is legally unfounded, morally unsupportable and counterproductive in practice. In fact, the two sets of rights are impossible to separate, as each depends on the achievement of the other. The distinction has at times undermined cooperation in the advancement of human rights, as some States have been seen to be more committed to one set of rights than the other. Today, those unhelpful tensions should be set aside, with all States committing to working equally towards the achievement of all rights.

4. The coronavirus disease (COVID-19) pandemic and resulting socioeconomic impacts have revealed a human rights crisis, exacerbated by pre-existing economic and social inequalities both within and between countries and shone a light on the structural consequences of decades of underfunded or dismantled public services and policies relating to economic, social and cultural rights. The pandemic has exposed weak social protection systems, disrupted children and young people's right to education, increased violence against women, significantly increased poverty and pushed more people into hunger.<sup>4</sup> Deep inequalities within countries were compounded due to decades of economic orthodoxies and policies that sideline legal obligations relating to economic, social and cultural rights. Growing inequalities, increased poverty, a lack of services and continuous discrimination threaten social cohesion, heighten the risk of violent conflicts, and hinder sustainable development and recovery from the COVID-19 pandemic.

5. Both the High Commissioner and the Secretary-General have called for human rights to be the guardrails for the response to the pandemic and the efforts to rebuild. Both have made reference to the need to rekindle the spirit and letter of the Universal Declaration of

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<sup>1</sup> These instruments include the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities.

<sup>2</sup> Vienna Declaration and Programme of Action, para. 5.

<sup>3</sup> See OHCHR, "Frequently asked questions on economic, social and cultural rights", Fact Sheet No. 33, 1 December 2008.

<sup>4</sup> United Nations, "Investing in jobs and social protection for poverty eradication and a sustainable recovery", Secretary-General's Policy Brief, p. 4. See also [A/HRC/44/40](#).

Human Rights, as the document made clear how human rights were to guide decisions in all parts of society in order to create a world free from fear and want.

6. Too often, human rights and specifically economic, social and cultural rights have not been consistently integrated by Governments and international institutions into their policies and practices. These gaps have contributed to the severe challenges facing the international community today, but they also demonstrate how human rights can provide a road map to arriving at more stable, inclusive, green and prosperous societies.

7. The devastating loss of jobs and livelihoods during the pandemic reaffirmed the importance of universal social protection and universal health coverage. Respect for human rights means that States invest in people through public services, that they employ a more equitable payment of taxes by individuals and businesses, and that they implement affirmative action programmes and targeted policies to redress historic inequalities.<sup>5</sup> OHCHR has recommended that States use all the macroeconomic tools at their disposal to mobilize and allocate domestic resources for public services relating to health, social protection, quality education, food, water and sanitation, housing and other basic services. This requires creating wider fiscal space to maximize resources through, inter alia, progressive taxation, strengthening the capacity to collect taxes, combating tax evasion and illicit financial flows, tackling corruption and repositioning public expenditure.

8. Respect for human rights also requires that States collect reliable data and statistics disaggregated in a way that supports addressing inequalities and monitoring the realization of economic, social and cultural rights. States need assistance or greater cooperation to understand the intersectionality of being left behind, of the data gaps pertaining especially to groups at risk of being left behind, such as people living in poverty, women, children, LGBTQI+ persons, older persons,<sup>6</sup> persons with disabilities, ethnic and racial minorities, and indigenous peoples.

9. Respect for human rights means providing public information on and ensuring meaningful participation in States' budget allocations and expenditure, and assessing budgets relative to States' human rights obligations.

10. Respect for human rights further requires understanding the human rights ramifications of the socioeconomic consequences of the pandemic, of how to properly measure and end poverty, how inequalities – including economic inequalities – affect rights, how debt can undermine a State's capacity to respect human rights, how inflation affects rights and how climate change is undermining many rights – including the rights to livelihood and health.

11. All of these challenges and opportunities create an environment in which the role of OHCHR is more important than ever, and where its work on economic, social and cultural rights needs continual strengthening. OHCHR stands ready to expand its contribution to addressing these multiple crises and growing its ability to assist rights holders and duty bearers to protect economic, social and cultural rights more effectively, creating societies free from fear and want.

## **II. Supporting the realization of economic, social and cultural rights**

12. In 1993 the General Assembly created the post of High Commissioner for Human Rights to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights, and the right to development. It specified that the High Commissioner should provide advisory services and technical and financial assistance, engage in dialogue, enhance international cooperation and coordinate activities throughout

<sup>5</sup> [A/HRC/47/47](#), para. 83.

<sup>6</sup> See [A/HRC/45/14](#).

the United Nations system – all with a view to removing obstacles to and meeting challenges of the full realization of all human rights.<sup>7</sup>

## A. Overview of activities

13. The work of OHCHR is structured around six pillars: advancing sustainable development through human rights; enhancing equality and countering discrimination; enhancing participation and protecting civic space; increasing the implementation of the outcomes of international human rights mechanisms; preventing violations and strengthening protection of human rights, including in situations of conflict and insecurity; and strengthening the rule of law and accountability for human rights violations.<sup>8</sup> Each pillar covers all types of rights – civil, cultural, economic, political and social rights, as well as the right to development. In extending its management plan through 2023, OHCHR placed additional emphasis on addressing inequalities and countering discrimination, particularly with regard to people of African descent, and on leveraging data for human rights.

14. OHCHR strives to strengthen the promotion and protection of economic, social and cultural rights through an indivisibility approach to all human rights. Its work relating to economic, social and cultural rights is complex, as OHCHR contributes to standard setting, awareness creation, and global, national and local policy development and implementation. This work includes specific mandates set out by the Human Rights Council and the General Assembly and work done under the independent mandate given by the General Assembly to the High Commissioner. OHCHR undertakes a wide range of activities, including research on and analysis of human rights violations and abuse and monitoring of and reporting on such violations and abuses; providing technical advice and capacity-building support on economic, social and cultural rights to OHCHR field presences and stakeholders at the country level; providing expert advice and substantive support relating to the work of United Nations human rights mechanisms; providing support for the progressive development of international law; engaging in intergovernmental processes relevant to economic, social and cultural rights; and strengthening partnerships with United Nations agencies, cities and local governments, national human rights institutions and civil society. Some interventions focus on advocating for change in policy, practice and behaviour regarding specific rights, such as those relating to education, food, health, including access to medicines and vaccines, work, social security, housing, and water and sanitation. Other activities are aimed at supporting populations that are often marginalized and left furthest behind. These include activities targeting civil, cultural, economic, political and social rights to promote and protect the rights of women, young people, children, older persons, persons with disabilities, LGBTIQI+ persons, indigenous peoples, minorities and people of African descent, and other people who are vulnerable or marginalized.

15. The following section contains selected illustrative examples of the activities of OHCHR to promote and protect economic, social and cultural rights and to address inequalities. The work includes advocacy relating to human rights, supporting human rights mechanisms, and a broad range of policy work, activities and programmes.

## B. Shining a spotlight on economic, social and cultural rights

16. At the global level, the High Commissioner has consistently and powerfully advocated for the protection of economic, social and cultural rights. Her public engagement on these issues is voluminous and was amplified following the outbreak of the COVID-19 pandemic. In recent years, she has particularly emphasized the need for universal social protection as a key policy instrument to ensure access to health, education and basic income, and the need to transition to a more resource-efficient, green and circular economy to address the climate crisis, echoing the Secretary-General's call for a new social contract.<sup>9</sup> In her

<sup>7</sup> General Assembly resolution 48/141.

<sup>8</sup> OHCHR, United Nations Human Rights Management Plan 2018–2021; and OHCHR, United Nations Human Rights Management Plan 2022–2023.

<sup>9</sup> [A/HRC/47/47](#), para. 9.

summary report on the intersessional panel discussion on the right to social security in the changing world of work, the High Commissioner noted that States should use their maximum available resources to progressively achieve a universal social protection system.<sup>10</sup> The High Commissioner also called for urgent action on debt management and debt relief to afford countries in debt distress the fiscal space necessary to maintain essential services,<sup>11</sup> and called upon creditors to freeze, restructure or relieve debt.<sup>12</sup> She advocated for universal and equitable access to COVID-19 vaccines as a global public good, sharing good practices on social protection measures that benefited the most marginalized populations,<sup>13</sup> as well as for universal health coverage.<sup>14</sup> She also outlined the central role of the State in responding to pandemics and other health emergencies.<sup>15</sup>

17. In the context of the current global food crisis, the High Commissioner has called for the protection of the rights of small-scale farmers and small-scale fishers and the promotion of gender equality, and advocated on World Oceans Day for the implementation of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Together with the Secretary-General of the United Nations Conference on Trade and Development, the High Commissioner issued a joint open letter to the twelfth Ministerial Conference of the World Trade Organization urging member States to align trade rules with human rights obligations to support the realization of the right to adequate food for all.

### C. Effective support for human rights mechanisms and mandates

18. As part of the Human Rights Council's engagement on the pandemic, the Council held an intersessional seminar in December 2021 on access to vaccines and medicines, which focused on human rights challenges in the context of the COVID-19 pandemic, global cooperation and measures to improve universal access to vaccines<sup>16</sup> and, in November 2021, an intersessional consultation on mental health and human rights.<sup>17</sup> The Council also convened its first intersessional panel discussion on the right to social security, facilitating the sharing of good practices and lessons learned on social protection measures that benefited marginalized groups that have often been excluded from social protection systems.<sup>18</sup> This has contributed to strengthening evidence-based advocacy for global, regional and national responses to the COVID-19 pandemic and its consequences with human rights at their core. OHCHR co-led inter-agency efforts to address ageism and age discrimination under the framework of the United Nations Decade of Healthy Ageing (2021–2030). It also updated an analytical paper on normative standards in international law in relation to older persons, which had originally been issued in 2012. The updated study, issued in March 2021, provides an analysis of protection gaps and the adequacy of the existing international legal framework for the promotion and protection of the human rights of older persons.

19. OHCHR, in its role as secretariat to human rights treaty bodies, has also supported the development of general comments by those mechanisms, including a general comment on land and economic, social and cultural rights, a general comment on sustainable development and the International Covenant on Economic, Social and Cultural Rights, a general recommendation on the rights of indigenous women and girls, and a general comment on the rights of persons with disabilities to work and employment (ongoing). The treaty bodies also addressed issues relating to COVID-19 in their concluding observations and lists of issues prior to reporting.<sup>19</sup>

<sup>10</sup> [A/HRC/49/33](#), para. 61.

<sup>11</sup> See [A/HRC/50/4](#).

<sup>12</sup> OHCHR, "Africa: we must act now to avoid a catastrophe, says rights chief", 20 May 2020.

<sup>13</sup> See [A/HRC/49/35](#).

<sup>14</sup> See [E/2019/52](#).

<sup>15</sup> See [A/HRC/47/23](#).

<sup>16</sup> See Human Rights Council resolution 41/10.

<sup>17</sup> See Human Rights Council resolution 43/13.

<sup>18</sup> See Human Rights Council resolution 42/13.

<sup>19</sup> OHCHR, *United Nations Human Rights Report 2021*, p. 23.

20. OHCHR provides support for a broad range of special procedure mandate holders of the Human Rights Council in their work relating to economic, social and cultural rights, such as food, water and sanitation, health, education, adequate housing, foreign debt and poverty. It supported these mandate holders in discharging mandated activities, including the conduct of country visits. In their thematic reports, the special procedure mechanisms provided a wealth of recommendations and guidance relating to economic, social and cultural rights. Recent reports address such crucial topics as redistributive measures (such as minimum wages, labour rights, consumer protections and regulations) that reduce inequalities promoted by market forces, debt sustainability, and the transition to green and inclusive economies, which are also to be found among the innumerable country and thematic recommendations offered by the special procedure mechanisms.<sup>20</sup> These recommendations have also served as useful entry points for the programming of OHCHR.

## **D. Policy, activities and programmes**

21. In addition to its work in support of human rights mechanisms and mandates, OHCHR conducts a wide range of work relating to economic, social and cultural rights.

### **1. Contributing to policy development and implementation of economic, social and cultural rights**

22. OHCHR engages with Governments and relevant stakeholders to integrate human rights in national economic and social policies, tackle inequalities and address human rights gaps in efforts to build back better from the COVID-19 pandemic. Recently, a particular focus has been on social protection and universal health coverage, which are key elements of a new social contract rooted in human rights called for by the Secretary-General in his report entitled “Our Common Agenda”. In addition, together with United Nations Water, OHCHR led the development of a road map to strengthen the integration of human rights to water and sanitation. OHCHR also initiated informal consultations with the World Health Organization and other relevant United Nations partners to explore the development of resources for a human rights-based approach to universal health coverage.

23. OHCHR produced guidance and reports on several related human rights issues, including key messages on social protection,<sup>21</sup> on access to vaccines<sup>22</sup> and joint guidance on mental health. OHCHR recommended, inter alia, that States allocate adequate resources to meet their obligations, including to ensure equality and non-discrimination; to cooperate for the equitable distribution of COVID-19 vaccines within and between countries; and to increase budget allocations for emergency measures to ensure education for all without discrimination.<sup>23</sup> OHCHR also advocated for the integration of human rights norms and principles in the work of the Committee on World Food Security, in particular in the negotiations of the draft voluntary guidelines on gender equality and food security and the draft policy recommendations on promoting youth engagement and employment in agriculture and food systems, while its capacity to support States in the implementation of such guidelines remains limited. Moreover, to facilitate effective responses that address the effects of COVID-19 on human rights, OHCHR has developed a framework of 10 human rights indicators to assess and mitigate the impact of the pandemic on human rights. These key indicators are annexed to the framework document that guides United Nations socioeconomic responses to COVID-19.<sup>24</sup>

24. OHCHR also led research, produced reports and tools, built capacity and advocated for economic, social and cultural rights and the right to development in addressing

<sup>20</sup> An overview of the activities and achievements of the mandate holders can be found in [A/HRC/49/82](#) and [A/HRC/49/82/Add.1](#).

<sup>21</sup> See [A/HRC/49/33](#).

<sup>22</sup> See <https://www.ohchr.org/en/covid-19/covid-19-guidance>, [A/HRC/49/34](#) and [A/HRC/49/35](#).

<sup>23</sup> [A/HRC/47/47](#), para. 10.

<sup>24</sup> United Nations, “A UN framework for the immediate socio-economic response to COVID-19”, annex II, April 2020.



inequalities and asymmetries between countries in COVID-19 preparedness, response and recovery.<sup>25</sup>

25. Since the beginning of the pandemic, the monitoring and reporting of OHCHR on human rights issues of concern have been instrumental in providing timely and accurate information for decision-making and advocacy with key stakeholders. Monitoring economic, social and cultural rights, including in the context of the COVID-19 pandemic, for instance, facilitated engagement and interventions with authorities, including to establish emergency social protection measures, prevent evictions or improve conditions in informal settlements.<sup>26</sup>

26. Using its convening power, OHCHR also facilitated forward-looking dialogues on economic, social and cultural rights, the right to development and the 2030 Agenda for Sustainable Development around current challenges in local settings. Inspired by Hernán Santa Cruz, one of the architects of the United Nations human rights system who advanced socioeconomic rights in the drafting of the Universal Declaration of Human Rights, OHCHR launched a new dialogue series that provided a platform to engage people worldwide, amplify their voices and empower them to become agents of change.<sup>27</sup> Dialogues were held in several regions, focusing on the themes of social protection, on the contribution of development to human rights and on interlinkages between the right to development and the right to a healthy environment.<sup>28</sup>

27. The work of OHCHR has had an impact on, and opened up opportunities for further engagement with, a wide range of stakeholders. Further efforts to deeper engagement with United Nations system partners, Governments and other stakeholders are essential. A deeper partnership with Governments, civil society, national human rights institutions and other stakeholders at the national level is also needed to contribute to policy changes to help implement States' economic, social and cultural rights obligations. Such engagement will allow OHCHR to support the implementation of policy guidance. While demand from States, the United Nations system and other stakeholders for expanded technical engagement on economic and social rights and strengthening national protection systems at the country level, current resources limit the ability of OHCHR to provide additional support.

## **2. Advancing achievement of the Sustainable Development Goals**

28. OHCHR has taken a lead role in the United Nations system-wide policy work on social and economic inequality, especially in relation to the 2030 Agenda. It continued to prioritize support to United Nations country teams to ensure that the commitment of the 2030 Agenda to leave no one behind is grounded in the principles of equality and non-discrimination. OHCHR contributed human rights analysis and advice for United Nations common country analyses and the United Nations Sustainable Development Cooperation Framework, and contributed to national development processes.<sup>29</sup>

29. As a central component of the programme of OHCHR for supporting States in their efforts to promote and protect human rights and to implement the 2030 Agenda, OHCHR sought to engage in critical technical cooperation in areas such as the rights to health, including universal health coverage, housing, water and sanitation, food and social protection. While OHCHR also engages in other important areas, such as land rights and human rights issues relating to non-communicable diseases, these activities are limited given resource constraints.

30. OHCHR continued to seek strategic engagement with a wide range of United Nations actors to ensure that meaningful contributions were made to key United Nations development policies and guidance. In collaboration with the Development Coordination Office and the United Nations Development Programme, OHCHR has developed a checklist for a human rights-based approach to socioeconomic impact assessments and country responses to COVID-19. As co-lead of an inter-agency task team, OHCHR led a human rights review of

<sup>25</sup> See [A/HRC/50/4](#). See also [A/HRC/49/28](#).

<sup>26</sup> [A/HRC/48/49](#), para. 50.

<sup>27</sup> OHCHR, "Rekindling the spirit of the Universal Declaration of Human Rights", 20 October 2020.

<sup>28</sup> See [A/HRC/50/4](#).

<sup>29</sup> *Ibid.*

the socioeconomic response plans of 109 United Nations country teams in October 2020.<sup>30</sup> The recommendations included those to comprehensively map disadvantaged groups and to devise targeted measures to address discrimination and structural inequalities relating to those groups. It identified areas for improvement in socioeconomic response plans by bolstering the involvement of civil society and national human rights institutions in the design and monitoring of responses and leveraging the systematic implementation of recommendations made by human rights mechanisms to strengthen interventions in the case of disadvantaged groups disproportionately affected by the pandemic.<sup>31</sup> Throughout the review, the enhanced protection of economic, social and cultural rights was an explicit focus.

### **3. Surge initiative and other work: seeding change for an economy that enhances human rights**

31. In late 2019, the United Nations High Commissioner for Human Rights established the surge initiative to increase engagement on economic, social and cultural rights, Sustainable Development Goals and conflict prevention, and to strengthen the links between human rights and macroeconomic policies. At the time, multiple social protests and unrest worldwide, many of which were borne from expanding inequalities, and slow progress towards the Goals drove the need for expanded and accelerated work in these areas.

32. The outbreak of the COVID-19 pandemic, within months of the initial phase of the surge initiative, presented unforeseen challenges and, at the same time, added significance to this new area to complement and operationalize already ongoing work around policy advice and technical assistance. The surge team helped OHCHR field presences to operationalize recommendations of United Nations human rights mechanisms into concrete and implementable policy solutions to inform country policies, plans and strategies to implement the Sustainable Development Goals. By linking specialized human rights knowledge on economic, social and cultural rights with development and macroeconomics issues, OHCHR created an effective approach to working on economic, social and cultural rights with Governments, United Nations country teams, civil society, national human rights institutions and its country and regional presences.

33. The surge initiative approach has promising potential to fill a critical gap in promoting the realization of economic, social and cultural rights. It has been used by more than 90 OHCHR field presences and United Nations country teams, contributing to human rights-based analysis and solutions with a spotlight on those at risk of being left behind, including minorities<sup>32</sup> and assisted with context-specific options for expanding fiscal space and maximizing available resources for economic, social and cultural rights.<sup>33</sup> OHCHR analysed national policies and measures, particularly in relation to those who are left behind, in collaboration with national human rights institutions, grass-roots actors and disadvantaged groups. Crucially, at the beginning of the COVID-19 pandemic, and in subsequent months, there was a critical focus on national responses to COVID-19 in relation to the rights to health, social protection and other economic, social and cultural rights. This focus included providing support to Governments in their efforts to carry out human rights-based analyses of macroeconomic and fiscal policies and public budgets.<sup>34</sup> Based on these analyses, OHCHR has conducted advocacy for Governments to increase their national budget and social spending in social sectors. Through these interventions, OHCHR has started filling the void between economic policymaking and human rights, including regarding economic reforms and processes involving international financial institutions. It has called for all actors to ensure that macroeconomic advice and socioeconomic programmes, including refinancing programmes and conditionalities, are anchored in human rights in order to tackle persistent and structural inequalities and to avoid further exacerbating poverty and inequality.

<sup>30</sup> [A/HRC/46/19](#), para. 50.

<sup>31</sup> *Ibid.*

<sup>32</sup> [A/HRC/46/44](#), para. 8. See also [E/2021/77](#) for a general description and examples of the surge initiative.

<sup>33</sup> [E/2021/77](#).

<sup>34</sup> See [A/HRC/50/4](#).



34. As part of the surge initiative, OHCHR has supported 51 small projects since its inception, providing technical, human and financial resources of up to \$30,000 in numerous field presences. Through these pilot projects, OHCHR has engaged with resident coordinator offices and United Nations economists. This approach seeks to provide more targeted support to States so they can achieve the progressive realization of economic, social and cultural rights, have a greater understanding of their immediate obligations, and allocate the maximum available resources. Through these projects, OHCHR has also strived to contribute to decision-making and planning that represents the views of rights holders by engaging and consulting with them and their representative organizations directly and advocating for meaningful participation and inclusive processes. Results are promising and indicate that OHCHR is poised to scale up work on such projects. The sustainability of these development interventions requires further institutionalization of the surge initiative and additional human and financial resources.

35. In the first six months of 2022, the surge team supported OHCHR in country presences by providing analytical content and operational advice on economic, social and cultural rights, on integrating human rights into development policies and programmes, and on strengthening the link between human rights and economics. This was done for 34 common country analyses or United Nations Sustainable Development Cooperation Framework processes. The surge team also delivered seven briefings and training sessions on the 2030 Agenda, the Sustainable Development Goals, the use of a human rights-based approach and the call to leave no one behind as part of the United Nations Sustainable Development Cooperation Framework process, supported and engaged in nine human rights-based budget analyses, and held strategic discussions and engagements with 19 resident coordinator office economists.

36. Within its two years of operation, the surge initiative has made a substantial difference through the provision of operational advice on economic, social and cultural rights and sustainable development by breaking the silos and demonstrating the value of including human rights in economic and development spheres. This work shows that the “proof of concept” for the project is solid and provides the basis for scaling up the work of the surge initiative.

#### **4. Economic, social and cultural rights at the country level**

37. OHCHR has supported a wide range of country-specific activities to enhance the protection and realization of economic, social and cultural rights. This support has included macroeconomic analysis from the perspective of human rights and focused on leaving no one behind, technical advice in designing gender-responsive and human rights-based social security systems, capacity-building of national institutions to monitor economic, social and cultural rights, and support to Governments to develop human rights-compliant legal and policy measures on economic, social and cultural rights.

38. In Argentina, through the surge initiative project, OHCHR supported the human rights adviser of the United Nations country team to conduct a human rights-based macroeconomic analysis that provided an overall picture of emerging patterns and structural socioeconomic challenges from a human rights perspective. The analysis focused on vulnerable and marginalized populations, with a view to supporting the Government to include a human rights perspective in macroeconomic policies and programmes and meet its human rights obligations. In Cambodia, the OHCHR country office, supported by the surge initiative, integrated a human rights analysis into the United Nations COVID-19 pandemic response and recovery plans.

39. OHCHR provided technical assistance to the Government of Mexico in the adoption of a presidential decree regarding the administration, control of extraction, exploitation, use and conversion of subsoil waters in the Central Valleys of Oaxaca, securing access to water for 16 Zapotec communities. The decree recognizes the territorial rights, the right to self-determination and the autonomy of the Zapotec communities and grants them the power to prepare and issue the rules that regulate the use and enjoyment of subsoil waters. In Guatemala, OHCHR supported the Ministry of Social Development in designing a gender-responsive household registry for delivering social protection interventions in the context of the COVID-19 response, in close consultation with communities and grass-roots organizations.

40. In Somalia, the Human Rights and Protection Group of the United Nations Assistance Mission in Somalia, with the support of the surge initiative, undertook a study to assess the human rights compliance of a social protection scheme led by the Government – a budget cash transfer initiative. The study is in direct follow-up to a number of universal periodic review recommendations from 2021 addressed to Somalia on economic recovery and poverty reduction. In the study, the Group calls for the Government to expand fiscal space by increasing domestic resource mobilization and to use debt relief to make social protection available and accessible to its population. The findings of the study will inform the work of the United Nations country team in Somalia and assist the Government in building a human rights-compliant social protection system.

41. In El Salvador, OHCHR supported the national human rights institution in strengthening its capacity to monitor the enjoyment of the rights to health, social protection and decent work in the context of the COVID-19 pandemic. In Kenya, the human rights adviser to the Resident Coordinator and the United Nations country team, together with the surge initiative, delivered training for the Kenya National Commission on Human Rights and human rights organizations concerning the role of public budgets in realizing economic, social and cultural rights. The training was based on a human rights-based analysis, conducted by OHCHR, of the budget for the fiscal year 2021/22 in Kenya. The objectives of the training were to explore opportunities for providing joint advice to Kenya on implementing universal periodic review recommendations to increase budget allocations for economic and social rights.

42. The Southern African Development Community Parliamentary Forum recently developed the model law on public financial management, which is aimed at ensuring that national parliaments of Southern African Development Community States are enabled to conduct their legislative, budgetary and oversight functions for public financial management in a way that is transparent, efficient and responsive to the needs of citizens of Southern African Development Community States. OHCHR participated in a consultative meeting of the Southern African Development Community Parliamentary Forum and subsequently collaborated on written inputs, which reinforced the importance of ensuring that investment in social sectors is in line with human rights obligations and the agreed international and regional benchmarks in the national budget. OHCHR recommended that the law considers that Southern African Development Community States explore domestic resource mobilization options as a means of increasing fiscal space, including through progressive taxation that can be used for social spending. The Forum Steering Committee will be considering the comments during the validation of the model law.

## 5. Leveraging human rights mechanisms

43. OHCHR also leverages the content produced by human rights mechanisms in its operational work. It has compiled research and provided policy suggestions for United Nations socioeconomic response plans, including analysis on groups left behind and pathways for maintaining adequate levels of health, social security and protection and other rights on a non-discriminatory basis.<sup>35</sup> Thematic and geographic teams across OHCHR have also relied on support and expertise from other OHCHR teams working with United Nations human rights mechanisms, including the universal periodic review, treaty body secretariats, in particular the secretariat of the Committee on Economic, Social and Cultural Rights, and relevant units supporting special procedure mandate holders. Through the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, for instance, OHCHR supported several countries in the implementation of universal periodic review recommendations. Strengthening of the Fund will be crucial to enhance dedicated support for that task.<sup>36</sup>

44. International human rights mechanisms, including the Human Rights Council, have increasingly paid attention to economic, social and cultural rights.<sup>37</sup> Yet, despite State interest in advancing efforts on economic, social and cultural rights, only 21 per cent of

<sup>35</sup> A/HRC/46/19, para. 49.

<sup>36</sup> A/HRC/50/18, para. 63.

<sup>37</sup> OHCHR, *United Nations Human Rights Report 2021*, p. 23.

recommendations by member States within the universal periodic review relate to economic, social and cultural rights.<sup>38</sup> OHCHR has analysed the recommendations and is offering to hold a workshop for member States to discuss more effective involvement of economic, social and cultural rights as part of the universal periodic review process.

45. OHCHR also engages with member States on implementing universal periodic review recommendations relating to economic, social and cultural rights, subject to available staffing and resources.

46. In the context of the pandemic, OHCHR also continued to compile and share the evolving jurisprudence issued by the human rights treaty bodies on COVID-19 and detailed how they addressed human rights issues through the application of the provisions of their respective treaties.

47. Further work to integrate the wealth of guidance, recommendations and advice by human rights mechanisms into national policies and programmes would undoubtedly make a substantial contribution to advancing economic, social and cultural rights. Current efforts by OHCHR in that regard are constrained by limited resources.

## **6. Protecting and promoting civic space and public participation**

48. Globally, many instances of social unrest, violence and conflict in countries today result from violations of economic, social and cultural rights, and reflect discontent with growing inequalities, worsening of institutional trust and deterioration of the standard of living. All were amplified by COVID-19. The pandemic also put the spotlight on the criticality of civic space and the right to participation as key preconditions for fulfilling the right to health and the realization of all economic, social and cultural rights.<sup>39</sup> The interdependence and interrelatedness of economic, social and cultural rights and public freedoms are repeatedly recognized within the international human rights framework. There is a clear link between the success of any development project and the participation of those affected.

49. In this context, OHCHR, the special procedures and other mechanisms have advocated against a number of restrictions and attacks on and violations of public freedoms. The pandemic also accelerated a massive move towards digital platforms, which exacerbated related risks, including threats to privacy and free expression, and risks of deepening discrimination.<sup>40</sup> The engagement of rights holders in the creation and implementation of policies produces a higher impact on and increases the level of respect for economic, social and cultural rights.

## **III. Growing need for expanded work on economic, social and cultural rights**

50. Today, the reality is that people are surrounded by pandemic-induced socioeconomic hardships, fuel and food crises, and growing poverty and inequalities. These challenges make the efforts of States to promote and protect economic, social and cultural rights all the more urgent and important.<sup>41</sup> At the same time, the deprivation of economic, social and cultural rights<sup>42</sup> and inequalities between different groups are considered contributing factors to most modern-day conflicts. Economic inequality between ethnic groups, for example, heightens

<sup>38</sup> OHCHR, Universal Human Rights Index database. Available at <https://uhri.ohchr.org/en>.

<sup>39</sup> See [A/HRC/51/13](#).

<sup>40</sup> Ibid.

<sup>41</sup> See [E/2021/77](#).

<sup>42</sup> [E/2016/58](#), para. 47. See also Frances Stewart, Graham Brown and Luca Mancini, "Monitoring and measuring horizontal inequalities", Working Paper No. 4 (Centre for Research on Inequality, Human Security and Ethnicity, 2010); Christopher Cramer, "Does inequality cause conflict?", *Journal of International Development*, vol. 15, No. 4 (May 2003), pp. 397–412; and Frances Stewart, Graham Brown and Luca Mancini, "Why horizontal inequalities matter: some implications for measurement", Working Paper No. 19 (Centre for Research on Inequality, Human Security and Ethnicity, 2005).

the likelihood of internal conflict.<sup>43</sup> The fragile state of the global economy in the wake of the COVID-19 pandemic and the impacts of the war in Ukraine, such as rising food, fuel and fertilizer prices,<sup>44</sup> can contribute to violence and instability.<sup>45</sup>

51. While its work in the area of economic, social and cultural rights has expanded significantly in recent years, OHCHR is not able to capitalize on the many opportunities for its engagement due to limited resources. There is increasing demand across the United Nations system for support in integrating human rights-based approaches to development, for example, but OHCHR has difficulty keeping up with these requests for partnership and support.

52. Similarly, as noted, the wealth of thematic advice from treaty bodies, special procedures and the universal periodic review on tackling extreme poverty, inequalities, marginalization and social exclusion and on protecting rights in debt-stricken countries is underutilized, and the current capacity of OHCHR to provide technical cooperation to member States and other duty bearers is limited.<sup>46</sup>

53. In addition, OHCHR sees substantial space to expand its work in addressing inequalities and economic, social and cultural rights in relation to prevention, as called for by the Secretary-General in “The highest aspiration: a call to action for human rights”<sup>47</sup> and in “Our Common Agenda”.<sup>48</sup> OHCHR sees potential in expanding its work to address the human rights of the most left behind in a concrete and participatory manner, especially in relation to saving lives and sustainable livelihoods, as it is an effective prevention strategy for political unrest and conflict, as well as in contributing to making the analysis of economic, social and cultural rights fully integral to early warning and prevention efforts.<sup>49</sup>

54. The relevance of the work of OHCHR is reflected by the growing demands for its engagement across a full spectrum of human rights. OHCHR has responded to these demands as effectively as it can, continually stretching its limited resources to address its burgeoning tasks. The progress made can only be sustained if it is able to engage with States and other counterparts consistently. To continue delivering on the increased work, there is an urgent need to increase specialized and dedicated economic, social and cultural rights capacities in OHCHR field presences, regional offices and headquarters with additional human and financial resources. Such specialized and dedicated capacity will help OHCHR to provide purpose-specific and operationally relevant support for operationalizing economic, social and cultural rights to enable member States to meet their obligations to progressively realize economic, social and cultural rights in their respective countries.

55. OHCHR has seen significant results through its work linking economic, social and cultural rights and rights to development issues with concrete and evidence-based macroeconomic policies at the country level. The surge initiative has helped to unpack the conceptual elements of a human rights-enhancing economy. Having dedicated economic, social and cultural rights capacity in OHCHR country and regional presences would substantially enhance the ability of OHCHR to provide operational support and policy guidance to member States and meet growing expectations in areas such as supporting economic recovery based on human rights and development planning.

## IV. Conclusions

56. **Within the context of the socioeconomic crisis generated by the pandemic, OHCHR has stepped up, within the limited resources available, its engagement to combat economic and other inequalities, contributing rights-based analysis and**

<sup>43</sup> A/HRC/46/43, para. 23.

<sup>44</sup> Global Crisis Response Group on Food, Energy and Finance, “Global impact of the war in Ukraine: billions of people face the greatest cost-of-living crisis in a generation”, Brief No. 2 (8 June 2022).

<sup>45</sup> E/2016/58, para. 51.

<sup>46</sup> OHCHR, Universal Human Rights Index database. Available at <https://uhri.ohchr.org/en/>.

<sup>47</sup> António Guterres, “The highest aspiration: a call to action for human rights”, 2020.

<sup>48</sup> United Nations, *Our Common Agenda: Report of the Secretary-General* (2021).

<sup>49</sup> See E/2016/58.

solutions with a spotlight on those at risk of being left behind. Work related to development, economic, social and cultural rights is often carried out in separate silos and, in fact, too often, human rights considerations are missing from development and economics practice. The innovative approaches of OHCHR, through the surge initiative in particular, are trying to break these silos and are demonstrating the value of including human rights.<sup>50</sup> Work relating to the integration of human rights in development and economic spheres is also an example of an area where further investment will yield more and deeper results.

57. Recovering better requires a renewed commitment to uphold and give practical effect to the realization of economic, social and cultural rights. The pandemic has placed severe strains on the economy and government revenues, resulting, in many instances, in negative economic growth. The challenge to mobilize resources for social spending in the short and longer term is immense, especially in low- and middle-income countries. Nevertheless, under international human rights law, States are duty-bound to guarantee at least minimum essential levels of the enjoyment of the rights to health, social protection, nutrition and food security, water and sanitation, housing and education for all people without discrimination, even in times of crisis. Human rights principles and norms provide a comprehensive blueprint for a sustainable recovery, as also echoed by the Secretary-General in “The highest aspiration: a call to action for human rights” and in “Our Common Agenda”.

58. The COVID-19 crisis has evidenced the wide gap between the human rights commitments of States and the effective fulfilment of economic, social and cultural rights for all. It has also underscored the urgency of placing economic, social and cultural rights at the centre of States’ response to the pandemic, thus emphasizing the indivisibility, interconnectedness and interdependence of all human rights. Human rights were designed to end fear and want, but a piecemeal and politicized approach has created a world where fear and want are still too prevalent. Amid growing inequality and the current socioeconomic crisis, the human rights system is the best prevention tool available and a critical foundation for sustaining peace and achieving sustainable development.

59. Human rights hold the key to helping Governments and societies to identify innovative and inclusive ways to recover better. They provide a comprehensive blueprint for a sustainable recovery, as also echoed by the Secretary-General in “The highest aspiration: a call to action for human rights” and in “Our Common Agenda”. OHCHR will continue to deliver human rights information for early warning and risk analysis, demonstrate how respect for human rights contributes to conflict prevention, and build a culture of prevention that is informed by human rights, particularly through the recommendations of human rights mechanisms. OHCHR continues to play an indispensable role in raising awareness about the indivisibility of human rights and in supporting States’ efforts towards creating a human rights-enhancing economy and a human rights-based recovery and in mainstreaming human rights within the United Nations, making the United Nations system stronger and more effective.

60. The growing demands for the engagement of OHCHR across the full spectrum of human rights and particularly on economic, social and cultural rights attest to the relevance of the work of OHCHR. However, the demands go beyond the capacity of OHCHR to deliver and engage, reflecting the need for increased partnerships, collaboration and multilateralism. It is crucial that momentum be maintained and OHCHR be supported to adequately respond to the global crisis.

61. In particular, further support would allow OHCHR to expand its work relating to:

(a) Making a paradigm shift to a comprehensive human rights-based social protection system anchored in equality and non-discrimination, effective participation of rights holders, and strengthened accountability and remedies;

<sup>50</sup> See [E/2021/77](#).

(b) Integrating a human rights-based approach to health, including prioritizing universal health coverage, particularly for the most marginalized groups and addressing the underlying determinants of health in the context of the COVID-19 pandemic recovery;

(c) Promoting a human rights-based approach to food security that supports small-scale farmers and fishers, including women and girls, ensuring that they have access to credit, land, seeds, natural resources and technology, to enhance their livelihoods, sustainable farming and fishing, and their enjoyment of human rights;

(d) Mobilizing national resources and using maximum available resources as one of the core obligations for the full realization of economic, social and cultural rights;

(e) Expanding fiscal space to generate resources for increasing investment in the rights to health, education, food and nutrition, and social services with the view to addressing economic and social inequalities fuelled by regressive economic models and a generation of underfunding of public services.

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