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OHCHR ESCR Bulletin

Bi-monthly update on economic, social and cultural rights

INTRODUCTION

Issued every two months, the *OHCHR ESCR Bulletin* aims at sharing news, activities, key events and new resources relevant to economic, social and cultural rights (ESCR), with a focus on the work of the UN Office of the High Commissioner for Human Rights (OHCHR). The Bulletin is edited by the Human Rights and Economic and Social Issues Section, Research and Right to Development Division (HRESIS/RRDD). For feedback and further information on the work of OHCHR as mentioned in this volume: escrbulletin@ohchr.org

The OHCHR ESCR Bulletin contains links and references to non-OHCHR material, websites and other online information. These are provided only as a convenience, and the inclusion of a link or reference does not imply any endorsement by OHCHR.

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HIGHLIGHTS

New ratifications: Entry into force of Optional Protocol 3 to the Convention on the Rights of the Child and 12th ratification of the OP-ICESCR

On 14 January, Costa Rica became the 10th country to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3-CRC), which will enter into force on 24 April 2014. OP3-CRC, whose text is largely inspired by the OP-ICESCR, will allow the Committee on the Rights of the Child to consider complaints for alleged violations of the rights guaranteed in the Convention on the Rights of the Child, including economic, social and cultural rights. The OP3-CRC also makes provision for an inquiry procedure for grave and systematic violations of child rights. On 31 January, Finland became the 12th state to ratify the Optional Protocol to the International Covenant on ESCR.

Secretary General reports to the Human Rights Council on access to justice for violations of economic, social and cultural rights

In his report to the Human Rights Council issued 19 December 2013, the Secretary General presents an overview of the scope of and applicable standards relative to the right to access to justice and to an effective remedy for violations of economic, social and cultural rights. The report provides a synopsis of the interpretation of this right by United Nations treaty bodies and special procedures mandate holders as an indispensable means for the realization of economic, social and cultural rights, focusing on its essential elements and the specific obligations to which it gives rise, and drawing on examples from regional human rights mechanisms.

- The report is available here:
<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx>

Guiding Principles on security of tenure for the urban poor

The last report of the Special Rapporteur on adequate housing, Raquel Rolnik, contains her **Guiding Principles on security of tenure for the urban poor**. The report includes a commentary with practices, policies and laws from around the world that illustrate implementation of the principles. It provides concrete guidance for colleagues grappling with issues of land, housing and more generally public policy in urban and peri-urban contexts. It also addresses discrimination related to tenure status and the specific situation of women. This tool can be used to engage with authorities as well as with other stakeholders, including development agencies and business enterprises. It also addresses critical tenure issues related to humanitarian responses in post-conflict and post-disaster situations.

- The report is available here:
<http://www.ohchr.org/EN/Issues/Housing/Pages/StudyOnSecurityOfTenure.aspx>

Special Rapporteur on cultural rights launches study on impact of advertising

The Special Rapporteur on cultural rights, Ms. Farida Shaheed, launched her new study on the impact of advertising and marketing practices on the enjoyment of cultural rights, including the right to education, the right to artistic freedom, the right to enjoy and access cultural heritage and the right to choose one's way of life. She distributed a questionnaire to all stakeholders to contribute their views.



One of the questions the Special Rapporteur seeks to address in her new study is whether advertising and marketing practices affect cultural diversity and the right of people to choose their way of life.

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- For further information please see:
<http://www.ohchr.org/EN/Issues/CulturalRights/Pages/impactofadvertisingandmarketing.aspx>
- And the press release of 7 February 2014:
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14227&LangID=E>

Special Rapporteur and OHCHR facilitate adoption of a road map against slavery in Mauritania

The United Nations Special Rapporteur on slavery, Ms. Gulnara Shahinian, helped facilitate the formal adoption of a road map against slavery in Mauritania after completing a follow-up mission there at the end of February 2014. The road map was prepared in a consultative process with the Government of Mauritania, civil society, community members, trade unions and others, and in cooperation with the Office of the UN High Commissioner for Human Rights. It provides for the implementation of recommendations made by the Special Rapporteur in her 2010 mission report and includes suggestions and concrete measures in law, policy and practice to eradicate all forms of slavery in Mauritania. The formal adoption of the road map marks a turning point in the fight against slavery in Mauritania.

- For further information please see:
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14335&LangID=E>

Pepsico takes a stand for land rights

After more than 272,000 people signed petitions and took action with Oxfam's Behind the Brands campaign, PepsiCo, the world's second-largest food and beverage company, committed to take steps to stop land grabs in its supply chain. This announcement comes on the heels of similar commitments made by the Coca-Cola Company, another target of Oxfam's campaign, in 2013 and marks an important precedent for the food and beverage industry.

- For further information please see:
<http://politicsofpoverty.oxfamamerica.org/2014/03/pepsico-takes-stand-land-rights>

OHCHR IN COUNTRIES

DR Congo: Hosts ESC monitoring workshops

The JHRO (OHCHR-MONUSCO) Task Force on ESCR, with the support of our Institution Building and Reform Unit, has organized four workshops on the monitoring of ESCR and an introduction to budget monitoring for field office staff and local HR NGOs. These activities, which are part of the JHRO annual workplan for 2014, have been carried out in Goma, Lubumbashi, Bukavu, and Bunia. A fifth workshop is scheduled for March 2014 in Kinshasa. The training in Lubumbashi resulted in the establishment of an information-sharing platform by local NGOs. Similar initiatives are being considered by Human rights NGOs in North Kivu, South Kivu and Orientale Province.

Uganda: Organizes a retreat on mainstreaming HRBA in the National Development Plan

On the 2nd to 4th December 2013, OHCHR, in collaboration with the National Planning Authority (NPA) and Deutsche Gesellschaft für Internationale Zusammenarbeit organized a technical retreat on mainstreaming HRBA in the Sector, Local Government and National Development Plans (NDP) Phase II 2015/16 - 2019/20 for Uganda. The retreat, convened as part of the strategic activities to strengthen human rights compliance of NDP II, targeted relevant institutions and sectors including the National Planning Authority (NPA) for planning issues, the Uganda Human



Rights Commission (UHRC) for human rights issues, the Ministry of Health and the Ministry of Water and Natural Resources. During the retreat, participants agreed on a strategy to mainstream human rights and other cross-cutting issues throughout 16 development sectors including Health, Education, Agriculture, Energy and Mineral Resources, and Infrastructure among others. OHCHR will support a series of planned HRBA trainings linked to the NDP roadmap in the coming weeks.

Haiti: Holds Forum on Public Policies

The Human Rights Section of OHCHR supported the organization of a civil society Forum on Public Policies on 15 January 2014 in Torbeck (South Department) and on 25 January 2014 in Port au Prince (West Department). During the Forum, civil society members presented their priority assessment report (*cahier de charges*), drafted according to a human rights based approach and identifying actions to be undertaken for the implementation of economic, social and cultural rights in their Department. The two reports identified short-term, mid-term and long-term priorities for the fulfilment of the rights to food, education, health, an adequate living standard and a healthy environment. The Forums brought together hundreds of participants including government representatives, international development partners, civil society, and the media. Several officials pledged to follow up on the implementation of the priority assessment report and to collaborate with civil society in addressing the needs identified in the report.



- For further information please see:

<http://www.minustah.org/55534/>

<http://www.minustah.org/departement-de-louest-le-droit-lalimentation-en-tete-des-preoccupations-des-haitiens>

<http://www.youtube.com/watch?v=oX129Nu06DU>

Tunisia: Conducts human rights analysis of social security schemes

On 20 February 2014, the office presented the preliminary findings and recommendations of its comprehensive human-rights based analysis of the Tunisia's social security schemes at a conference co-organized by the labor union (UGTT) and the Tunisian Forum on economic & social rights (FTDES). This event followed a one day high-level meeting organized by the Office on 23 January 2014 with the participation of Ms. Virginia Bras Gomes, the rapporteur of the Committee on Economic, Social & Cultural Rights (CESCR), Ms. Magdalena Sepulveda (Special Rapporteur on extreme poverty & Human Rights) and Mr. Cephas Lumina (Independent expert on the effects of the debt on human rights and economic, social and cultural rights in particular) which considered the possible impacts of reforms and austerity measures on social security. It is hoped that the report and its recommendations will be adopted as a roadmap by the Tunisian government and main social partners (the workers' union and the employers' union) when they discuss the implementation of the Social Protection chapter of the National Social Pact signed in 2013.

Ecuador: Conducts ESCR training for Ecuadorian NHRI



HRESIS and the Human Rights Advisor's Office in Ecuador delivered a training for 30 officers of the Ecuadorian NHRI on ESCR. The mission also involved a discussion with the UNCT on the role of UN HR bodies' recommendations in UNDAF formulations, a conference for constitutional judges on the judicial protection of ESCR and presentations and roundtables in two universities about international human rights standards and the Ecuadorian constitution. As follow up activities, the Human Rights Advisor is supporting the NHRI on the development of a thematic report on the right to adequate housing and the development of training on specific rights.

Ecuador: Mission on Human Rights Indicators

From January 27th to 31st, the Human Rights Advisor coordinated a technical assistance mission on human rights indicators. An expert from OHCHR-Mexico and the Statistics Director of the DF Superior Tribunal (Mexico) trained the Judiciary Council staff during four days on the development of indicators on access to justice and fair trial. The experts also met with human rights scholars to help develop a module on human rights indicators for human rights masters' studies programmes, and were received by the National Development and Planning Secretariat to discuss measures to utilize the OHCHR framework on indicators in a recently approved project to strengthen the national information system.

Guatemala: Promoting ratification of the OP-ICESCR

In March, OHCHR organized three workshops in Guatemala for civil society, government representatives and the judiciary to enhance understanding of the content and practical application of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. A wide range of civil society representatives participated in a workshop on the national legal protection of ESCRs and the functions of the Optional Protocol. In addition, a workshop was held with the judicial clerks of the Constitutional Court and an informative session with Members of Parliament. It is hoped that the events will promote support for the Optional Protocol and lead to its eventual ratification by Guatemala.

Paraguay: ESC capacity-building



In November 2013, OHCHR held a working meeting with 60 high-level representative of Paraguay's executive branch to strengthen the capacity of the Secretary of Social Action (SAS) to design public policies and follow-up recommendations, particularly those related to ESCR and the fight against poverty. OHCHR also held a workshop for NGOs and members of the UNCT in Paraguay on monitoring ESC rights. The HRAC, RC, SAS and Secretary of Technical Planning (STP) also organized a seminar for public institutions, civil society and the international community to discuss the rights-based approach to public policies against

poverty. The Office also published "Poverty and Human Rights", a compilation of documents on human rights and poverty, including the recommendations of Special Rapporteur on extreme poverty from her visit to Paraguay.

- For further information please see: <http://bit.ly/Ned0j6>
- The publication on "Poverty and Human Rights" is available here: <http://bit.ly/NeqYS2>

EVENTS

RECENT EVENTS

Regional Forum on the Protection of the Right to Education during Insecurity and Armed Conflict in the MENA Region



The United Nations Training and Documentation Centre for South-West Asia and the Arab Region (OHCHR-Doha Centre) in partnership with **Protect Education during Insecurity and Armed Conflict** organized the **Regional Forum on the Protection of the Right to Education during Insecurity and Armed Conflict in the MENA Region**. It was held in Jordan from January 19 – 21, 2014 and was attended by around 110 participants from 22 countries (19

from the MENA region). The Forum highlighted education-related violations in the region during insecurity and armed conflict, presented the international legal framework applicable to the protection of the right to education during such times, and created a network of stakeholders committed to the protection of the right to education during insecurity and armed conflict.

- For more information, please refer to the forum report available at:
<https://drive.google.com/file/d/0B29f8esExHQkNkFVT2c3NWVmc0U/edit?usp=sharing>

CASES, LEGISLATION & POLICIES

Brazil looks to implement historic UN ruling in maternal death case

The Center for Reproductive Rights and *Advocacia Cidadã Pelos Direitos Humanos* submitted the first maternal mortality case brought to the U.N. Committee on the Elimination of Discrimination against Women (CEDAW) in November 2007. CEDAW declared Brazil responsible for the death of an Afro-Brazilian woman, Alyne da Silva Pimentel, calling on the state to provide access to quality maternal health care without discrimination. The committee declared Brazil responsible for violating Alyne's human rights and ordered the state to provide individual reparations to her family and implement general measures to prevent maternal deaths. The Brazilian government has taken steps to implement the ruling and agreed to pay reparations in this landmark maternal death case.

Council of Europe: Committee of Ministers adopts recommendation on rights of older persons

On 19 February 2014, the CoE Committee of Ministers adopted a recommendation to governments aiming at ensuring that older persons fully enjoy all human rights and fundamental freedoms guaranteed in the European Convention on Human Rights. The recommendation sets out a number of principles to be followed and gives examples of good practices that can help governments adopt appropriate measures to promote respect for older persons, including on some areas of economic and social rights. The text adopted underlines the importance of ensuring that older persons enjoy their rights and freedoms without discrimination on any grounds, including their age.

- For further information see Recommendation CM/Rec(2014)2:
<https://wcd.coe.int/ViewDoc.jsp?id=2162283&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>

TOOLS / PUBLICATIONS / MULTIMEDIA/ COURSES

Living Under Siege: The Syrian Arab Republic

OHCHR released a thematic paper on sieges in Syria on 19 February 2014. The paper highlights selected ongoing major sieges by Government forces and by armed opposition groups, focusing on the impact on civilian lives and associated violations of international human rights and humanitarian law, including some economic and social rights such as the rights to health, food and water. The paper is primarily based on information collected by OHCHR between April 2013 and 20 January 2014 and is the first in a series of thematic papers by OHCHR on violations of international human rights and humanitarian law in Syria.

- The paper and reply from the Syrian Arab Republic are available here:
<http://www.ohchr.org/EN/NewsEvents/Pages/SyriaSieges.aspx>.

UN COI into DPRK releases its report

On Monday 17 February 2014, the UN Commission of Inquiry (COI) on Human Rights in the Democratic People's Republic of Korea (DPRK) released its report. The report devotes specific attention to economic, social and cultural rights. The report is a milestone for ESCRs. For the first time, a Commission of Inquiry explicitly states that, under specific circumstances, **violations of the right to adequate food and starvation** amount to crimes against humanity and points to individual responsibility.

- The **report** of the Commission (A/HRC/25/63, 36 pages), **the detailed findings** (A/HRC/25/CRP.1, 372 pages, in particular **paragraphs 493 to 692**) and other supporting documents are available here: <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>
- Victim and expert testimony is available on the COI's website: <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>

Transitional Justice and Economic, Social and Cultural Rights

OHCHR has launched a publication on transitional justice and ESCR, prepared jointly by the Rule of Law and the Human Rights and Economic and Social Issues Section. The text offers an overview of the conceptual framework, both of transitional justice and ESCR, and concrete examples of experiences where ESCR were included in transitional justice processes, including truth commissions, judicial and quasi-judicial proceedings, reparations and institutional reform.

- The publication is available at: <http://www.ohchr.org/Documents/Publications/HR-PUB-13-05.pdf>

Global Atlas of environmental conflicts launched in Brussels

On 19 March 2014, the **Environmental Justice Organisations, Liabilities and Trade (EJOLT) project** launched its **Global Atlas of Environmental Justice**, an interactive online mapping platform detailing around 1000 environmental conflicts (and growing). It allows users to search and filter across 100 fields and to **browse by commodity, company, country and type of conflict**. While the map highlights disturbing trends, such as continuing corporate impunity for environmental crimes and the fact that **80% of the cases entail a loss of livelihood**, it also notes some positive developments. Amidst the stories of environmental devastation, political repression and persecution of activists, many cases of environmental justice victories can be found. The Atlas will make it easier to find information, connect with other groups working on related issues and increase the visibility of environmental conflicts.

- The atlas is available at: <http://ejatlas.org/>

ICJ launches two country studies on access to justice and ESCR

The International Commission of Jurists has launched two publications with country studies on access to justice for violations of ESCR in El Salvador (in Spanish) and Morocco (in French). The studies map the existing legal remedies, judicial practice and normative gaps in both countries. They can be consulted at:

- <http://www.icj.org/new-icj-study-on-access-to-justice-for-economic-social-and-cultural-rights-in-morocco/>
- <http://www.icj.org/new-icj-study-analyses-obstacles-preventing-salvadorians-to-access-justice-effectively/>

PUBLICATIONS AND MULTIMEDIA

- The Centre for International Sustainable Development Law, Academics Stand against Poverty Network, and the Governance, Environment & Markets Initiative at Yale University have developed a new legal reference guide that examines the connections between climate change and human rights, with a particular focus on the International Covenant on Economic, Social and Cultural Rights.
http://cisdl.org/public/docs/ESC_Rights_and_Climate_Change_Legal_Reference_Guide.pdf
- WITNESS and Amnesty International have released a multimedia, multilingual **Forced Evictions Advocacy Toolkit** to help advocates use video to confront violations and demand justice. This set of resources is intended to strengthen the efforts of activists, social movements and communities advocating against forced evictions locally and globally, as well as those working to raise awareness on the issue. The resources are available in **eight languages**: Arabic, English, French, Italian, Khmer, Portuguese, Romanian and Spanish. **Download** the Toolkit at www.witness.org/campaigns/forced-evictions.
- Housing Rights Watch is a European network and interdisciplinary group of associations, lawyers and academics from different countries, who are committed to promoting the right to housing for all. Their new website includes European and country-by-country information on the right to housing www.housingrightswatch.org.
- The Right to Education Project has launched a new website with information on education as a right; a list of international instruments that guarantee the right to education; guidance on looking at the implementation of the right to education at national level; and important right to education issues and tools. In addition, you will find news related to the right to education, blog posts discussing right to education issues, and success stories showing how civil society has used a human rights based approach to advance the right to education. You can visit the new website at: www.right-to-education.org
- The American Bar Association (with more than 400,000 members) adopted a substantive resolution on the right to adequate housing that calls upon the United States Government to implement the right and makes specific recommendations with reference to international human rights law.
http://www.americanbar.org/content/dam/aba/administrative/homelessness_poverty/resolution117.authcheckdam.pdf
- The ESCR-Net Women and ESCR Working Group recently released the Arabic version of its Factsheet on Women's Economic, Social and Cultural Rights which provides an overview of ESC rights taking into account the specific obligations related to women and diverse groups of women. This factsheet is now available in Arabic, English, Spanish and French. The Arabic factsheet is available at: <http://www.escri-net.org/sites/default/files/factsheet-online.pdf>
- Protect Education in Insecurity and Conflict (PEIC) has launched a new collaborative Legal Research Series on **The Legal Protection of Education in Insecurity and Armed Conflict**. The series comprises: *Protecting Education in Insecurity and Armed Conflict: An International Law Handbook* (The Handbook), *United Nations Human Rights Mechanisms and the Right to Education in Insecurity and Armed Conflict*, and *Education and the Law of Reparations in Insecurity and Armed Conflict*. Each publication contains practical recommendations to further the protection of education in times of insecurity and conflict and is accompanied by a summary written for a non-legal audience. All publications are available at: <http://www.biicl.org/research/education/>
- **The new GI-ESCR Issue Brief: The dangerous work of defending rights to land, housing and productive resources** discusses the dangerous work of defending rights to land, housing and productive resources. The effective protection of human rights associated with land, housing and productive resources requires grassroots and national advocates who can raise the alarm on

rights violations and hold decision- and policy-makers accountable for the consequences of their actions. Yet, human rights defenders are coming under increasing attack for their work in these areas. This issues brief highlights and maps trends so as to gain a better understanding of the nature of those attacks, risk factors and, importantly, to develop tools for prevention.
<http://globalinitiative-escr.org/wp-content/uploads/2014/03/Issues-Brief-1-Defenders.pdf>

- The GI-ESCR has also issued its March 2014 “Update from Geneva: Economic, Social and Cultural Rights at the UN Human Rights Council” at: <http://globalinitiative-escr.org/update-from-geneva-economic-social-and-cultural-rights-at-the-un-human-rights-council-march-2014/>

COURSES

Justice Sector Reform: Applying Human Rights Based Approaches

From Monday 16th to Friday 20th June 2014 at the National University of Ireland, Maynooth, Ireland, International Human Rights Network will host its annual training programme aimed at enhancing the skills of justice sector personnel, consultants, managers etc., in applying Human Rights Based Approaches to Justice Sector Reform. The programme is designed for people working in the justice sector (with state or non-state institutions) or undertaking Rule of law/Governance assignments (e.g. UN, EC Framework Contract Lot 7 - Governance and Home Affairs) as well as justice sector personnel wishing to adapt their expertise for international consultancy work.

- For more information see: http://www.ihrnetwork.org/justice-sector-reform_202.htm

OHCHR WEBSTORIES

Human rights at the centre of development

<http://www.ohchr.org/EN/NewsEvents/Pages/Humanrightsatthecentreofdevelopment.aspx>

Making human rights in business a priority

<http://www.ohchr.org/EN/NewsEvents/Pages/MakingHRInBusinessAPriority.aspx>

Realizing the Right to Development” – a vision for transformative development

<http://www.ohchr.org/EN/NewsEvents/Pages/RealizingtheRtDavisionfortransformativedevelopment.aspx>

Towards a new development agenda fully grounded in human rights

<http://www.ohchr.org/EN/NewsEvents/Pages/EuropeanDevelopmentDays.aspx>

Savio Mahimaidass: calling to end caste-based discrimination worldwide

<http://www.ohchr.org/EN/NewsEvents/Pages/SavioMahimaidasscallingtoendcaste-baseddiscriminationworldwide.aspx>

New global development goals must fight inequality and discrimination

<http://www.ohchr.org/EN/NewsEvents/Pages/Newglobaldevelopmentgoalsmustfightinequalityanddiscrimination.aspx>

A right to education for all, including persons with disabilities

<http://www.ohchr.org/EN/NewsEvents/Pages/Arighttoeducationforallincludingpersonswithdisabilities.aspx>

Every woman’s right to water, sanitation and hygiene

<http://www.ohchr.org/EN/NewsEvents/Pages/Everywomansrighttowatersanitationandhygiene.aspx>

Everyone needs a place to call home

<http://www.ohchr.org/EN/NewsEvents/Pages/HRC25Housing.aspx>

Equal access to land for women

<http://www.ohchr.org/EN/NewsEvents/Pages/AccessToLandForWomen.aspx>

Fighting for equality for Romani women and girls in Moldova

<http://www.ohchr.org/EN/NewsEvents/Pages/RomaWomenInMoldova.aspx>



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<http://www.ohchr.org/EN/Issues/ESCR/Pages/ESCRIndex.aspx>

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