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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Report of the Secretary-General pursuant to Commission on Human Rights resolution 2002/24 on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights*

* In accordance with paragraph 8 of General Assembly resolution 53/208 B, the late submission of the present report is necessitated by the need to reflect the latest information available.

Executive summary

The present report is submitted in accordance with paragraph 10 of Commission on Human Rights resolution 2002/24 on the question of the realization in all countries of the economic, social and cultural rights, in which the Commission requested the Secretary-General to submit to it at its fifty-ninth session a report on the implementation of the resolution.

The report highlights the recent initiatives undertaken by the Committee on Economic, Social and Cultural Rights (CESCR), outside the framework of examining States' compliance with the International Covenant on Economic, Social and Cultural Rights, to further the promotion, protection and full realization of the Covenant. Such initiatives included the adoption of its General Comment No. 15 (2002) on the right to water, in consultation with other actors, including the Special Rapporteur on adequate housing, strengthening cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), as well as the Committee's contribution to the preparatory process to the 2002 World Summit on Sustainable Development.

The Commission on Human Rights has established special procedures on a number of economic, social and cultural rights, including the one of the mandate of the Special Rapporteur on the right to health, established at its fifty-eighth session. The special procedures have contributed to the conceptualization of economic, social and cultural rights, inter alia, through their annual and mission reports to the Commission. The report draws the attention of the Commission to documents by pertinent special procedures to be submitted to it at its fifty-ninth session.

The report further highlights steps taken by the High Commissioner for Human Rights to use and strengthen the research and analytical capacities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the field of economic, social and cultural rights. During 2002, OHCHR has actively participated in the preparations for the World Food Summit: five years later, and the World Summit on Sustainable Development, and has contributed substantively to follow-up activities to these events and also with respect to the implementation of the millennium development goals. In the field of human rights and HIV/AIDS, OHCHR and the Joint United Nations Programme on HIV/AIDS (UNAIDS) have contributed to further elaboration and revision of the 1998 *International Guidelines on HIV/AIDS and Human Rights*.

Noteworthy progress has been made with respect to the sharing of expertise and the provision or facilitation of practical support aimed at building capacities for the full realization of economic, social and cultural rights. Cooperation has been strengthened between OHCHR and several United Nations specialized agencies, funds and programmes, including the

United Nations Development Programme (UNDP), the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations, UNESCO and the United Nations Human Settlements Programme (UN-Habitat).

The main conclusion of the report is that initiatives to promote economic, social and cultural rights are increasing at all levels. They include activities by CESCR, the Commission on Human Rights, OHCHR and specialized agencies. However, the elaboration of practical approaches to the realization of economic, social and cultural rights is still at an early stage and further steps must be taken for their full implementation and integration into national development strategies.

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I. INTRODUCTION

1. The present report is submitted in accordance with paragraph 10 of Commission on Human Rights resolution 2002/24 entitled “Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights”, in which the Commission requested the Secretary-General to submit a report on its implementation to the Commission at its fifty-ninth session.

2. The realization of all human rights and fundamental freedoms, in particular economic, social and cultural rights, is part of a dynamic process. The report focuses on substantive achievements made by CESCR, including the recent adoption of its General Comment No. 15 (2002) on the right to water, and on the increasing interaction between the Committee and a wide range of actors. The report also shows how the growing commitment on the part of United Nations specialized agencies and programmes to integrate human rights in policies and programmes has been translated into action. Given the importance of summits and international conferences in setting goals, defining new approaches and developing supportive partnerships for the promotion and protection of economic, social and cultural rights, attention is drawn to the contribution and follow-up activities of the World Food Summit: five years later and the World Summit on Sustainable Development, and relevant action of OHCHR. Finally, the report reviews activities and technical cooperation projects undertaken by OHCHR, including awareness raising, sharing of expertise and facilitating practical support aimed at building capacities at the regional and national levels.

3. Information contained in the present report is drawn from the work of treaty bodies, especially CESCR, the special procedures established by the Commission on Human Rights relevant to economic, social and cultural rights and the work of the United Nations Development Programme (UNDP), the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other organizations.

II. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

4. As of 11 December 2002, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 147 States.¹ This means an increase of 11 States parties in the past five years.

5. To address the ever-increasing workload of CESCR and the modest funding from the regular budget, the plan of action for strengthening the implementation of the International Covenant on Economic, Social and Cultural Rights was conceived. At present, the plan is continued under an OHCHR biannual project covering also the Committee on the Rights of the Child and the plan of action for the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee against Torture.

6. At its twenty-eighth session, CESCR held its first meeting with States parties to the International Covenant on Economic, Social and Cultural Rights, to discuss its methods of work and other issues of common interest and concern. The meeting focused, in particular, on ways and means of rendering the reporting procedure more efficient and effective, such as the practice of the Committee with regard to overdue reports, the review of situations in non-reporting States parties and the quality of the constructive dialogue.

7. At its twenty-ninth session on 26 November 2002, the Committee adopted General Comment No. 15 (2002) on the right to water.² It was a result of consultations with and contributions from various partners, such as WHO, the Office of the United Nations High Commissioner for Refugees, non-governmental organizations (NGOs) and experts in the field, including the Special Rapporteurs on adequate housing and on the right to food and the Special Rapporteur of the Sub-Commission on the relationship between the enjoyment of economic, social and cultural rights and the right to drinking water. General Comment No. 15 emphasizes that the right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival, and a requirement to realize core rights under the Covenant, such as the right to health and adequate food. The Committee underlines that while the Covenant provides for progressive realization of the rights set forth therein and acknowledges the constraints in this regard due to limited available resources, it also imposes on States parties various obligations of immediate effect. In the case of the right to water, they include the guarantee of the exercise of this right without discrimination of any kind and the stipulation that steps taken towards its full realization be deliberate, concrete and targeted.

8. In 2001, the Executive Board of UNESCO approved the establishment of a joint expert group of UNESCO and the Committee to monitor the right to education, a decision approved by the Economic and Social Council in 2002. In May 2002, a follow-up meeting to the Committee's day of general discussion on the right to education was held in 1998, as well as to the World Education Forum, held in Dakar in April 2000. This was the first time such a meeting was organized by the Committee in cooperation with a United Nations specialized agency, UNESCO. Other United Nations specialized agencies and programmes, such as the World Bank, UNAIDS and the International Labour Organization (ILO), as well as NGOs, were among the participants. At the meeting, there were discussions on how the Committee and UNESCO could cooperate in monitoring progress in the realization of the right to education.

9. During its twenty-eighth session in May 2002, the Committee also held a day of general discussion on article 3 of the Covenant on the equal right of men and women to the enjoyment of economic, social and cultural rights set forth in the Covenant, with a view to elaborating a general comment during 2003. Two members of the Committee on the Elimination of Discrimination against Women and experts in the field were among the participants. During its twenty-ninth session in November 2002, CESCR held a day of general discussion on the right to water. The debate contributed to the aforementioned general comment on this right. United Nations agencies and programmes, NGOs and experts in the field actively participated in both days of general discussion.

10. On 24 May 2002, in the context of the World Food Summit, held in Rome from 10 to 13 June 2002, the Committee addressed a letter to FAO, underlining that its General

Comment No. 12 (1999) on the right to adequate food, elaborated in close cooperation with specialized agencies and civil society, should serve as a frame of reference for the development of tools to support States in their efforts towards the realization of this right. The Committee also highlighted the forthcoming adoption of a general comment on the right to water, as a human right closely interrelated with the right to food.

11. At its twenty-eighth session, the Committee also adopted a statement as a contribution to the work of the Preparatory Committee on the World Summit on Sustainable Development, held in Bali, Indonesia, from 27 May to 7 June 2002. The Committee emphasized that international commitments regarding human rights and sustainable development should be considered in the light of their important points of convergence and the legally binding nature of human rights obligations. The Committee expressed concern about the observed general decline in living conditions, particularly in connection with pressures of globalization, stressing the diminishing role of the State, as more and more social services are turned over to non-State entities which have no comparable commitment to the progressive realization of economic, social and cultural rights. The Committee called upon States to ensure that positions taken and commitments made at the Preparatory Committee and at the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, be consistent with prior international agreements on human rights, development and environmental protection.

12. At its twenty-ninth session, the Committee adopted jointly with the Special Rapporteurs on adequate housing and on the rights to education, food and health a statement on the inextricable link between the millennium development goals (MDGs) and economic, social and cultural rights. The statement emphasized that economic, social and cultural rights provide principles and operational strategies to address the problems which are at the centre of MDGs, including poverty, hunger, slum dwellers, illiteracy, HIV/AIDS and other communicable diseases and gender inequality. The Committee and the special rapporteurs emphasized the importance for all United Nations agencies and Governments to adopt a comprehensive human rights approach with a view to achieving MDGs, including the formulation of corresponding benchmarks and indicators consistent with existing obligations under international human rights treaties.

13. It should be pointed out that Committee members, as well as members of its secretariat, are regularly called upon to be resource persons for training workshops, seminars and expert consultations on reporting under the Covenant, organized either by the OHCHR or external parties with a view to facilitating the States parties' compliance with their obligations.

III. SPECIAL PROCEDURES PERTAINING TO ECONOMIC, SOCIAL AND CULTURAL RIGHTS

14. During the past five years, the Commission on Human Rights established a number of special procedures in the area of economic, social and cultural rights, including: the independent expert on the question of human rights and extreme poverty (resolutions 1998/25, 2000/12 and 2002/30); the Special Rapporteur on the right to education (resolutions 1998/33 and 2001/29); the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (resolution 2000/9); the Special Rapporteur on the right to food (resolution 2000/10); the independent expert on the effects of structural adjustment policies and foreign debt on

the full enjoyment of all human rights, particularly economic, social and cultural rights (resolution 2000/82); and the independent expert to examine the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (resolutions 2001/30 and 2002/24).

15. At its fifty-eighth session the Commission on Human Rights established for three years the mandate of a special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in existing human rights standards. In August 2002, Mr. Paul Hunt, New Zealand, was appointed as the Special Rapporteur and has engaged in informal consultations with relevant international organizations, agencies and financial institutions, as well as a number of NGOs, to discuss the mandate and ensure coordination and avoid duplication of work to the extent possible.

16. At its fifty-ninth session, the Commission will have before it the annual reports submitted by all the holders of the above-mentioned mandates and reports on their country missions.

IV. OHCHR ACTIVITIES FOR THE PROMOTION AND REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

17. Several inter-agency activities have been carried out with the purpose of raising awareness of the legal content and justiciability of economic, social and cultural rights and of incorporating these rights into capacity-building activities at the national level. Also, useful activities were carried out in the context of the relevant world conferences, including the World Food Summit: five years later and the World Food Summit on Sustainable Development, their outcomes and related issues.

18. In 2003, OHCHR will continue its endeavours to enhance research and operational capacities in the field of economic, social and cultural rights, in particular regarding the support for the special procedures of the Commission, the provision of substantive support to the Intergovernmental Working Group established by the FAO Council to develop voluntary guidelines to support Member States' efforts to implement the right to adequate food, the continuing support to the United Nations Housing Rights Programme (UNHRP), the Human Rights Strengthening (HURIST) Programme, and joint activities with UNAIDS on integrating human rights law into the HIV/AIDS response. The needs for the necessary resources have been reflected in the OHCHR *Annual Appeal 2003*.

A. Inter-agency initiatives

19. In 1998, OHCHR and UNAIDS published *the International Guidelines on HIV/AIDS and Human Rights* which are the outcome of an expert consultation on integrating existing international human rights law into the response to HIV/AIDS. In 2002, the two organizations undertook a revision of guideline 6 on Access to prevention, treatment, care and support. Revised guideline 6, the outcome of an international expert consultation on HIV/AIDS and human rights held in Geneva on 25 and 26 July 2002, takes into consideration the 2001 Declaration of Commitment on HIV/AIDS. It should assist States in designing their policies, programmes and practice in the aforementioned areas, in accordance with human rights standards.

20. In July 2002, WHO launched the *Health and Human Rights Publication Series*, the first issue of which entitled *25 Questions and Answers on Health and Human Rights*, explores linkages between different aspects of health and human rights. Wide-ranging consultations were undertaken in the preparatory process, including with OHCHR. United Nations agencies and programmes, including WHO, ILO, UNDP, the United Nations Children's Fund (UNICEF), and OHCHR, are also strengthening their collaboration to promote and protect the rights of persons with disabilities. A first informal meeting was held on 18 September 2002.³

21. Pursuant to Commission on Human Rights resolution 2001/28 and the Commission on Human Settlements resolution 16/7, OHCHR and UN-Habitat jointly launched UNHRP in April 2002, which aims to support the efforts by Governments and civil society towards the realization of the right to adequate housing, as provided for in international human rights instruments and reaffirmed in the Habitat Agenda. UNHRP will consolidate and build upon the ongoing work of the two United Nations bodies in the area of housing rights and will, inter alia, strengthen the link with human rights treaty bodies and support the mandate of the Special Rapporteur on the right to adequate housing. In June 2002, a Memorandum of Intent was signed between the two organizations, setting out the areas of cooperation for the first phase of UNHRP comprising advocacy and outreach, support to United Nations human rights mechanisms, monitoring and evaluation, research and analysis, and capacity-building and technical cooperation in the field of housing rights. Since its inception, the Programme has produced a joint publication on housing rights legislation with three accompanying compendiums,⁴ initiated discussion on indicators and supported the convening of a regional civil society consultation on women and adequate housing for the Special Rapporteur, held in Nairobi on 31 October 2002. Further, the two organizations aim to cooperate closely to provide systematic input to the work of the treaty bodies, as well as developing a database on good practices in the field of housing and human rights.

22. In June 2002, the World Food Summit: five years later invited the FAO Council to establish an intergovernmental working group (IGWG) to follow up on the recommendation of the Summit (for more information, see paragraphs 28-30 of the present report). In November 2002, FAO and OHCHR agreed to provide a joint secretariat for the working group.

23. UNESCO and OHCHR are organizing an expert workshop, to be held in Paris on 19 and 20 February 2003, with a view to developing a publication for university professors and students on the fostering of tolerance and the elimination of prejudice. Among the participating experts will be the Special Rapporteur on the right to education. The forthcoming publication would provide empirical data on and insight into the problems of racism and racial discrimination in relation to specific themes, including education, health, HIV/AIDS, employment, migration and development.

24. In July 2001, the High Commissioner for Human Rights was asked by CESCR to develop guidelines for the integration of human rights into poverty reduction strategies. Three consultants were called upon to elaborate, in consultation with government officials, civil society and international development agencies, draft guidelines to assist countries, international agencies and development practitioners in translating human rights norms, standards and principles into pro-poor policies and strategies. On 19 and 20 June 2002, OHCHR organized an expert seminar to discuss a first draft of the guidelines. Experts from human rights and

development disciplines with policy, research, operational, government and NGO backgrounds, as well as experts representing international development agencies, including the World Bank, the International Monetary Fund, ILO, FAO, WHO and UNESCO, participated in the seminar. In September 2002, the consultants issued the result of their work - draft guidelines that will be subject to further consultations and field-testing in 2003 (see OHCHR web site www.unhchr.ch/development/povertyfinal).

25. Together with the United Nations Environment Programme (UNEP), OHCHR has published the conclusions of an expert meeting on human rights and the environment, which the two agencies co-hosted in January 2002 to review progress made at the international level since the 1992 Rio Summit. In particular, the meeting examined the relevant multilateral environmental agreements; reviewed the activities of global and regional human rights bodies and the jurisprudence that some of them have developed; and assessed the activities of international organizations and agencies. The experts recognized that since 1992 there has been a growing interconnectedness between human rights and environmental protection. The overall context for these developments is the concept of sustainable development. The experts' conclusions were distributed during the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002 (see OHCHR web site www.unhchr.ch/development/bp-summit).

B. World conferences

1. Millennium Summit

26. The Secretary-General's "road-map" for implementing MDGs⁵ specifically refers to international human rights. The "road-map" provides a foundation for a normative framework, underpinned by universally recognized human values for the formulation of national and international development policies towards achieving MDGs. Economic, social and cultural rights are tools to raise the level of empowerment and participation of individuals and to define the accountability of various stakeholders vis-à-vis people affected by problems related to extreme poverty, hunger, education, gender inequality and health, which are identified targets amongst MDGs.

27. OHCHR has developed a web page on human rights and MDGs that highlights, in a matrix format, the corresponding provisions of the international human rights treaties and general comments which are relevant to each goal.⁶ This matrix especially illustrates the strong congruence between MDGs and economic, social and cultural rights.

2. The World Food Summit: five years later

28. In a report to this meeting,⁷ the High Commissioner for Human Rights highlighted the progress made by the United Nations human rights programme since the World Food Summit of 1996 in promoting understanding of the right to food and its applicability at the national and international levels. The report refers to General Comment No. 12 on the right to adequate food of CESCR and underlines the role of the Special Rapporteur on the right to food in contributing to the conceptualization of this right. The report emphasizes that further efforts are needed. It recommends the development of national strategies based on human rights principles,

encompassing verifiable benchmarks for national and international monitoring and effective remedies in case of violations of the right to food. The report also calls for greater efforts in developing methodologies, indicators, benchmarks, training packages and accountability systems that would empower development practitioners to integrate human rights into their activities, and suggests further research on the right to food in the context of sustainable development, humanitarian law and international trade laws and policies.

29. The Declaration of the Summit⁸ reaffirmed “the right of everyone to have access to safe and nutritious food”. It also reaffirmed the importance of international cooperation for achieving food security. While reaffirming the commitments made in 1996 to eradicate world hunger and achieve food security for all and recognizing the progress made, States noted that should the rate of reduction in the number of undernourished continue at the current pace, the target of reducing the number of undernourished by half by 2015 will not be attained. The Declaration emphasized the importance of tackling poverty and inequality in the fight against hunger and the urgent need to mobilize domestic and international resources for investment in food security. In this context, concern was expressed with regard to the overall downward trend in development cooperation for agriculture and rural development.

30. The Declaration also emphasized human rights standards as an essential part of a strategy for food security and as a tool for monitoring compliance with the commitments made at the World Food Summit. The Declaration invited the FAO Council to establish an intergovernmental working group (IGWG) to develop “voluntary guidelines to support Members States’ efforts to achieve the progressive realization of the right to food in the context of national food security”.⁹ The FAO Council, at its 123rd session, established IGWG as a subsidiary body of the Committee on World Food Security.¹⁰ The Working Group will be open to all members of FAO and members of the United Nations, as well as to a wide range of other stakeholders, and should complete its work in two years. Great importance has been attached to the role of and contribution from the United Nations human rights programme to IGWG. The first session of IGWG, scheduled for March/April 2003, will analyse and discuss proposals and views on the guidelines. Discussions between OHCHR, CESCR and the Special Rapporteur on the right to adequate food are ongoing to ensure an effective participation in the work of IGWG.

3. The World Summit on Sustainable Development (WSSD)

31. During the World Summit and its preparatory process, the High Commissioner for Human Rights engaged in consultations with delegations in order to promote the inclusion of human rights in the Plan of Implementation. OHCHR hosted a parallel event on the human rights aspects of the New Partnership for Africa’s development in the context of WSSD.

32. OHCHR prepared a background paper entitled “Human rights, poverty reduction and sustainable development: health, food and water” (see OHCHR web site www.unhchr.ch/development/bp-summit), disseminated at the Summit. The paper focused on analysing health care, food security and access to safe drinking water from a human rights perspective. In particular, given that poverty eradication was one of the focus of the Summit, the background paper outlined the “value added” of adopting a human rights-based approach to poverty reduction strategies.

33. The Plan of Implementation adopted at WSSD states in the introduction that “peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all”.¹¹ The confirmation by WSSD that human rights are essential to achieving sustainable development was an important political step, in line with the Vienna Declaration and Programme of Action and the Millennium Declaration, and commitments adopted at other summits and international conferences. In some cases, the Plan goes further than the previous documents, as for example in its commitment to halve by 2015 the number of people without access to sanitation.

34. The Plan addresses a range of issues of concern to the realization of economic, social and cultural rights, such as poverty reduction, gender equality, trade, HIV/AIDS, adequate housing, education, food security, indigenous peoples, illicit movement of chemicals and the environment, and good governance. Article 38, paragraph (a), of the Plan reaffirms the Millennium Declaration commitment to halve by the year 2015 the number of people suffering from hunger and places this commitment in the context of the obligations under article 11 of the Covenant on Economic, Social and Cultural Rights. Thus, the Summit reaffirmed the importance of human rights in addressing hunger and undernourishment.

35. As a follow-up to the meeting of experts on human rights and the environment, jointly organized by UNEP and OHCHR in January 2002,¹² UNEP organized, on 18-20 August 2002 in Johannesburg, South Africa, the Global Judges Symposium on Sustainable Development and the Role of Law. Senior judges from around 50 countries participated in the Symposium. The Symposium adopted the Johannesburg Principles on the Role of Law and Sustainable Development,¹³ which refer explicitly to the Universal Declaration of Human Rights and international human rights law and recognize their close connection with sustainable development and upholding the rule of law. The Principles were presented as input to WSSD. UNEP is developing a plan of work for the implementation of the Principles, which will involve training of the judiciary at the national level on issues pertaining to sustainable development, in partnership with UNEP partners.

C. Regional and national activities

36. At its fifty-eighth session, the Commission on Human Rights welcomed the organization by OHCHR of workshops worldwide on the promotion and justiciability of economic, social and cultural rights and encouraged the incorporation of such rights into technical cooperation projects.

37. In March 2002 in Beirut, the tenth Annual Workshop of the Asia-Pacific Regional Framework for Regional Cooperation for the Promotion and Protection of Human Rights, organized by OHCHR, adopted a second Programme of Action to be implemented over a period of two years, which was endorsed by the Commission in its resolution 2002/82. One of the main objectives of the Programme of Action is to strengthen national capacities to develop the justiciability of economic, social and cultural rights. To that end, the Programme includes the organization of two subregional workshops for judges and lawyers on the justiciability of economic, social and cultural rights and the development of a database on pertinent jurisprudence.

38. Within the framework of the joint UNDP/OHCHR HURIST Project, a workshop for government officials was held from 28 to 30 August 2002 in Ulan Bator, focusing on training in reporting under the International Covenant on Economic, Social and Cultural Rights. The workshop also contained a segment on the right to work and adequate conditions of work under existing ILO Conventions, as well as a component devoted to the examination of the draft National Programme of Action for Human Rights from an economic, social and cultural rights perspective. A follow-up workshop for representatives of over 20 national NGOs was held at the beginning of September 2002.

39. From 3 to 5 July 2002, OHCHR organized a subregional seminar for the Andean region in Lima on "Human rights, development and the Andean Community of Nations" within the Quito Framework for Technical Cooperation in the Field of Human Rights. Among the participants were government representatives and representatives of national human rights institutions and NGOs. The seminar covered three major themes including development, poverty reduction and non-discrimination, development and the rule of law, as well as human rights and trade. While the promotion and protection of economic, social and cultural rights was a common issue in the discussions on the three themes, the seminar specifically examined the question of the justiciability of these rights. It also promoted ratification of the International Covenant on Economic, Social and Cultural Rights throughout the region and recommended that the Andean Community of Nations establish a compilation of case law on economic, social and cultural rights in the subregion.

40. In August 2002, OHCHR started the second phase of a three-year technical cooperation project in Mexico. Economic, social and cultural rights together with administration of justice, indigenous peoples' rights, protection of vulnerable groups and building the national human rights commission, were identified as areas for immediate action.

41. A training workshop for United Nations country teams in Southern Africa on human rights mainstreaming was organized by OHCHR, together with UNDP, in Pretoria on 11-13 November 2002. The workshop included training in the normative contents of economic, social and cultural rights in international human rights law, as well as in the obligations of States to the progressive realization of such rights. Specific focus was given to human rights issues that had been identified to be of particular regional relevance, including poverty, HIV/AIDS, land rights and food security. Building on this experience, a second similar workshop for United Nations country teams in Eastern and Central Africa is due to be held in Addis Ababa at the end of January 2003

42. In September 2002, OHCHR participated as facilitator in a workshop on a human rights approach to education, organized in Lusaka by the Norwegian Institute of Human Rights, in cooperation with the Norwegian Agency for Development Cooperation (NORAD). Participants included development workers based in Zambia and from headquarters, local governmental and non-governmental partners, as well as representatives from selected international organizations, including UNAIDS and UNICEF. The workshop focused on the value added of applying human rights in development work, specifically in the education sector, and also on the obstacles to the realization of the right to education with regard to orphans as a result of the AIDS epidemic, the girl child and disabled children.

43. In Eastern Europe, Central Asia and the Caucasus, OHCHR is developing a set of practical human rights training modules with a view to strengthening the capacity of NGOs for interaction with international mechanisms and implementation of their recommendations. This project involves cooperation with the Organization for Security and Cooperation in Europe, the Council of Europe and NGOs. In addition, OHCHR has ongoing technical cooperation projects in the Russian Federation and the Former Yugoslav Republic of Macedonia aimed at strengthening national capacities to implement human rights education curricula in primary and secondary schools.

44. In the Federal Republic of Yugoslavia, OHCHR assisted in the training of government officials and representatives of NGOs in the reporting obligations of States under the International Covenants on Human Rights. The training specifically focused on the State obligation with regard to the immediate and progressive realization of rights, and on the identification of possible indicators and benchmarks of this process. OHCHR is working with the Government and the civil society of Montenegro (FRY) to facilitate the integration of the rights-based approach in the process leading up to the elaboration of a Poverty Reduction Strategy Paper for Montenegro. Training has been organized for NGOs in State obligations under the International Covenant on Economic, Social and Cultural Rights, using the recently issued draft Guidelines on Human Rights Approach to Poverty Reduction Strategy Papers. The draft Guidelines have also served as a basis for an OHCHR-led assessment of the situation of the local Roma community, focusing on economic and social rights and aiming to contribute to the elaboration of a rights-based strategy that takes into consideration various aspects of poverty.

V. CONCLUSIONS

45. Progress has been made in raising awareness about the nature, legal content and justiciability of economic, social and cultural rights. The general comments by CESCR have been instrumental in clarifying and articulating the normative content of economic, social and cultural rights. The general comment on the right to water adopted in 2002 is a significant example of this activity. The appointment of special rapporteurs on the right to education, the right to food, the right to adequate housing and, most recently, the right to health also contributed to that end and enhanced the promotional and protective role of the United Nations in these areas.

46. New initiatives have been taken to increase the interaction between CESCR and a wide range of stakeholders, including the relevant special procedures of the Commission on Human Rights and United Nations specialized agencies and programmes, resulting in increased coordination and better understanding of approaches. Further progress can be expected from closer cooperation between the Committee and the relevant special procedures regarding the follow-up on general comments and concluding observations at the national level.

47. Recent world conferences, in particular the World Food Summit: five years later and the World Summit on Sustainable Development explicitly recognized the value of human rights in achieving development objectives and contributed to the promotion of economic, social and cultural rights. The elaboration of voluntary guidelines to support

Member States' efforts to achieve the progressive realization of the right to adequate food in the follow-up to the World Food Summit is a good example of the impact world conferences may have on integrated approach to human rights and development, involving economic, social and cultural rights.

48. Initiatives to integrate human rights in the operational framework to implement the Millennium Development Goals are essential for the full realization of economic, social and cultural rights. At the same time, progress in the implementation of these rights is an important part of the process leading up to the achievement of the Millennium Development Goals. This linkage should guide the international community in its efforts towards sustainable development.

49. Recent initiatives demonstrate a growing commitment on the part of the United Nations specialized agencies and programmes to assist in building capacities for the realization of economic, social and cultural rights at the national level. Substantive contributions have been made by United Nations agencies and programmes and the OHCHR to promote and implement these rights. OHCHR, in close collaboration with the United Nations and other partners, has taken active part in the preparations for the relevant world conferences, and is substantively contributing to follow-up activities. The elaboration and wide dissemination of guidelines and other working tools is part of these endeavours. Notwithstanding progress made, further practical approaches need to be developed for the implementation of economic, social and cultural rights and efforts made for their integration into national development strategies.

50. There is a need for OHCHR to continue strengthening research and analysis capacities, needed inter alia for assisting in the further clarification of the content of economic, social and cultural rights. In view of the shortage of funds available under the regular budget to this end, the Office continues to seek voluntary contributions by States. Strengthened capacities are of particular importance with a view to supporting special procedures, developing voluntary guidelines relating to the progressive realization of the right to adequate food, and participating in the United Nations Housing Rights Programme, the HURIST programme, and joint activities with UNAIDS on integrating human rights law into the HIV/AIDS response.

Notes

¹ 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.12/2002/10 of 11 July 2002. Information on the status of the Covenant and reservations, withdrawals, declarations and objections under the Covenant can be found in document E/C.12/1993/3/Rev.5 of 26 October 2001.

² For further details on the role of general comments on the OHCHR web site, including the texts of the general comments, see: www.unhchr.ch.

³ A report of OHCHR on its work in relation to the human rights of persons with disabilities is contained in document E/CN.4/2003/88.

⁴ Available at <http://www.unhabitat.org/hrp>.

⁵ A/RES/56/95. The “road-map” contains a list of goals for each section of the United Nations Millennium Declaration, including eight development goals and six human rights goals.

⁶ Available at <http://www.unhchr.ch/development/mdg.html>.

⁷ The report, entitled “The right to food: achievements and challenges”, is available in document E/CN.4/2003/117.

⁸ Report of the World Food Summit: five years later, Rome, 10-13 June 2002, Part One, appendix.

⁹ Ibid., para. 10. This paragraph complements and expands the Rome Declaration on World Food Security and the 1996 Plan of Action, which requested the High Commissioner for Human Rights to consider the possibility of formulating voluntary guidelines on food security.

¹⁰ See FAO document CL 123/REP/13.

¹¹ A/CONF.199/20, annex, para. 5.

¹² See paragraph 28 above.

¹³ See UNEP web site at <http://www.unep.org/dpdl/symposium/principles.htm>.
