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

Question of the realization of economic, social and cultural rights in all countries: the role of economic, social and cultural rights in empowering people and ensuring inclusiveness and equality

Report of the Secretary-General*

Summary

The present report is submitted pursuant to Human Rights Council resolution 37/13, in which the Council requested the Secretary-General to prepare an annual report on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the role of economic, social and cultural rights in empowering people and ensuring inclusiveness and equality.

In the report, the Secretary-General identifies linkages between economic, social and cultural rights and the root causes of inequalities and power imbalances within societies. He further considers the value of the normative framework of economic, social and cultural rights and other related human rights in providing guidance for States and other stakeholders in implementing the Sustainable Development Goals in a more effective and inclusive manner.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 37/13, in which the Council requested the Secretary-General to prepare an annual report on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the role of economic, social and cultural rights in empowering people and ensuring inclusiveness and equality.

2. The 2030 Agenda for Sustainable Development provides a transformative and integrated vision of sustainable development anchored in the indivisibility of all human rights – civil, cultural, economic, political and social, as well as the right to development. By pledging that “no one will be left behind” and committing to “reach the furthest behind first” (para. 4), Member States reaffirmed the importance of the Universal Declaration of Human Rights and other international instruments, and the commitment of States to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status, in conformity with the Charter of the United Nations (para. 19).

3. The 17 Sustainable Development Goals of the 2030 Agenda are inspired by, and follow closely, many of the provisions of the core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights. The Goals related to poverty eradication, food and nutrition, healthy lives and well-being, quality education, water and sanitation for all, full and productive employment and decent work, and inclusive and safe human settlements are clearly linked to human rights enshrined under the Covenant. The attainment of other cross-cutting Sustainable Development Goals, which relate to the human rights principles of equality and non-discrimination, participation and accountability and international cooperation, are also essential for creating the necessary conditions for the realization of all human rights, including economic, social and cultural rights.

4. The thematic focus of the present report mirrors that of the high-level political forum on sustainable development in 2019 – “Empowering people and ensuring inclusiveness and equality”. The objective of the report is to inform the preparation and deliberations of the high-level political forum, with a view to further strengthening the convergence between efforts to implement the Sustainable Development Goals and the realization of economic, social and cultural rights.

II. Ensuring equality and inclusiveness

A. Understanding inequality from a human rights perspective

5. Rising inequalities have become one of the defining issues of our time. During the past few decades, we have witnessed an extreme concentration of wealth and income in the hands of a few. The richest 1 per cent of the global population now control as much wealth as the other 99 per cent combined. According to Oxfam, 82 per cent of all of the growth in global wealth in 2017 went to the top 1 per cent, whereas the bottom 50 per cent of the population saw no increase at all.¹

6. Such sharp increases in inequality within and among countries not only limit economic growth but often contribute to an increase of instability, discontent and grievances among their populations. There is evidence that many of the conflicts and instances of social unrest in recent years have been sparked by measures or policies that have led to increased inequalities and deterioration or violation of individuals’ economic, social and cultural rights, such as rises in food prices and unemployment, diminished living

¹ Oxfam, “Reward work, not wealth”, Oxfam briefing paper – January 2018, p. 8.

standards and unequal access to social services. The root causes of these inequalities lay in deeply entrenched patterns of discrimination based on race, gender, religion, disability and migrant status or country of origin (see E/2016/58, para. 27).

7. Recognizing the urgent need to address rising inequalities within and among countries, enormous disparities of opportunity, wealth and power, and persistent gender inequality, Member States put the imperative to combat discrimination and inequalities at the heart of the 2030 Agenda, through: (a) an overarching commitment to leave no one behind and focus on the furthest behind first; (b) dedicated goals and targets to combat discrimination and inequalities (Goals 5, 10, 16 and 17); (c) a commitment to develop specific indicators to measure progress in the implementation of laws, policies and actions to address discrimination and inequalities; (d) special attention to specific groups, including women, children, indigenous peoples, persons with disabilities, older persons and migrants; and (e) a call for disaggregation of data on a broad set of grounds, including in target 17.18.

8. Addressing economic inequality is necessary but insufficient alone to eradicate extreme poverty or to achieve other Goals and targets. Poverty is multidimensional and affects an individual's ability to enjoy a wide range of human rights. It can be defined in human rights terms as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights (E/C.12/2001/10, para. 8). Therefore, efforts to reduce poverty and economic inequality will not achieve their objective without also combating political, social and environmental inequality.²

9. Human rights offer an analytical framework to better understand these multiple dimensions of inequality and their underlying causes, as well as their impacts on individuals and communities leading to the perpetuation of extreme poverty. Power imbalances within societies increase inequalities through laws, policies and decision-making processes that favour the richest and the most powerful. In many instances, parts of society, such as people living in informal settlements and homeless people, are left voiceless and unaccounted for in surveys and statistics. In other places, openly discriminatory laws criminalize poverty and homelessness and put up barriers to the realization of the Sustainable Development Goals, in particular Goals 1, 6, 10 and 11. Gentrification and the rise of segregated cities resulting from urban renewal processes have shifted the power balance and exacerbated inequalities. The poor are increasingly being priced out of city centres and pushed into peripheral areas, making it harder for them to access essential services and decent work (E/2018/57, para. 48).

10. Even laws, regulations, policies or practices that seem neutral at face value can in effect lead to discrimination and exclusion. For instance, requiring a municipal registration certificate to subscribe to the local water provider may seem neutral but may in fact discriminate against persons that live in informal settlements and who lack security of tenure.

11. Human rights offer normative guidance for States and other stakeholders in addressing these inequalities. While many dimensions of economic, social and cultural rights are to be realized progressively, States have an immediate obligation to ensure equality and non-discrimination in law and practice. The Committee on Economic, Social and Cultural Rights stated that guarantees of non-discrimination and equality in international human rights treaties mandate both *de facto* and *de jure* equality.³

12. For example, gender bias results in discrimination and inequality both in law and in practice. Some civil and customary legal systems contain provisions granting "marital power" to one spouse – generally the male over the female. It assumes that "husbands are

² In his 2017 report (A/72/502), the Special Rapporteur on extreme poverty and human rights pointed out that when the situation of people living in poverty is addressed in development or human rights frameworks their civil and political rights are often completely ignored.

³ Committee on Economic, Social and Cultural Rights, general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, para. 7.

the heads of the households, or legal representatives of households, with the authority to make decisions on behalf of the couple or family without the consent of their spouse/s, including exclusive rights to administer property".⁴ Such legal provisions obviously run deeply counter to the right to equality between men and women and Sustainable Development Goal 5. They have been repealed in many countries through legal reforms, including in Botswana, where the Abolition of Marital Power Act of 2004 provides for equality of marital powers for couples married in community of property. Similarly, Mozambique adopted a new Family Law in 2004 establishing gender equality in all aspects of family law, after an extensive consultation process guided by the Ministry of Justice involving various sectors of society, including women's organizations.

13. Even when formal laws and policies appear to contain no evidence of gender discrimination, gender-biased attitudes can be dominant. In several countries, single and divorced women wishing to buy or rent houses continue to face many obstacles without a male guarantor. Even if a State policy or decision may not seem discriminatory on paper, in reality it may affect women disproportionately. Consequently, in developing policies to ensure the affordability of housing, as a key element of the right to adequate housing, States are required to ensure that housing-related costs are commensurate with income levels. In other words, personal or household costs associated with housing should not compromise the attainment and satisfaction of other basic needs. In defining affordability, States therefore need to consider women's economic conditions and status, including as a result of gender wage gaps or unpaid work.

14. The normative framework of human rights also requires that both horizontal and vertical inequalities are identified and addressed in order to discern systematic patterns of inequality and discrimination that amount to violations of economic, social and cultural rights. Horizontal inequalities occur between different social groups, defined, for example, by gender, race, ethnicity, religion, social origin, political or other opinion, property, birth or other status. While not all horizontal inequalities can be considered unjust or discriminatory, some systematic inequalities that are beyond an individual's control are likely to be so, such as lower wages for women than men or consistently unequal health outcomes for minorities. Vertical inequalities include inequalities between individuals across a range of opportunities and outcomes, for example those related to income and wealth, education and health, which have direct implications for the realization and equal enjoyment of human rights.

15. In the 2030 Agenda the importance of collecting and disaggregating data to measure and monitor inequalities and discrimination and to ensure that no one is left behind is recognized. Data disaggregation is essential for monitoring the progressive realization of the economic, social and cultural rights associated with the Sustainable Development Goals. The obligation of non-discrimination under the Covenant also requires States to move towards greater data disaggregation. International human rights bodies have encouraged the disaggregation of data on the basis of the kinds of discrimination that are prohibited, such as on the basis of sex, age, economic and social situation, race, colour, language, religion, political or other opinion, national or social origin, property, birth, disability, health status, nationality, marital and family status, sexual orientation and gender identity, place of residence and other kinds of status.

16. Human rights indicators, which are based on international legal standards, offer essential tools in analysing data, unlike conventional socioeconomic statistics, which are insufficient if not properly compiled and analysed in the light of human rights standards (A/HRC/31/31, para. 65). At the same time, collecting and disaggregating data can pose substantial risks to the protection of the rights of the populations concerned and, therefore, appropriate safeguards are needed.⁵

⁴ United Nations Entity for Gender Equality and the Empowerment of Women and Office of the United Nations High Commissioner for Human Rights (OHCHR), *Realizing Women's Rights to Land and Other Productive Resources*, 2013, p. 36.

⁵ See OHCHR, *A Human Rights-based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development* (Geneva, 2018).

B. Minimum core obligations of States for the realization of economic, social and cultural rights

17. The concept of minimum core obligations under the International Covenant on Economic, Social and Cultural Rights offers an important entry point for ensuring inclusiveness and equality. It is based on the understanding that everyone is entitled, without discrimination, to enjoy minimum essential levels of each of the rights under the Covenant. Like the obligations to ensure equality and non-discrimination, ensuring minimum essential levels of economic, social and cultural rights is considered to be of immediate effect. If a State fails to ensure such minimum levels of rights can be enjoyed by its population because of a lack of resources, it must demonstrate that it has made every effort to use all available resources to satisfy, as a matter of priority, its core obligations. Even if a State has clearly inadequate resources at its disposal, the Government must still introduce low-cost and targeted programmes to assist those most in need so that its limited resources are used efficiently and effectively.⁶

18. Examples of minimum core obligations of States under the Covenant, highlighted by the Committee on Economic, Social and Cultural Rights in its general comments, include:

- (a) Ensuring the right of access to employment, especially for disadvantaged and marginalized individuals and groups, enabling them to live in dignity;
- (b) Guaranteeing access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure freedom from hunger for everyone;
- (c) Ensuring access to basic shelter, housing and sanitation, and an adequate supply of safe drinking water;
- (d) Providing essential drugs, as defined under the World Health Organization Action Programme on Essential Drugs;
- (e) Ensuring free and compulsory primary education for all;
- (f) Ensuring access to a social security scheme that provides a minimum essential level of benefits that cover at least essential health care, basic shelter and housing, water and sanitation, foodstuffs and the most basic forms of education.

19. The right to social security can serve as a tool in combating inequality and discrimination. Social security plays an essential role in alleviating poverty and promoting social inclusion. It guarantees a life in dignity and secures an income even for the poorest, mitigating the negative impacts of steep economic inequality. National social protection floors, when designed and implemented in accordance with human rights standards and principles as laid down in International Labour Organization (ILO) Social Protection Floors Recommendation, 2012 (No. 202), have the potential to contribute significantly to gender equality, respect for the minimum core of economic, social and cultural rights and the protection of marginalized groups, such as children, older persons, persons with disabilities, informal workers and non-nationals (A/HRC/28/35, para. 54).

20. The Committee on Economic, Social and Cultural Rights, in its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights (para. 22), clarifies that addressing gender-based prejudices is a cross-cutting obligation and, in its general comment No. 19 (2007) on the right to social security (para. 32), that social security schemes should eliminate such factors that discriminate against women. Social security programmes should address imbalances of power and the multiple forms of discrimination that women experience (see, e.g., A/HRC/11/9, para. 68, and A/65/259, paras. 45–66).⁷

⁶ Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties' obligations, paras. 10–12.

⁷ See also Magdalena Sepúlveda and Carly Nyst, *The Human Rights Approach to Social Protection* (Ministry of Foreign Affairs of Finland, 2012), pp. 32–33.

21. Demands of unpaid care work often force women into informal jobs with precarious employment status, no access to social insurance benefits, such as paid maternity leave, unemployment insurance or pensions, and at times unsafe and unhealthy working conditions.⁸ Even when women combine unpaid care work with formal sector employment, their social insurance contributions are usually lower than those of men, owing to lower wages and interrupted work histories as a result of child-rearing or other unpaid care work.

22. Human rights treaties require States parties to ensure unpaid care work does not endanger women's human rights (see A/68/293). For this reason, social insurance and social assistance programmes that take into account women's unequal burden of unpaid care work, including child-rearing periods that prevented them from making equal contributions, are effective tools to promote gender equality (ibid. paras. 48–53). For example, Argentina introduced the Universal Child Allowance in 2009, consolidating several non-contributory cash transfer schemes and targeting children whose parents were unemployed or worked in the informal sector. The scheme aimed at ensuring the universal protection of children and adolescents. The programme was later expanded in 2016 to cover 1.6 million children and adolescents and had a major impact on reducing extreme poverty and inequality. The programme effectively implemented the provisions of the ILO Social Protection Floors Recommendation, 2012 (No. 202) and met the standards established in the Convention on the Rights of the Child.⁹

23. The situation of persons with disabilities, who should enjoy all their rights on an equal basis with others, including their rights to social security and an adequate standard of living, can demonstrate how social security can combat inequality and non-discrimination. The Convention on the Rights of Persons with Disabilities requires States parties to ensure access of persons with disabilities to social protection and poverty reduction programmes and the right of those living in poverty and their families to have access to assistance from the State with disability-related expenses (art. 28).

24. A social protection scheme that ensures adequate income support to persons with disabilities would promote the autonomy and full participation in society of persons with disabilities, in particular women, and therefore their inclusion and enjoyment of rights in equality with others. National social protection floors aiming at the inclusion and participation of persons with disabilities could play a critical role in enabling States to comply with their obligations regarding the rights of persons with disabilities. However, according to the latest estimates, only 27.8 per cent of persons with severe disabilities worldwide receive a disability benefit to have a minimum level of income security.¹⁰

C. A human rights-based approach to ensuring equality and inclusiveness

25. Leaving no one behind is not only about reaching the poorest of the poor. It also requires all stakeholders to work together, in a coherent and coordinated manner, in combating discrimination and rising inequalities within and among countries. In 2017, the United Nations System Chief Executives Board for Coordination adopted a system-wide framework to put the imperatives of addressing inequality and discrimination at the heart of efforts to support Member States in the implementation of the 2030 Agenda.¹¹ The framework emphasizes that progress for all population groups needs to be supported by United Nations entities in-country, through the provision of legal, policy, institutional and other measures aimed at promoting equality and non-discrimination in accordance with international human rights. A human rights-based approach to leaving no one behind entails, inter alia: (a) disaggregating data to identify who is being excluded or discriminated

⁸ See ILO, *Women at Work: Trends 2016* (Geneva, 2016).

⁹ See ILO, "Universal social protection for children: Argentina", fact sheet, December 2016; and *Promoting Inclusion through Social Actions: Report on the World Social Situation 2018* (United Nations publication, Sales No. E.17.IV.2).

¹⁰ ILO, *World Social Protection Report 2017–19: Universal Social Protection to Achieve the Sustainable Development Goals* (Geneva, 2017), p. 69.

¹¹ *Leaving No One behind: Equality and Non-discrimination at the Heart of Sustainable Development* (New York, 2017).

against, how and why, and who is experiencing multiple and intersecting forms of discrimination and inequality; (b) identifying patterns of discrimination in law, policies and practices, and addressing entrenched structural barriers and unequal power relations that generate and perpetuate inequality over generations; and (c) supporting the free, active and meaningful participation of all stakeholders, particularly the most marginalized, in the implementation of policy and other measures to promote equality, so as to ensure accountability, recourse and remedies for all. A number of emerging good practices by stakeholders in adopting a human rights-based approach to ensuring equality and inclusiveness have been identified.

26. The Kenya National Bureau of Statistics and the Kenya National Commission on Human Rights signed a memorandum of understanding in 2017 that provides the framework for their institutional collaboration in the area of Sustainable Development Goal indicators and data collection, with a focus on Goals 10 and 16. With technical support from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the two institutions analysed recommendations from United Nations human rights mechanisms, developed a list of 25 population groups that might be at the risk of being left behind and identified 128 indicators for which data are available. In 2018, for the first time, a set of indicators on albinism and self-identification of indigenous persons was included in the population census, an approach that was hailed as a best practice by the Independent Expert on the enjoyment of human rights by persons with albinism.

27. The city of Vienna has been monitoring the implementation of its integration policies in various areas, including political participation, education, employment, social protection and housing, for over a decade. The disaggregation and analysis of the data collected has allowed the city to evaluate its policies and programmes and adapt to the diverse needs of the population.¹²

28. In the United Kingdom of Great Britain and Northern Ireland, the Equality and Human Rights Commission, in partnership with the Scottish Human Rights Commission, developed the Measurement Framework for Equality and Human Rights, covering England, Scotland and Wales. The indicators developed were used in the Commission's report *Is Britain Fairer?* in relation to equality of opportunity and freedom from unlawful discrimination and harassment. The areas covered by the study include: life; health; education; standard of living; expression and self-respect; and participation, influence and voice.¹³

29. Community-based initiatives are crucial for sustainable development. Experience has shown that top-down approaches to development often result in disempowering individuals and communities by treating them as passive observers rather than active participants in designing their own vision of development. Supporting the free, active and meaningful participation of all stakeholders begins with listening to communities. For example, the National Slum Dwellers Federation of Uganda conducted participatory enumerations in 2010 in five cities, which allowed people living in informal settlements, who are generally left out of official surveys, to map their settlements, assess their needs and priorities and measure their contribution to the local economy. Such participatory exercises, also conducted in other countries such as Kenya, India and South Africa, have transformed the capacity of communities and their relationship with local authorities and other stakeholders, such as the United Nations Human Settlements Programme (UN-Habitat), and has allowed stakeholders and authorities to move from isolated interventions to a more systematic approach to planning and implementing slum upgrading programmes.¹⁴ Similarly, eviction impact assessments have allowed some communities to

¹² See *Monitoring Integration Diversity Vienna 2013–2016*, available from www.wien.gv.at/english/social/integration/facts-figures/monitoring.html (short version available in English and German).

¹³ See www.equalityhumanrights.com/en/publication-download/britain-fairer-2018.

¹⁴ See, for example, Makau, Dobson and Samia, "The five-city enumeration: the role of participatory enumerations in developing community capacity and partnerships with government in Uganda", *Environment and Urbanization*, vol. 24, No. 1 (April 2012). Available from <https://journals.sagepub.com/doi/pdf/10.1177/0956247812438368>.

assess the negative impact of evictions and the real costs of the loss of income and assets for the community and their impoverishment, and to bring this information to court or to use it to seek other means of redress.¹⁵

III. Empowering people

30. An essential aspect of a human rights-based approach to sustainable development is building the capacity of rights holders to claim their rights. Knowledge of human rights, including economic, social and cultural rights, enables individuals and communities to voice their views and opinions and to participate in decision-making processes that affect their lives. With this knowledge they can also better hold institutions accountable and seek justice and remedies when their rights are violated.

A. Right to education

31. The importance of education, both as a right in itself and as a means for the enjoyment of other rights, has been highlighted in multiple contexts. Education is a critical factor in social mobility and accessing better employment opportunities. Education is also critical for the robust functioning of democratic institutions and empowering women against discrimination and is a determinant factor for health and nutrition.

32. Human rights instruments require that education be directed at enabling all persons to participate effectively in a free society, promoting understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and furthering the maintenance of peace. The Convention on the Rights of the Child adds to these aims the development of the child's talents and mental and physical abilities and the development of respect for the child's parents, cultural identity, language and values, the national values of the country where he or she lives and of his or her country of origin and for the natural environment.¹⁶

33. The right to education, therefore, has an impact on the enjoyment of other economic, social and cultural rights because of its enabling nature. It empowers and enables individuals to enjoy and exercise personal liberties and freedoms, to participate politically and exercise responsible political citizenship, to participate in the labour market and in economic activities and to enjoy and exercise social equality and the preservation of their culture.

B. Rights to food, health, housing, water and sanitation

34. The well-being of individuals is a fundamental requisite for their empowerment. If a person is chronically malnourished or in ill-health, or forced to live in precarious environment without adequate housing, safe-drinking water and sanitation, he or she is caught in a vicious cycle of poverty, exclusion and disempowerment. With the adoption of the 2030 Agenda, the international community stepped up its commitment and efforts, through the Sustainable Development Goals, to eradicate or significantly reduce poverty, hunger and malnutrition, and to improve health, housing, water and sanitation.

35. The 2016 report of the Secretary-General on economic, social and cultural rights (A/HRC/34/25) highlighted the linkages between economic, social and cultural rights and the Sustainable Development Goals framework as two converging agendas. As the Sustainable Development Goals effectively mirror the content of economic, social and cultural rights, including the need to ensure their availability, accessibility, acceptability

¹⁵ See OHCHR and UN-Habitat, *Losing Your Home: Assessing the Impact of Eviction* (Nairobi, 2011); and *Assessing the Impact of Forced Eviction: Handbook* (Nairobi, 2014).

¹⁶ See International Covenant on Economic, Social and Cultural Rights, art. 13 (1); Convention on the Rights of the Child, art. 29; and Committee on the Rights of the Child, general comment No. 1 (2001) on the aims of education.

and quality, these rights can further guide efforts towards the implementation of the Goals at the national level.

36. An example of the practical guidance offered by economic, social and cultural rights to empower people is contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations (FAO) in 2004. The Voluntary Guidelines contain 19 guidelines, which incorporate much of the content of general comment No. 12 (1999) on the right to adequate food of the Committee on Economic, Social and Cultural Rights, and additional provisions that should be considered by Member States, non-governmental organizations and other actors for the advancement of the right to food at the national level. For example, Guideline 7 on the legal framework calls on States to recognize the right to food in their national law. Guideline 13 on support for vulnerable groups encourages States to systematically undertake disaggregated analyses on food insecurity and vulnerability and to establish transparent and non-discriminatory criteria for food assistance so that no one is left behind.

37. Since the adoption of the Voluntary Guidelines, there has been significant advancement in the legislative recognition of the right to food worldwide. Latin America has led the way with Argentina, Brazil, the Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Nicaragua and Venezuela (Bolivarian Republic of) adopting food and nutrition laws containing elements of the right to food. Building on the Voluntary Guidelines, FAO has outlined five steps for implementing the right to food at the national level: (a) advocacy and training to empower individuals to claim their right to food; (b) information and assessment to identify rights holders at risk of being left behind; (c) access to justice for empowered rights holders to seek remedy when their rights are violated; (d) effective action, strategy and coordination, with meaningful participation of rights holders themselves; and (e) measuring impact by applying rights-based monitoring.¹⁷

38. Access to safe drinking water and sanitation is central to living a life in dignity and upholding human rights. Yet billions of people still do not enjoy these fundamental human rights. Women, and particularly girls, are most affected by the lack of safe drinking water and sanitation facilities. Greater efforts are needed to provide them with opportunities to enhance their capacities and engagement. This means alleviating them of the burden of fetching water and providing dignity through adequate sanitation services. Lack of such services often prevents girls from attending school and developing the means to empower themselves.

39. As an illustrative example of a participatory approach to water management, in large informal settlements of Kisumu, Kenya, Kisumu Water and Sewerage Company installed meter chambers at various points on their bulk water supply network and appointed master operators, selected by each community, to run the water supply from those chambers. This approach aimed at improving the water-provisioning services and facilitating greater stakeholder participation in decision-making. Over time, the approach had a positive impact on both the extent and quality of the services residents received. In 2012, the project served around 64,000 people through 366 kiosks and 590 individual household connections. Prices for water decreased from US\$ 0.20 to US\$ 0.03 per 20 litres and there were fewer water shortages. Women and children travelled shorter distances and spent less time for water collection. Residents were also empowered to influence decisions at the utility, while also serving as master operators.

C. Right to work

40. Work, as a human right, is not only essential for realizing other human rights but is an inseparable and inherent part of human dignity.¹⁸ Decent work means more than economic empowerment: it is key to equality, dignity, justice and human development and

¹⁷ *The Right to Food in Practice: Implementation at the National Level* (Rome, 2006).

¹⁸ Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work, para. 1.

is important for social participation and individual and collective self-realization (A/HRC/31/32, para. 56). Today, a startling number of young people, in particular women, are not in education, employment or training. Many of those who find work are employed in precarious or informal situations. When these young people cannot find jobs or are forced to work in low-paid jobs and suboptimal conditions, their sense of dignity and hope is shattered and their discontent and frustration intensify. Apart from making them more prone to poverty and marginalization, such situations can also lead to social unrest and extremism.

41. The right to work receives a broad recognition in international human rights law, including the Universal Declaration of Human Rights (arts. 23 and 24) and the International Covenant on Economic, Social and Cultural Rights (arts. 6, 7 and 8). The right to work encompasses the following interdependent and mutually reinforcing aspects: (a) the right of every person to productive and freely chosen work that ensures a dignified life for him- or herself and his or her family, without discrimination; (b) the right to economic and environmental conditions in the workplace that are conducive to meeting the needs of the individual and to realizing associated freedoms, including the right not to be arbitrarily deprived of work; (c) adequate material conditions relating to safety, security and dignity in the workplace; and (d) just and favourable social conditions that include labour rights, family leave and gender equality.

42. The realization of the right to work and economic empowerment remain a significant challenge for many women across the world. Unemployment rates in the workforce are higher among women than men. Women are also disproportionately represented in non-standard forms of employment, such as part-time and temporary contracts or self-employment, as well as in the informal economy, which is characterized by poor working conditions and a lack of job security and social protection (A/HRC/34/29, para. 15). Discriminatory laws and practices and unpaid domestic and care responsibilities inhibit women's equal access to work opportunities and decent working conditions, including equal pay. It is critical for the economic and social empowerment of women to address the gender-related dimensions of the right to work, as the labour market reflects the social prejudices and disadvantages that undermine equality and dignity. One measure to improve the availability of work for women is to put in place specialized services that would pay specific attention to the barriers women face and assist them in identifying and securing available employment.¹⁹ These specialized services must promote equality and accessibility, contributing to making the labour market open to everyone without discrimination.

D. Right to enjoy the benefits of scientific progress and its applications

43. We live in an increasingly interconnected world and are experiencing an unprecedented scale and speed of transformation that has an impact upon all people at all times. Science and technology play a central role in global and local linkages and advancements and in our understanding of the world we inhabit and the ways in which we live in it.

44. The right to enjoy the benefits of scientific progress and its applications is contained in both the Universal Declaration of Human Rights (art. 27) and the International Covenant of Economic Social and Cultural Rights (art. 15 (1) (b)). It seeks to ensure equitable distribution of the knowledge and tools that drive the economic and social advancement of society. It also encompasses the right to access the material benefits of science, for example, drugs, medical treatments, agricultural improvements and other technologies.

45. Until recently, neither the scientific nor the human rights community had given this right much consideration; however, its implications are now being explored and its

¹⁹ Ibid., paras. 12 and 26.

potential discussed, including at the day of general discussion conducted by the Committee on Economic, Social and Cultural Rights in October 2018.²⁰

E. Rights to participation and information

46. The right to participate is a key human rights principle that plays a crucial role in the promotion of democracy, the rule of law, social inclusion and economic development, reducing inequalities and social conflicts. It is an essential element of a human rights-based approach to sustainable development aimed at empowering individuals and groups and eliminating inequalities and discrimination and a key commitment under Goal 16 and its target 16.10.

47. The right to public participation in decision-making is recognized under article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights (art. 25).²¹ Those articles lay out the key elements of the right of citizens to participate in public affairs, including decision-making processes that affect their lives.²²

48. Ensuring the timely and meaningful participation of various sectors of society allows the authorities to deepen the understanding of the challenges and gaps in its existing frameworks and instruments; identify potential impacts of policy options; develop appropriate policies and strategies; and balance conflicting interests.

49. Addressing inequalities requires a focus on marginalized groups and individuals in situations of vulnerability. In this perspective, participatory policymaking, including the adequate representation of such groups and individuals, is an important tool to hear the voices of those communities and groups and to address their concerns when drafting laws, policies and programmes. As organizing genuine consultations and participation may have financial implications, appropriate budgetary provisions should be made to facilitate civil society participation in development planning processes at both the policy and programmatic levels (A/HRC/39/51, para. 66).

50. In the case of *Doctors for Life International v. The speaker of the National Assembly and others*, the Constitutional Court of South Africa highlighted the important question of the role of the community in the law-making process and stated that involvement of the community:

enhances the civic dignity of those who participate by enabling their voices to be heard and taken account of. It promotes a spirit of democratic and pluralistic accommodation calculated to produce laws that are likely to be widely accepted and effective in practice. ... Participatory democracy is of special importance to those who are relatively disempowered in a country like ours where great disparities of wealth and influence exist.²³

51. Ensuring meaningful participation requires that people have the necessary information in advance to form and express their views and opinions and to make informed choices and decisions. The right to freedom of expression provided under the Universal

²⁰ See www.ohchr.org/EN/HRBodies/CESCR/Pages/Discussion2018.aspx.

²¹ Similar provisions are also found in several other international treaties including: the International Covenant on Economic, Social and Cultural Rights (art. 8); Convention on the Elimination of All Forms of Discrimination against Women (arts. 7 and 8); the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (c)); and the Convention on the Rights of Persons with Disabilities (arts. 4 (3), 29, 33 (3)).

²² For more guidance, see the guidelines for States on the effective implementation of the right to participate in public affairs (A/HRC/39/28), which the Council, in its resolution 39/11, encouraged Governments and others to consider in formulating policies and measures concerning equal participation in political and public affairs.

²³ Maritza Prada Formisano, *Empowering the Poor through Human Rights Litigation: Manual* (Paris, 2011, United Nations Educational, Scientific and Cultural Organization), p. 17.

Declaration of Human Rights (art. 19) and the International Covenant on Civil and Political Rights (art. 19) includes the freedom to seek, receive and impart information.

52. The right to access information is not only a right in itself, but an essential means for the realization of other rights. For example, in the context of human rights and the environment, the Committee on Economic, Social and Cultural Rights, in its general comment No. 15 (2002) on the right to water, stated that individuals should be given full and equal access to information concerning water and the environment (para. 48). In Europe, rights to participation and access to information are also an integral part of the Protocol on Water and Health to the Economic Commission for Europe (ECE) Convention on the Protection and Use of Transboundary Watercourses and International Lakes (arts. 5 and 6) and of the ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. In addition, in its general comment No. 14 (2000) on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights highlighted information accessibility as a key dimension of accessibility of the right to health, including the right to seek, receive and impart information and ideas concerning health issues (paras. 11 and 12).

53. Availability of information and transparency in the formulation and implementation of public policies allows for a better protection of people's rights to basic services. Without information about the status of their rights to health, housing or work, people are not able to monitor the extent to which their rights are being respected, and they are therefore unable to claim their rights. In various parts of the world, transparency in budget processes has enabled an informed public debate about expenditures and has ultimately contributed to more funds going to education, health, welfare, employment and housing.²⁴ Therefore, facilitating the public's access to information, including through legislation, is essential for the achievement of the Sustainable Development Goals, particularly Goal 16.²⁵

F. Empowerment through the justiciability of economic, social and cultural rights

54. One of the unique features of economic, social and cultural rights is their potential to empower people through legal avenues. The Committee on Economic, Social and Cultural Rights affirmed that all Covenant rights possess at least some significant justiciable dimensions²⁶ and that "Covenant norms must be recognized in appropriate ways within the

²⁴ See OHCHR, *Realizing Human Rights through Government Budgets*, 2017.

²⁵ Examples of legislation on access to information passed since 2000 include: Argentina (Access to Public Information Act, 2016); Armenia (Law on Freedom of Information, 2003); Azerbaijan (Law on Access to Information, 2005); Bangladesh (Right to Information Ordinance, No. 50 of 2008); Chile (Law on Access to Public Information, 2009); China (Regulations of the People's Republic of China on Open Government Information, 2007); Cyprus (Law on the Right of Access to Information of the Public Sector, Law number 184(I)/2017); Dominican Republic (Law on Access to Public Information, No. 200-04 of 2004); Ecuador (Transparency and Access to Information Law, 2004); El Salvador (Law on Access to Public Information, 2011); Germany (Freedom of Information Law, 2005 and 2013); India (Right to Information Act, 2005); Iran (Islamic Republic of) (Law on Dissemination of and Free Access to Information, 2008); Jamaica (Access to Information Act, 2002); Liberia (Freedom of Information Act, 2010); Maldives (Right to Information Act, 2014); Pakistan (Freedom of Information Ordinance, 2002); Rwanda (Law Relating to Access to Information, Law 04/2013); Slovenia (Access to Public Information Act, 2003); South Africa (Promotion of Access to Information Act, 2000); Sri Lanka (Right to Information Act No. 12, 2016); Tanzania (United Republic of) (Access to Information Act, 2016); Turkey (Law on the Right to Information, 2003); Uganda (Access to Information Act, 2011); and Zimbabwe (Access to Information and Privacy Act, 2002). Many of these countries have also made key budget documents available – thereby ensuring that access to information can lead to effective citizen participation. The Open Budget Index published by the International Budget Partnership in its Open Budget Survey 2017 lists the following countries among those providing substantial budget information, with scores higher than 61 out of 100: Dominican Republic, Germany, Slovenia and South Africa.

²⁶ Committee on Economic, Social and Cultural Rights, general comment No. 9 (1998) on the domestic application of the Covenant, para. 10.

domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place”.²⁷

55. In *People’s Union for Civil Liberties v. Union of India and others*, the Supreme Court of India examined petitions regarding the occurrence of starvation-related deaths despite an excess of grain in Government reserves for official times of famine. The Court ruled the right to life, enshrined in article 21 of the Constitution, had been jeopardized as a result of the failure of food schemes. The Court ordered that the famine code be implemented, that ration shops provide grain at a set price to families living below the poverty line, that ration cards for free grain be granted to all persons without means of support, that publicity campaigns be established and that the state Governments progressively implement midday meal schemes in schools. The case had a massive impact: it opened a forum for debate on larger issues of starvation and undernourishment in India, mobilized larger movements for the right to food, prompted Government action and set lines of accountability at the regional and national levels.²⁸

56. In South Africa, a Government policy restricted the ability of doctors at public hospitals and clinics other than designated research and training sites to prescribe a drug reducing mother-to-child transmission of HIV, even where it was medically indicated and adequate facilities existed for testing and counselling pregnant women. In *Minister of Health and Others v. Treatment Action Campaign*, in 2002, the Constitutional Court found that that policy fell short of compliance with the right of everyone to have access to health-care services under the Constitution. The Court ordered the Government to review its policy on access to HIV/AIDS treatments, with a view to extending the availability of Nevirapine – an anti-retroviral drug for HIV-positive pregnant women that could avert tens of thousands of unnecessary infections and deaths – to hospitals and clinics; and to take reasonable measures to extend the testing and counselling facilities throughout the public health sector.²⁹

57. In a positive step towards the recognition and protection of the rights of HIV-positive women in Africa, in 2014 the Supreme Court of Namibia upheld the previous ruling by the High Court that medical personnel at public hospitals violated the rights of three HIV-positive women when it sterilized them without their consent. Forced and coerced sterilization is a common problem in many countries. Women who have been forcibly sterilized are often stigmatized and face a lifetime of public contempt. Although the Court did not find sufficient evidence to determine that the women had been sterilized due to their HIV-positive status, it determined that the women had proven that they had not given proper consent to the sterilization procedures. The Court then emphasized that “individual autonomy and self-determination are the overriding principles towards which our jurisprudence should move in this area of the law” and declared that “the patient has the final say in deciding whether or not she should undergo an elective medical procedure”.³⁰

G. Role of national human rights institutions

58. National human rights institutions have a critical role to play in empowering people in terms of the realization of their economic, social and cultural rights by raising awareness, monitoring implementation and providing technical advice, capacity-building and avenues for remedy and redress. As the Committee on Economic, Social and Cultural Rights pointed out, this potential has yet to be fully exploited as many such institutions lack the mandate or capacity to do so or accord low priority to these rights.³¹

²⁷ *Ibid.*, para. 2.

²⁸ OHCHR, *Who will be accountable? Human Rights and the Post-2015 Development Agenda*, p. 40.

²⁹ See also OHCHR, *Frequently Asked Questions on Economic, Social and Cultural Rights*, p. 31.

³⁰ *Government of the Republic of Namibia v. L.M. and others*, case No. SA 49/2012, [2014] NASC 19, paras. 105–106.

³¹ General comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights, para. 3.

59. An increasing number of national human rights institutions has become actively engaged in the implementation of Sustainable Development Goals. In the 2015 Mérida Declaration on the role of national human rights institutions in implementing the 2030 Agenda for Sustainable Development, adopted at the twelfth International Conference of the Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, national human rights institutions committed to collaborate in mutual capacity-building and sharing of experiences to contribute to a human rights-based approach to the implementation of the 2030 Agenda.

60. A number of national human rights institutions have been actively developing synergies between human rights monitoring and the national implementation of the Sustainable Development Goals. For example, in Argentina, the Ombudsman is playing a unique role in bridging human rights protection and effective implementation of the Sustainable Development Goals, in collaboration with civil society, universities, companies and government agencies. As of July 2017, the Ombudsman's office has initiated 57 investigations explicitly linked to the Sustainable Development Goals. It has mapped overlapping issues between the recommendations made during the universal periodic review and the Sustainable Development Goals to strengthen synergies in addressing them. Similar mapping exercises have been conducted by a number of other national human rights institutions.³²

H. Role of civic space

61. The 2030 Agenda is “an Agenda of the people, by the people and for the people” (para. 52), and civil society plays a critical role in upholding all three pillars of the Charter of the United Nations: peace and security; development; and human rights. However, in order for civil society to be able to contribute meaningfully to implementation of the Sustainable Development Goals, it is essential to have an enabling environment in which it can operate freely. A number of national human rights institutions have raised concerns over an increasing trend worldwide for Governments to introduce restrictive laws and policies that have contributed to shrinking civil society space. This has, in turn, hampered more systematic engagement of civil society and national human rights institutions in all stages of the implementation and monitoring processes for the Sustainable Development Goals.³³

62. Sustainable development can only succeed when there are open and free public debates about activities to implement, monitor and follow up on the 2030 Agenda and its Sustainable Development Goals that includes all relevant stakeholders – Governments, the private sector, national human rights institutions and broader civil society – in order to identify appropriate solutions for achieving the Goals at the national and local levels. This requires effective measures to protect and monitor civic space and to ensure accountable, participatory and transparent governance at all levels, which form part of the commitment under Goal 16.

IV. Conclusions and recommendations

63. Empowering people and ensuring equality and inclusiveness are at the core of a human rights-based approach to sustainable development. The normative framework of economic, social and cultural rights and other related human rights offer guidance for States and other stakeholders in implementing the Sustainable Development Goals in a more effective and inclusive manner.

³² See Nadja Filskov, *National Human Rights Institutions Engaging with the Sustainable Development Goals* (Global Alliance of National Human Rights Institutions, 2017).

³³ See Global Alliance of National Human Rights Institutions, “Protecting and enlarging the space for public debates and participation of all civil society actors for the implementation of the SDGs and human rights”, background paper, 2016.

64. A number of actions that Member States and other stakeholders can take to empower people and ensure equality and inclusiveness in the implementation of the 2030 Agenda are highlighted in the present report. These include:

- (a) Using international human rights standards and the analysis and recommendations of the human rights mechanisms to identify who is being left behind, marginalized or discriminated against in each country context and the root causes, as well as the necessary measures to combat, discrimination and inequalities;
 - (b) Strengthening capacities for the collection and analysis of data that is disaggregated, as far as possible, by prohibited grounds of discrimination;
 - (c) Promoting the use of human rights indicators and a human rights-based approach to data collection and disaggregation;
 - (d) Tackling the root causes of marginalization and exclusion by addressing both de facto and de jure inequalities;
 - (e) Addressing multiple causes and types of inequalities in society, including combating political inequality, social and environmental inequality and discrimination;
 - (f) Ensuring free, active and meaningful participation of all stakeholders, particularly the most marginalized and those at risk of being left behind, in the implementation of policy and other measures to implement the 2030 Agenda, so as to ensure accountability, recourse and remedies for all;
 - (g) Further strengthening the role and capacity of national human rights institutions to monitor civic space and contribute to national implementation of the Sustainable Development Goals;
 - (h) Developing a culture of human rights, which can help build societies that embrace dignity, equality, inclusion, respect for the rule of law, integrity and diversity.
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