

January 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

### [Adoption of Rules of Procedure on OP-ICESCR by Committee on ESCR and new steps towards entry into force](#)

At its 49th session, on 26 November 2012, the Committee on Economic, Social and Cultural Rights adopted its provisional rules of procedure to the Optional Protocol to the Covenant on Economic, Social and Cultural Rights.

- The full text of the provisional rules of procedure can be accessed on the Committee's website at: <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.49.3.pdf>

The Optional Protocol to the Covenant on Economic, Social and Cultural Rights (OP-ICESCR), which allows individuals as well as groups to submit communications claiming violations of their rights protected under the Covenant against States parties, requires 10 ratifications for entry into force. Currently there are 8 States parties (Argentina, Bolivia, Bosnia and Herzegovina, Ecuador, El Salvador, Mongolia, Slovakia and Spain) and 42 signatories – the last being France, which signed on in December 2012. Also in

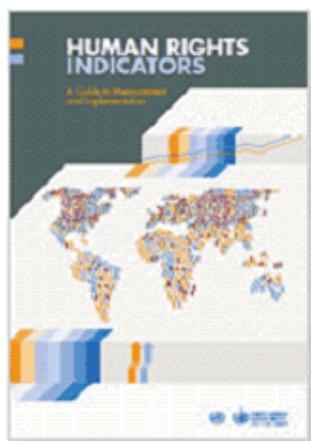
December 2012, the Parliaments of Portugal and Uruguay voted in favour of the ratification of the OP – the only step missing is the deposit of the respective ratification instruments

## [High Commissioner calls for access to justice regarding austerity measures](#)

On 6 December 2012, the High Commissioner delivered a keynote speech in Brussels at the Fundamental Rights Conference 2012 on “Justice in austerity – challenges and opportunities for access to justice”. The High Commissioner stressed the importance of a human rights-based approach to austerity programmes if States choose to pursue them. Mounting social tension in several countries shows the dangers which may be associated with curtailing economic, social and cultural rights. The High Commissioner called on the authorities to mitigate the social impacts of any austerity measures on the most vulnerable segments of the population.

- The full text of the speech available at:  
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12885&LangID=E>

## [New OHCHR Publication on Human Rights Indicators](#)



OHCHR has produced a publication, ***Human Rights Indicators: A Guide to Measurement and Implementation***, which aims to assist in developing quantitative and qualitative indicators to measure progress in the implementation of international human rights norms and principles. The *Guide* describes the conceptual and methodological framework for human rights indicators and provides concrete examples of indicators identified for a number of human rights, all originating from the Universal Declaration of Human Rights and including **economic, social and cultural rights**. It contains other practical tools and illustrations, to support the realization of human rights, at all levels.

OHCHR invites everyone to further disseminate this *Guide* and share any feedback on the publication.

- The publication in English and Spanish is available at:  
<http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>

## [OHCHR joins UN-Water](#)



OHCHR recently joined the UN-Water family as its 31<sup>st</sup> member. OHCHR works with all stakeholders to raise awareness on legal human rights obligations related to water and sanitation, to increase accountability in this field, and to collaboratively seek solutions to implement the right to water and sanitation of all, in particular of the most vulnerable. OHCHR's participation will contribute to policy coherence and collaboration to ensure that water and sanitation related activities and programs are consistent with the international human rights framework.

- For more information, please visit: <http://www.unwater.org/>

## [UN Special Procedures mandate-holders call for measures to confront the financial crisis and poverty](#)

The Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepulveda, and the Independent Experts on Foreign Debt and Human Rights, Cephias Lumina, and on the Promotion of a Democratic and Equitable International Order, Alfred de Zayas, called for an EU banking reform in line with States' human rights obligations.

- For more information, please visit:  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12630&LangID=E>

In turn, the Special Rapporteur on the Right to Food, Oliver de Schutter, and the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepulveda, launched a report calling for the creation of a Global Fund for Social Protection in order to close the funding shortfall for establishing a social protection floor in least developed countries. The Fund would also have a reinsurance role, helping to underwrite these schemes against the risk of excess demand triggered by major shocks.

- The full document is available at:  
[http://www.ohchr.org/Documents/Issues/Food/20121009\\_GFSP\\_en.pdf](http://www.ohchr.org/Documents/Issues/Food/20121009_GFSP_en.pdf)
- An executive summary of the document is available at:  
[http://www.srfood.org/images/stories/pdf/otherdocuments/20121009\\_gfsp\\_execsummary\\_en.pdf](http://www.srfood.org/images/stories/pdf/otherdocuments/20121009_gfsp_execsummary_en.pdf)

Additionally, the report of the Independent Expert on foreign debt and human rights to the General Assembly (A/67/304) focused on the impact of sovereign debt on women's rights. The report describes how austerity measures, privatisation and trade liberalisation, adopted to address high public debt levels have, against the backdrop of inadequate opportunities for women's participation, negatively affected their rights to health, education, food, water, sanitation and work and argues that debt cancellation alone will be insufficient to put countries on a path to sustainable development.

- The report is available at:  
<http://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/IEDebtIndex.aspx>

## ACTIVITIES IN THE FIELD

### Promotion of ESCR in Central America

The Human Rights Advisor for Honduras, the Regional Office for Central America and HRESIS collaborated in October and November to promote the compliance of international obligations regarding ESCR. In Honduras, a number of activities were carried out to support the inclusion of ESCR in the National Human Rights Plan and Public Policy, recently launched by the Ministry of Justice and Human Rights. In the Dominican Republic, OHCHR contributed to a training organized by the Regional Office for Central America jointly with the Dominican Judiciary School, where a module was devoted to the judicial protection of ESCR. In Panama, the Regional Office launched a publication systematizing the recommendations made to Panama by international human rights mechanisms. Finally, in Costa Rica the OHCHR Regional Office and HQ jointly advocated for the prompt consideration of the OP-ICESCR in the Parliament.

### Improving adequate housing in Kyrgyzstan

On 24 September 2012, OHCHR was invited to the second public hearing on the draft housing code in the *Jogorku Kengesh*, the Kyrgyz Parliament. Through a close collaboration between OHCHR and the drafters, the text integrates many aspects of the right to adequate housing, protection against forced evictions and protection of the most vulnerable.



On 25 September, OHCHR Regional Office for Central Asia organized a roundtable on “Human Rights and Urban Development Projects”, within the framework of an EU-funded project on Civil Monitoring for Human Rights Protection and Conflict Prevention. This very well-attended meeting involved the central and local authorities (including the Mayor of Osh), the Head of the European Union's Delegation, Kyrgyzstan's Presidential Administration, donors and civil society organizations. This was the first time that a high level meeting in the country focused on urbanization issues from a human rights perspective and concluded with a number of recommendations for future work in this domain.

- For the European Delegation's press release, please visit:  
[http://eeas.europa.eu/delegations/kyrgyzstan/press\\_corner/all\\_news/news/2012/news27092012\\_en.htm](http://eeas.europa.eu/delegations/kyrgyzstan/press_corner/all_news/news/2012/news27092012_en.htm)

### [Follow-up to housing rights recommendations in Kazakhstan](#)

On 28 September 2012, an expert group meeting was jointly organized by OHCHR Regional Office for Central Asia and the NGO "Public Fund of Parliamentary Development" in Astana. This meeting allowed CSOs and Government representatives to discuss the follow-up to human rights mechanisms recommendations to Kazakhstan and in particular those contained in the mission report of the Special Rapporteur on adequate housing. The meeting contributed to refining the authorities' action plan for the follow up to these recommendations.

### [National Workshop on Using Indicators to Implement and Measure Human Rights, Philippines](#)

OHCHR held a national workshop on **'Using Indicators to Implement and Measure Human Rights'** on 27-29 November 2012, in Tagaytay City, the Philippines. Supported by the UNDP and the Commission on Human Rights of the Philippines, the workshop brought together about 45 human rights stakeholders, including government officials, statisticians from the Philippines Statistical System, representatives from civil society organisations, and UN agencies. The participants highlighted the relevance of the framework as well as specific indicators, including for **economic, social and cultural rights**, in the context of development plans, policy-making processes in the country, and reporting to UN and other human rights monitoring mechanisms.

### [Regional conference on ratification and implementation of OP/ICESCR and OP/CAT, Dakar, Senegal](#)

On 24-26 September 2012, the OHCHR West Africa Regional Office, UN Women and the UN Office for West Africa (UNOWA) jointly organized a regional conference on advocacy for the ratification of the OP/ICESCR and the OP/CAT. Coming from Burkina Faso, Senegal, Cape Verde and Mali, participants included members of civil society, national human rights institutions, Government and parliamentarians. They were informed of the importance of these two instruments and exchanged experiences on their efforts to move towards ratification. At the end of the conference, participants drew up a roadmap to continue their advocacy efforts.



### [Advocacy for the ratification of OP-ICESCR in Uruguay](#)

OHCHR Regional Office for South America and HQ conducted a mission in November 2012 to Uruguay to promote the ratification of the OP-ICESCR. Meetings were held with members of all political parties represented in the Parliament, the ministries of Foreign Affairs, Education and Social Development, the new National Human Rights Institution, NGOs, the Inter-American Institute of Human Rights and academic institutions. Immediately after the mission, both chambers of the Parliament voted in favour of the ratification of the OP.

## EVENTS

### RECENT EVENTS

#### [First Forum on Business and Human Rights](#)

On 4-5 December 2012, the first Forum on Business and Human Rights took place in Geneva. Including States, business enterprises, civil society organisations and individuals affected by business activities and with 21 substantive sessions, it constituted the largest global discussion to date on how governments and business are addressing the impact of business activities on human rights. Discussions focused on trends and challenges in implementing the Guiding Principles on Business and Human Rights, including on the rights to food, water, shelter, land, as well as the rights of indigenous peoples. A summary of the discussions at the Forum will be available in English from February 2013.

- Information about the programme and statements made at the 2012 Forum, as well as video recordings of all the sessions, are available at: <http://www.ohchr.org/EN/Issues/Business/Pages/ForumonBusinessandHR2012.aspx>
- Further information on the Working Group and its activities and reports is available at: <http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx>
- The Guiding Principles are available in all UN languages at: <http://www.ohchr.org/EN/Issues/Business/Pages/Tools.aspx>

#### [UN human rights system has a key role to play in the governance of land tenure](#)

FIAN-International, the Swiss Agency for Development and Cooperation and OHCHR have conducted joint briefing sessions for the UN human rights system on the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security (VGGT). The VGGT was adopted by the Committee on the World Food Security (CFS) in May 2012. Two sessions have been conducted so far, one as a side event at the Human Rights Council, 24 September, and another as lunchtime briefing for the Committee on Economic, Social and Cultural Rights on 28 November. The events highlighted the key role of the UN human rights system in supporting the implementation of the VGGT, and the need for the closer interaction between the UN human rights system and the CFS.

#### [Human Rights Committee recognizes Extra-Territorial Obligations under the ICCPR](#)

During its review of the German periodic report, the Human Rights Committee considered the extent of Germany's responsibility to regulate and provide remedies regarding the involvement of corporations in human rights abuses abroad. The case in point involved forced evictions in Uganda carried out to ensure the operation of a German coffee corporation. In its Concluding Observations, the Committee welcomed the provision of remedies against German companies acting abroad allegedly in contravention of relevant human rights standards, and encouraged the State party to set out clearly the expectation that all German-based business enterprises respect human rights standards and to take appropriate measures to strengthen the remedies provided to protect victims of their activities abroad (para 16).

- The Concluding Observations can be consulted at: <http://www2.ohchr.org/english/bodies/hrc/hrcs106.htm>

#### [Guiding Principles on Foreign Debt and Human Rights](#)

In June 2012 the Human Rights Council endorsed through its resolution 20/10 the **Guiding Principles on foreign debt and human rights** (A/HRC/20/23). The Principles are the outcome of extensive and inclusive consultative process undertaken by the Independent Expert on foreign debt and human rights, Mr. Cephias Lumina, over the last eight years. They are designed to assist States and all relevant actors in the conduct of their respective activities relating to external debt.

- The Guiding Principles are available in all UN languages at: <http://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/IEDebtIndex.aspx>

## POST-MDG DEVELOPMENTS

### The future is now: Eliminating inequalities in water, sanitation and hygiene in the post-2015 Development Agenda

In her last report to the General Assembly, the Special Rapporteur on the human right to water and sanitation argues for a post-2015 development agenda that includes equality and non-discrimination at its foundations. The future development agenda must include a water and sanitation goal with targets and indicators, and aim at ensuring that the most disadvantaged groups are not left behind. The Special Rapporteur has also been working with WHO-UNICEF in chairing a Joint Monitoring Programme (JMP) working group on equity and non-discrimination.

- The report (A/67/270) and summaries of it for dissemination in English, French and Spanish are available at:  
<http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/AnnualReports.aspx>
- A paper by the Special Rapporteur for the Thematic Consultation on Inequalities is available at:  
<http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/Post2015.aspx>
- JMP Working Groups reports and other documents on post-2015 are available at:  
<http://www.wssinfo.org/post-2015-monitoring/overview/>

## CASES, LEGISLATION & POLICIES

### CEDAW adopts decisions on gender discrimination in labour and housing

Views adopted by CEDAW in 2012 tackled gender discrimination in the areas of labour and housing. In *R.K.B. v. Turkey* (Communication 28/2010) the Committee found that the dismissal of a Turkish female worker for allegedly having an affair with a male colleague, while no action was taken against him, amounted to discriminatory treatment in employment, and that Turkish courts failed to protect the author against discrimination and gender stereotyping. In *Kell v. Canada* (Communication 19/2008) the Committee considered the situation of an aboriginal woman victim of domestic violence that had been evicted from her home and denied the exercise of her property rights. The Committee found, inter alia, that the State engaged in multiple forms of discrimination – on the basis of gender and ethnicity, aggravated by domestic law – and that the right to equality of both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property was also infringed.

- The views can be consulted in: <http://www2.ohchr.org/english/law/jurisprudence.htm>

### Botswana Court dismisses application of discriminatory customary law and allows women to inherit

In a landmark decision, *Mmusi and Others v. Ramantele and Another*, adopted in October 2012, the Botswana High Court overturned a customary law which prevented women from inheriting the family home, declaring it contrary to the constitutional provision guaranteeing equal rights for women and men. During Botswana's review under the UPR in 2008, several recommendations towards aligning customary law with international human rights standards were made – and not accepted by Botswana.

- For more information, please visit: <http://www.africanlii.org/bw/judgment/high-court/2012/1>

### Nigerian court rules on HIV-based discrimination in employment

The Lagos State High Court handed down a judgment in the first Human Immunodeficiency Virus (HIV) discrimination lawsuit, *Georgina Ahamefule v. Imperial Medical Centre & Dr. Alex Molokwu* (Suit No. ID/1627/2000), on Thursday September 27, 2012. Justice Y.O. Idowu held that the termination of Georgina Ahamefule's employment by the Imperial Medical Centre on the ground of her HIV-positive status is illegal, unlawful and based on malice and bad faith.

- The full judgement is available at: <http://bit.ly/V92B6K>

## [Court enforces the human right to water in Mexico](#)

On April 19, 2012, the Second Tribunal Cuernavaca, Morelos, Mexico, issued a favorable ruling on the human right to water and sanitation (amparo en revisión 381/2011). The court held that failure by the government to provide access to sufficient water to 100 families is a violation of the human right to water, applying for the first time article 4 of the Mexican Constitution, which recognizes access to safe drinking water and sanitation as a human right.

## [South African court orders provision of housing to shack dwellers](#)

On 19 September 2012, the Durban High Court handed down a judgment in *Mchunu and Others v Executive Mayor of eThekweni and others*, requiring the Mayor of eThekweni, the City Manager and the Director of Housing to take all the necessary steps, within three months, to provide permanent housing to 37 poor families living in a transit camp near KwaMashu, Durban. The families had been evicted from an informal settlement in order to allow for the construction of a road, without provision for relocation in adequate accommodation.

- The judgement is available at:  
[http://www.seri-sa.org/images/stories/mchunu\\_judgment\\_Sep12.pdf](http://www.seri-sa.org/images/stories/mchunu_judgment_Sep12.pdf)

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

### [OHCHR Toolkit on the right to water and sanitation](#)

A new Toolkit on the Right to Water and Sanitation was recently added to the OHCHR web site. It contains the main relevant documents and tools produced by OHCHR, the Special Rapporteur on the human right to water and sanitation, and UN agencies.

- The English version can be consulted at:  
<http://www.ohchr.org/EN/Issues/ESCR/Pages/Water.aspx>
- The Spanish version can be consulted at:  
<http://www.ohchr.org/SP/Issues/ESCR/Pages/Water.aspx>

### [Special Rapporteur on Water and Sanitation calls for ending stigma](#)

- A 3-minute interview on stigma and the rights to water and sanitation at: <http://bit.ly/Ucg4tf> or <http://bit.ly/WMATxJ>
- A summary of the report on stigma and the realization of the human rights to water and sanitation at: [www.ohchr.org/Documents/Issues/Water/SummarySRWatsanStigmaReport2012.doc](http://www.ohchr.org/Documents/Issues/Water/SummarySRWatsanStigmaReport2012.doc)
- Online presentation of her report on stigma and the reports on country missions at: <http://bit.ly/YotrZ4>
- Video of her concluding remarks at the Human Rights Council at: <http://bit.ly/RVVNNj>

### [Centre for Economic and Social Rights launches publication on ESCR monitoring framework](#)

The Centre for Economic and Social Rights launched two publications to support human rights advocates in holding states accountable for their obligation to fulfil economic and social rights under the International Covenant on Economic, Social and Cultural Rights. One of them, the so-called OPERA framework, presents a straightforward, step-by-step approach to monitoring the fulfilment of ESCR. A second publication demonstrates, by way of a practical example, the application of this framework: a case study detailing the use of OPERA to assess the rights to health, education and food in Guatemala. 'Assessing Fiscal Policies from a Human Rights Perspective'

- OPERA Framework can be consulted at: <http://www.cesr.org/downloads/the.opera.framework.pdf>

- The Guatemala report can be found at: <http://www.cesr.org/downloads/assessing.fiscal.policies.from.a.human.rights.perspective.pdf>

## Education Above All launches Protecting Education in Insecurity and Armed Conflict handbook

The Qatari-based NGO Education Above All (EAA) has released *Protecting Education in Insecurity and Armed Conflict: An International Law Handbook*. The publication examines the intersection of international human rights, humanitarian, and criminal law as it relates to violations of the right to education and associated rights during insecurity and armed conflict, focusing on the international legal protection of students, education staff and education facilities.

- For the Handbook and its Summary, please visit: [www.educationaboveall.org/legalresources](http://www.educationaboveall.org/legalresources)

## Publications and multimedia

- Agir pour le respect des droits économiques, sociaux et culturels: <http://www.agirpourlesdesc.org/>
- ESCR-Net website on OP-ICESCR: <http://opicescr.escr-net.org/>
- Extra Territorial Obligations (ETO) Consortium website: <http://www.etoconsortium.org/>
- FAO, IFAD and WFP *State of Food Insecurity in the World 2012 (SOFI)* report: <http://www.fao.org/news/story/en/item/161819/icode/>
- FIAN video on human rights violations in Bajo Aguán, Honduras: <http://www.youtube.com/watch?v=Cv5oboAwXJw>
- Global Policy Journal with special section on International Law, Human Rights and the Global Economy (access to the GP issue is open until end of January 2013 at which point it will revert to subscription only): <http://www.globalpolicyjournal.com/journal-issue/vol-3-issue-4-november-2012>
- Legal Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights: <http://www2.lse.ac.uk/humanRights/articlesAndTranscripts/2012/HRQMaastricht.pdf>
- Right to Food and Nutrition Watch 2012: [www.rfn-watch.org](http://www.rfn-watch.org)
- Witness' *People Before Profit* video (on housing and land rights globally)  
Information about the video: <http://blog.witness.org/2012/09/people-before-profit/>  
Video (English): [youtube.com/forcedevictions](http://youtube.com/forcedevictions)  
Video (Arabic, Chinese, French, Spanish and Portuguese): <http://youtu.be/L3tLi0lVgfY>
- Winnipeg Press video *No running water*: <http://www.winnipegfreepress.com/no-running-water/>

## Courses

### HREA's e-learning courses for early 2012

HREA (Human Rights Education Associates) offers a number of e-learning courses, generally of six weeks in duration, and involving approximately 50 hours of reading, interaction with participants and instructor(s) on discussion boards, webinars, quizzes and other assignments. Courses include an array of human rights issues, including ESCR.

- For an overview of all courses, please visit: [www.hrea.org/courses](http://www.hrea.org/courses)

### Opening of Applications for the Urban Justice Centre's Eighth Annual Human Rights Institute

The Human Rights Project at the Urban Justice Centre, in partnership with the US Human Rights Network, announces that applications are currently available for the eighth annual Human Rights Institute, to be held March 20-22, 2013 in New York City.

- More information is available at: <http://www.hrpujc.org/trainings.html>



Previous issues of the ESCR Bulletin are available at: <http://www2.ohchr.org/english/issues/escr/escr-general-info.htm>

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