



August 2013

# 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](mailto: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

### UN Commission of Inquiry on North Korea begins operations

The UN Human Rights Council established the Commission of Inquiry on the Democratic People's Republic of Korea (DPRK) in March 2013 to look into "systematic, widespread and grave violations of human rights". It is the first such in-depth inquiry to be created by the United Nations to investigate the situation in North Korea. The Commission of Inquiry is mandated to look, in particular, into violations of the right to food, violations associated with prison camps, torture and inhuman treatment, arbitrary detention, discrimination, violations of freedom of expression, violations of the right to life, violations of freedom of movement, and enforced disappearances. The Commission of Inquiry has invited individuals, groups and organizations to submit information and documentation on the situation of human rights in the DPRK by 3 November 2013. The Commission of Inquiry will have held public hearings in Seoul and Tokyo by the end of August.

- The procedure for submissions, as well as additional information on the Commission of Inquiry can be found at:  
<http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>

### Consultation on the right to social security

On 19 and 20 August, OHCHR hosted an expert consultation on the right to social security in the context of austerity measures in Geneva. The consultation catalysed international expertise on human rights, economics, international finance and social protection to discuss the implications of austerity measures, their impact on human rights, and the scope of State obligations in guaranteeing the enjoyment of the right to social security by the most vulnerable and marginalized groups of society in situations of crisis. The consultation discussed specific country situations and the extent to which austerity measures are impacting negatively on the right to social security and other rights. Experts shared successful strategies to engage constructively with States on integrating human rights in economic policies and suggested partnerships and initiatives which would assist OHCHR in expanding its work in this area.

### Consultation on the right to health in armed conflict

OHCHR held a consultation on the right to health in armed conflict and other situations of instability from 8 to 9 July 2013. The consultation framed the discussion of the protection of the right to health within the scope of existing legal standards, with a focus on the complementarity between human rights and international humanitarian law. Other issues for discussion included non-discrimination in access to health care, the extent to which negative obligations, as well as the obligation to progressively realise the right to health, apply in these situations, the minimum core content of the right to health, and obligations relevant to the underlying determinants of health. The participants also considered, in the light of experiences from the field, how armed conflict hinders the provision of health care and otherwise facilitates violations of the right to health. A key objective of the consultation was to identify the challenges to the realisation of the right to health in such situations and make recommendations on the role which OHCHR and other actors can play in enhancing the protection of the right to health.

### Child rights committee adopts new general comments

At its sixty-second session (14 January to 1 February 2013), the Committee on the Rights of the Child adopted three general comments on, respectively, the right to health, the right of the child to rest, leisure, play, recreational activities, cultural life and the arts and State obligations regarding the impact of the business sector on children's rights.

- The general comments are available at:  
<http://www2.ohchr.org/english/bodies/crc/comments.htm>

## New publication: Accountability and Human Rights Post-2015

OHCHR and the Centre for Economic and Social Rights have produced a joint publication entitled “Who will be held accountable? Human Rights and the Post-2015 Development Agenda”. The publication focuses on the importance of building accountability into the new framework and discusses, in-depth, the functions of accountability mechanisms and their value in this context.

- The publication is available at:  
[http://www.cesr.org/downloads/who\\_will\\_be\\_accountable.pdf](http://www.cesr.org/downloads/who_will_be_accountable.pdf)

## Report of Post-2015 High-Level Panel

The High Level Panel of Eminent Persons on the Post-2015 Development Agenda presented its report to the UN Secretary-General on 30 May 2013. Established by the Secretary General, the High-Level Panel consists of twenty-seven members and is co-chaired by President Susilo Bambang Yudhoyono of Indonesia, President Ellen Johnson Sirleaf of Liberia and Prime Minister David Cameron of the United Kingdom.

- The full report can be downloaded at:  
<http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>

## OHCHR IN COUNTRIES



### Moldova: advocacy for ratification of OP-ICESCR

On July 4, 2013, the Moldovan Ministry of Labour, Social Protection and Family convened, jointly with OHCHR, a meeting to discuss Moldova’s possible ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). Participants at the meeting included representatives of the Ministry of Health, State Chancellery, National Institute of Justice, Centre for Human Rights (Ombuds Institution), as well as judges and a broad representation of civil society groups. The primary subject of the meeting was to discuss

a joint Ministry/OHCHR feasibility study on possible ratification of the OP-ICESCR. Participants at the meeting expressed strong support for ratification. Committed next steps include the initiation of formal consultations within the government on possible ratification, on the basis of the Ministry/OHCHR study.

### Uganda: Mainstreaming human rights into national development planning processes

OHCHR has initiated a project with the National Planning Authority (NPA) to sustainably integrate human rights into national planning process. The project follows a formal request by NPA and a successful high level training on human rights-based approaches and human rights indicators for the NPA, the Uganda Bureau of Statistics (UBOS), the Human Rights Commission (UHRC), and the Equal Opportunities Commission (EOC) on 24<sup>th</sup> to 26<sup>th</sup> April. The training, organised jointly with GIZ, a German company involved in development cooperation work, engaged participants on the practical aspects of applying a human rights based approach and on key principles in the formulation of human rights indicators. Uganda’s Vision 2040, launched on 18<sup>th</sup> April 2013, and to which OHCHR contributed, underlines the need for national development planning to be



anchored in human rights. This project aims to strengthen the capacity of the NPA and national and district governments in a human rights-based approach to programming.

### **Guatemala: promoting the right to food**

OHCHR provided technical support on international human rights standards to civil rights organizations and lawyers litigating an important petition on the right to food involving five malnourished children resident in Camotán, Chiquimula (see summary of notable cases elsewhere in this bulletin). The Office also visited the families involved and worked with key institutions at the local level to address the issue of malnutrition from a human rights perspective. The court accepted a brief from OHCHR on the international human rights standards applicable to the right to food.

- For more information on the case, see:  
<http://www.plazapublica.com.gt/content/cinco-ninos-olvidados-ganan-juicio-al-estado>

### **Kyrgyzstan: OHCHR trains lawyers**

On 15 and 16 May, in Kyrgyzstan, the OHCHR conducted a training course for 23 lawyers to enhance their knowledge of national and international laws protecting the right to adequate housing and improve their monitoring skills. Discussions focused on sharing approaches to common challenges when defending housing, land and property rights in the courts and other national mechanisms. The workshop also aimed at encouraging lawyers to bring cases to the international human rights mechanisms, particularly the Special Rapporteur on adequate housing. OHCHR used the occasion to stress the need to ratify OP-ICESCR and encouraged lawyers to advocate this message to the Government.



### **Senegal: advocacy for ratification of OP-ICESCR**

From 21 to 22 May 2013, approximately 50 Senegalese parliamentarians, representatives of Ministries and members of the Economic, Social and Environmental Council participated in a seminar to lobby for the ratification of the OP-ICESCR and the second Optional Protocol to the International Covenant on Civil and Political Rights. The seminar was organized jointly by OHCHR and Amnesty International Senegal, and aimed at promoting ownership of stakeholders and encouraging the ratification by Senegal of the two optional protocols. In the final declaration of the seminar, participants committed to taking all the necessary steps to ensure ratification. This seminar, which is part of the extensive advocacy activities undertaken by OHCHR for the ratification of the Optional Protocol, allowed parliamentarians to familiarize themselves with the contents of the OP-ICESCR and to understand the importance of its ratification.

### **Senegal: consultation on the right to food**

OHCHR and FAO co-organised a two-day regional consultation convened by the UN Special Rapporteur on the right to food in Dakar from 13 to 14 June. The objective of the consultation was to foster communication and the exchange of experiences between the 40 participants representing parliamentarians, government actors and representatives of civil society and national human rights institutions from eight West African countries on the implementation of the right to food in the sub-region. The participants welcomed the consultation and appreciated the opportunity for a constructive exchange between governmental and non-governmental experts on the promotion of the right to food and on sharing lessons learned in the different practices on the implementation of the national plans.

- For more information, see:  
<http://www.fao.org/righttofood/news-and-events/news-detail/en/c/179363/>

## EVENTS

### RECENT EVENTS

#### [OHCHR organises expert conference on Vienna +20](#)

On the occasion of the 20th anniversary of the Vienna World Conference on Human Rights, Austria, in cooperation with OHCHR, organised an international expert conference entitled "Vienna+20: Advancing the Protection of Human Rights". The conference took place on 27 and 28 June 2013 in Vienna and brought together human rights defenders and civil society representatives, UN experts, including Special Procedures mandate holders and Treaty Monitoring Body members, as well as representatives of regional and national human rights institutions and academia. The Conference was preceded by an international civil society human rights conference (25 to 26 June) and also received contributions from the annual meeting of Special Procedures mandate-holders.

The Conference emphasised the interrelation between the three major themes for discussion: the rule of law, the realisation of women's rights, and the importance of human rights for the post-2015 development agenda. The Conference formulated recommendations in each of these areas, including a recommendation to States, the UN and other stakeholders to afford the same level of protection to economic, social and cultural rights, and civil and political rights, in light of the principles of the universality, indivisibility and interdependence of all human rights as recognized in the Vienna Declaration and Programme of Action.

- For more information on the case, see:  
<http://www.ohchr.org/EN/NewsEvents/OHCHR20/Pages/Events.aspx>

#### [CSOs issue Vienna +20 Declaration](#)

On 25 and 26 June 2013, the Vienna+20 Civil Society Organization (CSO) Conference of more than 140 persons from various CSOs around the world was held in Vienna to commemorate the 20th anniversary of the 1993 World Conference on Human Rights and its Vienna Declaration and Programme of Action. The Vienna +20 CSO Declaration noted, among other things, that "States have to respect, protect and fulfil the economic, social, and cultural rights of all peoples, with prioritization of marginalized groups without retrogression and on the basis of non-discrimination and equality, immediately ensuring universal social protection floors, universal health coverage, adequate food and nutrition, water, sanitation, education and housing".

- The full Vienna + 20 CSO Declaration can be found here:  
<http://globalinitiative-escr.org/global-initiative-for-escr-welcomes-vienna-20-cso-declaration/>

#### [Working Group on the rights of peasants](#)

The first session of the Working Group on the rights of peasants and other people working in rural areas, established by Human Rights Council resolution in October 2012, was held from 15 to 19 July 2013. It was attended by States, one regional intergovernmental organisation and a number of nongovernmental organisations and civil society groups. As a follow-up to the first session, the Chair of the Working Group proposed that the second session be held in 2014, prior to which an informal consultation with stakeholders would be held. The Chair will prepare a new text of the draft Declaration on the rights of peasants and other people working in rural areas and make it available before the 2nd session.

- For more information, see:  
<http://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/WGRuralAreasIndex.aspx>

## 23rd session of the Human Rights Council: Reports relevant to ESCR

► Access documents listed below in all available UN official languages:

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session23/Pages/ListReports.aspx>

<b>Mandates* and offices</b>	<b>Main focus / relevant sections</b>	<b>Symbol number</b>
Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	Israel's Operation "Pillar of Defence" and the general human rights situation in the Gaza Strip, as well as the expansion of Israeli settlements – and businesses that profit from Israeli settlements and the situation of Palestinians detained by Israel.	A/HRC/23/21
Report of the Special Rapporteur in the field of cultural rights	The multi-faceted ways in which the right to the freedom indispensable for artistic expression and creativity may be curtailed and laws and regulations restricting artistic freedoms as well as economic and financial issues significantly impacting on such freedoms.	A/HRC/23/34
Report of the Special Rapporteur on the right to education	Justiciability of the right to education	A/HRC/23/35
Report of the Special Rapporteur on extreme poverty and human rights	Presents the human rights approach to participation and a framework based on human rights for how to include people living in poverty in the design, implementation and evaluation of policies and programmes in a meaningful and effective way.	A/HRC/23/36
Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights	Assesses the achievements of the Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative in terms of poverty reduction, development and human rights	A/HRC/23/37
Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	Focuses on low-skilled migrant workers as well as irregular migrant workers, and outlines the responsibility of States as well as of non-State actors to respect, protect and fulfil the right to health of migrant workers.	A/HRC/23/41
Report of the Special Rapporteur on the human rights of internally displaced persons	Thematic analysis of the particular situation of internally displaced women, taking stock of progress to date with regard to protection and assistance for them, examining some of the outstanding challenges to effective responses to their human rights and needs and offering initial recommendations to address these issues.	A/HRC/23/44

## UPCOMING EVENTS

### General Assembly Special Event

On 25 September 2013, the General Assembly will hold a Special Event on the MDGs and the Post-2015 process at its 68th session. The Special Event will be co-chaired by the Governments of Ireland and South Africa and it is expected that Member States will adopt the first resolution concerning the future development framework post-MDGs.

- More information is available at:  
<http://www.un.org/en/ga/president/67/issues/mdgs/mdgs.shtml>

## CASES, LEGISLATION & POLICIES

### Justiciability of the right to food in Guatemala

In a case involving five children of ethnic Chorties origin suffering from chronic malnutrition, a Guatemalan court ruled, in June, that the State had violated the rights to food, housing and health. The case was brought to court in November 2011 by a network of 14 civil society organizations in the context of their “Guatemala without hunger” campaign. Based on evidence indicating that the families involved lived in extreme poverty and suffered from chronic malnutrition, the main submission on behalf of the plaintiffs was that the public policy and programmes implemented by the State were limited in scope and insufficient to prevent high levels of child malnutrition in indigenous communities living in the so called “dry corridor”. Among other findings, the court recognised the interdependence and indivisibility of human rights, the obligation of the state to fulfil the right to food whenever individuals or groups are unable, for reasons beyond their control, to enjoy the right to food by the means at their disposal and CESCR’s definition of the right to food in its general comment No. 12. The court’s rulings address measures to overcome the families’ lack of capacity to provide adequate food, to mitigate extreme poverty and to create a healthy environment. The rulings also address the necessity to reformulate government programmes and policies to combat malnutrition in a more holistic manner.

- For more information on the case, see:  
<http://www.plazapublica.com.gt/content/cinco-ninos-olvidados-ganan-juicio-al-estado>

### Nepali communities contest construction of high voltage transmission line

Accountability Counsel filed a complaint on July 10, 2013, on behalf of communities in the Sindhuli District of Nepal, raising concerns about human rights violations associated with construction of a high voltage transmission line funded by the World Bank. The complaint, filed with the World Bank Inspection Panel, requests that the Bank immediately stop the disbursement of funds and suspend construction until all affected communities have been fully informed and consulted about the project plans, impact, rehabilitation and mitigation measures. It also requests the release of all relevant project-related documents from the World Bank and the Government of Nepal and calls for an independent analysis of alternative designs and routes through areas without human settlement, prioritizing the rights and needs of affected communities. Furthermore, the complaint requests that all baseline studies and future monitoring reports be conducted with full transparency, with the participation of affected communities and civil society, in full compliance with Nepali law, international law, and World Bank policy.

- More information is available at:  
<http://www.accountabilitycounsel.org/communities/current-cases/high-voltage-power-line-nepal/>

## European Committee of Social Rights finds against Greece in landmark ruling

On 6 June 2013, the European Committee of Social Rights ruled against Greece in a complaint alleging Greece's failure to eliminate or reduce the harmful impact of the large-scale industrial pollution of the River Asopos on the health of affected residents, and recognised Greece's violation of the right to health guaranteed by the European Social Charter. The complaint was filed in July 2011 by FIDH and the Hellenic League, who indicated that high levels of pollution, due to the discharge of industrial liquid waste into the River Asopos and the groundwater in the Oinofyta region for over 40 years, continue to affect several villages with a population of more than 200 000 inhabitants. The presence of heavy metals (in particular of Cr-6) in the soil and water also constitute serious health risks, including a heightened risk of cancer. The Committee noted with concern the delay and deficiencies in the implementation of existing regulations and programmes, as already found by a number of judicial decisions at national level. Moreover, it stated that, due to the scale of the pollution as well as the fact that the authorities have been aware of the issue for a lengthy period of time, the public information initiatives which were carried out were inadequate. Consequently, the Committee concluded that Greece had failed to fulfil its obligations under articles 11§1 and 11§3 of the Charter.

- The full ruling is available at:  
[http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC72Merits\\_fr.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC72Merits_fr.pdf)

## **TOOLS / PUBLICATIONS / MULTIMEDIA/ COURSES**

### Report of the Commission of Inquiry on Syria

The International Commission of Inquiry on the Syrian Arab Republic issued its report to the Human Rights Council on 4 June 2013. Among many findings, mostly related to violations of the laws of armed conflict, the report also highlighted shortages of food, medicine, fuel and electricity, especially acute in besieged cities, as having severely affected economic and social rights. It noted that the destruction of hospitals had adversely impacted the availability of health care and that despite rapidly growing humanitarian needs, access to people in conflict-affected areas remains severely hindered.

- The full report is available at:  
[http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-23-58\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-23-58_en.pdf)

### **Publications and multimedia**

- Human Rights and the Culture of the World Bank, Galit A. Sarfaty:  
<http://www.sup.org/book.cgi?id=17865>
- Attacks on education: The impact of conflict and grave violations on children's futures, Save the Children:  
[http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/ATTACKS\\_ON\\_EDUCATION\\_FINAL.PDF](http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/ATTACKS_ON_EDUCATION_FINAL.PDF)
- Reaffirming Justiciability: Judgements on the Human Right to Adequate Housing from the High Court of Delhi, Housing and Land Rights Network:  
[http://www.hic-sarp.org/documents/Reaffirming\\_Justiciability\\_Judgements\\_on\\_HRAH\\_from\\_High\\_Court\\_of\\_Delhi.pdf](http://www.hic-sarp.org/documents/Reaffirming_Justiciability_Judgements_on_HRAH_from_High_Court_of_Delhi.pdf)
- Advancing Human Rights: The State of Global Foundation Grantmaking, International Human Rights Funders Group and Foundation Center:  
<http://foundationcenter.org/gainknowledge/humanrights/>
- Nourishing Change: Fulfilling the Right to Food in the United States, International Human Rights Clinic, New York University:  
[http://chrgj.org/wp-content/uploads/2013/05/130527\\_Nourishing-Change.pdf](http://chrgj.org/wp-content/uploads/2013/05/130527_Nourishing-Change.pdf)
- 'Jumping the Queue', Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa, Community Law Centre, University of the Western Cape, and the Socio-Economic Rights Institute of South Africa:

<http://seri-sa.org/index.php/38-latest-news/174-research-report-jumping-the-queue-waiting-lists-and-other-myths-perceptions-and-practice-around-housing-demand-and-allocation-in-south-africa-3-july-2013>

- China's Workers are calling for change: What role should brands play?, FIDH in collaboration with China Labour Bulletin:  
[http://www.fidh.org/IMG/pdf/rapport\\_chinese\\_workers-uk-hd3.pdf](http://www.fidh.org/IMG/pdf/rapport_chinese_workers-uk-hd3.pdf)
- *Situación de los derechos humanos en Guatemala en 2011 y 2012* (Spanish only), EDPAC-GIDHS:  
[http://edpac.org/docs/informe\\_guatemala.pdf](http://edpac.org/docs/informe_guatemala.pdf)
- Submission to the Venice Commission, The City is for All:  
<https://docs.google.com/file/d/0B4k9StDq8GYeUhKTTNBUjdaVUU/edit?usp=sharing>
- Land and Times newsletter, Habitat International Coalition, May 2013:  
[http://landtimes.landpedia.org/index.php?edition\\_id=6T](http://landtimes.landpedia.org/index.php?edition_id=6T)
- French version of the Factsheet on Women's Economic, Social and Cultural Right, ESCR-Net:  
<http://www.escr-net.org/node/365193>
- Documentary on the role and functions of the African Court on Human and Peoples' Rights:  
<http://www.youtube.com/watch?v=OfUNQIL9Zoc&feature=youtu.be>
- Human rights must play stronger role in post-2015 development agenda: Amnesty International web story:  
<http://www.amnesty.org/en/news/human-rights-must-play-stronger-role-post-2015-development-agenda-2013-06-05>

## **OHCHR web stories**

### **Achieving equality for women in Tunisia**

Women and men in Tunisia's far-flung regions react positively to a campaign promoting the equal rights of women.

### **Draft declaration on peasants' rights**

A working group representing governments from all regions begins consideration of a draft UN Declaration on the rights of peasants and other rural poor.

### **A woman's mission to eliminate the tradition of FGM in her Kenyan community**

Female Genital Mutilation is a traditional ritual afflicting millions of girls worldwide. Nice Nailantei Lengete is working towards eliminating the harmful practice of FGM/C in her Masaai community in Kenya.

- The full web stories are available at:  
<http://www.ohchr.org/EN/NewsEvents/Pages/StoriesbyDate.aspx>

## **Courses**

### **Training on economic, social and cultural rights**

The Geneva Academy of International Humanitarian Law and Human Rights will hold a training course on Understanding Economic, Social and Cultural Rights in Geneva, Switzerland from 18-22 November 2013. The rights to food, water and sanitation, health, education or housing will be addressed in-depth.

- For more information, see:  
<http://www.geneva-academy.ch/executive-education/professional-trainings/training-workshops-and-courses/economic-social-and-cultural-rights/training-course-on-understanding-es-cr>



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