

June 2012

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 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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"Although for historical reasons there are two distinct covenants, on civil and political rights (ICCPR) and economic, social and cultural rights (ICESCR), there is only one set of human rights, as originally outlined in the Universal Declaration of Human Rights."

Navi Pillay, UN High Commissioner for Human Rights

Read the full speech at the University of Zimbabwe, Harare, 24 May 2012

<http://bit.ly/KYYyVf> *



* Click on the shortened web link to be redirected to the original webpage. If a "security warning" pops up, click "Allow" to open the web link.

HIGHLIGHTS

Adoption of new Voluntary Guidelines on Land, Fisheries and Forests

The Voluntary Guidelines (VGs) on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security were adopted by the Committee on Food Security (CFS) of FAO on 11 May 2012. The OHCHR supported the negotiation of the VGs through technical advice. Acknowledging the adoption of the VGs as "a globally significant achievement for the protection of human rights in relation to the governance of tenure of land, fisheries and forests", OHCHR underlines importance of interpreting and applying the VGs in consistence with international human rights standards, including those applicable to indigenous peoples.

- OHCHR web-story: <http://bit.ly/LLbspK>
- For more information about the VGs: <http://bit.ly/LLbspK>
- Video about the Voluntary Guidelines: <http://bit.ly/JiZUOH>

ESCRs and Rio+20



Thanks to the efforts of the international community, in the **Conference Outcome Document (The Future We Want)** States commit themselves "to address remaining gaps in the implementation of the outcomes of the major summits on sustainable development, to address new and emerging challenges and to seize new opportunities". The Document's *Framework for Action and Follow-up* recognizes outstanding needs, challenges and commitments necessary for the full realization of the rights to food and be free from hunger, to safe drinking water and sanitation, to the enjoyment of the highest attainable standard of health, to education, to decent employment and social protection among others.

- "The Future We Want" Outcome Document may be accessed here: <http://bit.ly/LLeWgJ>

CESCR on green economy and financial crisis – 48th Session, May 2012

The Committee on Economic, Social and Cultural Rights (CESCR) adopted a **Statement that addressed the Rio+20 Conference** on "The Green Economy in the Context of Sustainable Development and Poverty Eradication". It emphasized the need to integrate the green economy in sustainable development, which encompasses social development, economic growth and environmental protection, and thus has close linkages with economic, social and cultural rights. Furthermore, the Committee addressed an **open letter to all States Parties on economic, social and cultural rights and the economic and financial crisis**. In the conditions of recession, and inevitable austerity measures, which have resulted in significant social cuts in many States, the social, economic and cultural rights of people are at risk of bearing the major burden of the crisis, which in the long-term may lead to social insecurity and political instability. The open letter sets out specific criteria that austerity measures should meet in order to be acceptable under the ICESCR.

- The Statement on green economy: <http://bit.ly/Kf7dnY>
- Open letter to all States Parties: <http://bit.ly/LbLyNY>

African Commission urges African States to ratify the ICESCR and its OP

On 2 May 2012, at its 51st ordinary Session held in Banjul, Gambia, and in its Resolution 223, the African Commission on Human and People's Rights called on States Parties to the African Charter that have not done so to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Optional Protocol to the ICESCR (OP). Ten African countries have signed the Protocol to the ICESCR: Cape Verde, Congo, Democratic Republic of Congo, Gabon, Ghana, Guinea-Bissau, Madagascar, Mali, Senegal and Togo. However, none have as yet become party to the Protocol, which is on course to enter into force once two more States have become party to it.



- Full resolution is available here <http://bit.ly/LLtQRw>

G-8 / EU: Global financial transaction tax - a human rights imperative

As European Union Finance Ministers met on 15 May to coincide with the G-8 Summit in Camp David, a group of United Nations independent experts urged the EU to take the lead in promoting the adoption of a global financial transaction tax to offset the costs of the enduring economic, financial, fuel, climate and food crises, and to protect basic human rights. “Where the world financial crisis has brought about the loss of millions of jobs, socialized private debt burdens and now risks causing significant human rights regressions through wide-ranging austerity packages, a financial transaction tax (FTT) is a pragmatic tool for providing the means for governments to protect and fulfill the human rights of their people,” said the rights experts on extreme poverty, food, business, foreign debt and international solidarity.

- For the detailed news release, please visit: <http://bit.ly/JzKKor>

Breakthrough ILO recommendation on national floors for social protection

The 101st International Labour Conference adopted Recommendation R.202 on national floors for social protection. This is the first autonomous Recommendation in social security in 68 years and a major contribution to the international standard setting in social protection. According to the Recommendation, besides access to contributory social security systems, States parties should provide a minimum non-contributory social protection floor, including universal access to essential health care and basic income security for children, older persons and those in active age who are unable to earn sufficient income. The recommendation sets out the principles and criteria that should guide the adoption of these measures.

- Text of the Recommendation R.202: <http://bit.ly/MpSd65>

ACTIVITIES IN THE FIELD

Training on reporting to treaty bodies, Ouagadougou, Burkina Faso



On 24-26 April 2012, the OHCHR West Africa Regional Office and the Ministry for Human Rights and Civic Promotion of Burkina Faso, with support from OHCHR HQ in Geneva, jointly organized a training workshop on reporting to UN treaty bodies, bringing together 30 participants from 11 different ministries, the National Human Rights Institutions and the Inter-ministerial Committee on Human Rights and International Humanitarian Law. The training focused on the preparation of the Common Core Document and the reporting to the

Human Rights Committee (HRC) and to the Committee on the Economic, Social and Cultural Rights.

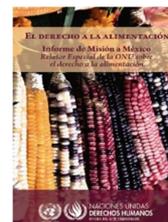
High Commissioner addresses ESCRs in Zimbabwe

From 20 to 25 May 2012, the UN High Commissioner Navi Pillay conducted her first official visit to Zimbabwe. During the visit, she gave a speech at the University of Zimbabwe, in which she focused on the protection and promotion of the ESCRs. The High Commissioner underscored the indivisibility of all human rights and paid particular attention to the right to education, the right to food and the right to land and adequate housing in the context of Zimbabwe. She also spoke about the contents and resource dimension of ESCRs, Zimbabwe’s obligations before ICESCR, the importance of prioritizing good governance, and sanctions imposed on Zimbabwe by some Western Governments in relation to the ESCRs. Finally, Ms. Pillay stressed the role of civil society in the promotion and protection of the ESCRs.

- Full speech is available at: <http://bit.ly/KYYyVf>

New publication on right to food by OHCHR-Mexico

OHCHR-Mexico has produced a publication (“El derecho a la alimentación: Informe de misión a México”, in Spanish only), which includes the report of the Special Rapporteur on the right to food on his visit to Mexico last year, as well as the text of CESCR General Comment No. 12 (right to food). It was distributed at a public event in Mexico City on 6 March 2012 by OHCHR-Mexico on the occasion of the mission report's presentation to the HRC.



- The publication is available at <http://bit.ly/xP96SJ>

EVENTS

RECENT EVENTS

20th session of the Human Rights Council: reports relevant to ESCR

► Access documents listed below in all available UN official languages, searching by symbol numbers at:

<http://bit.ly/95h5kQ>

Mandates* and offices	Main focus / relevant sections	Symbol number
Report of the HC on the realization of the ESC rights	The report outlines the activities of the OHCHR, treaty bodies and special procedures in relation to ESC rights.	A/HRC/20/4
Report of the SR on the right to health	The report considers occupational health as an integral component of the right to health. It addresses occupational health in the informal economy, focusing on the needs of vulnerable and marginalized groups.	A/HRC/20/15
Report of the SR on the right to education	The report looks at the development of norms and standards for quality in education. The report examines national and international norms and standards, as well as policies regarding quality in education.	A/HRC/20/21
Report of IE on the effects of foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights	The report presents the guiding principles on foreign debt and human rights for consideration by the Human Rights Council. It also provides a context, in which the principles should be understood.	A/HRC/20/23
Report of the SR on extreme poverty and human rights	In this report the SR provides a critical assessment of developments relevant to the recommendations she made in her previous country visit reports, and also analyses the challenges confronted by special procedure mandate holders in follow-up efforts.	A/HRC/20/25
Mission to Timor-Leste (November 2011)	In the report the SR emphasizes that the country's obligations to progressively realize the ESCRs of its population, without discrimination, apply even in times of development and post-crisis rebuilding. She also examines the enjoyment of ESCRs, experienced by the most vulnerable groups, and provides recommendations on how to implement social and economic policies that ensure inclusive and equitable growth and development for all the population.	A/HRC/20/25/Add.1

Report of the WG on the issue of discrimination against women in law and in practice	In the report, the WG highlights its thematic priorities for 2012-2013, which are discrimination against women in law and in practice in political and public life, and in economic and social life (sect. IV).	A/HRC/20/28
Report of the HC on technical assistance and cooperation on human rights for Kyrgyzstan	The report identifies and reviews the main human rights developments, with two sections focusing on housing, land and property, and on education. It also describes the technical assistance provided by OHCHR to the Government of Kyrgyzstan.	A/HRC/20/12

* *In order to keep the Bulletin concise, shorthand is used in the list for titles of mandates of the special procedure. For full official titles, please consult with the databases indicated above.*

State of human rights in India: panel discussion and release of new report

On 21 May, the Working Group on Human Rights in India and the UN (WGHR) organized a side event to the 13th Session of the UPR Working Group at Palais des Nations, Geneva. The panel presented some of the major human rights challenges, including a focus on ESC rights, faced by people and communities in India. Panellists covered critical human rights themes, obstacles to the implementation of existing laws and policies and also proposed constructive recommendations to improve the adverse situation on the ground. The Panel was chaired by Mr. Miloon Kothari, Convenor of the WGHR and Former Special Rapporteur on adequate housing. A report on the state of human rights in India, specifically prepared as a reference document for India's second UPR, was launched. Economic, social and cultural rights are covered under the Chapter I.

- The report is available at: <http://bit.ly/MbVRRc>

Expert consultation: HRBA in the reduction of preventable maternal mortality and morbidity

On 11-12 April 2011, OHCHR convened an expert consultation on the development of technical guidance on the application of a human rights-based approach to the implementation of policies and programmes for the reduction of preventable maternal mortality and morbidity. The guidance follows the policy making cycle, including planning, budgeting, implementation, monitoring and review. It also addressed accountability mechanisms, as well as international cooperation and assistance. OHCHR worked closely with the WHO, UNFPA, UNICEF, Partnership on Maternal, Newborn and Child Health, civil society and experts in the areas of maternal health as well as sexual and reproductive health rights to develop this guidance, which will be presented to the 21st session of the HRC by the High Commissioner.

Expert group meeting: realizing women's rights to productive resources

From 25-27 June 2012, OHCHR hosted an expert group meeting together with UN Women on good practices and lessons learned in realizing women's rights to productive resources with a focus on land. This meeting brought together experts from every region of the world to consider good practices and lessons learned, with a view to producing guidance in this area.

FORTHCOMING EVENTS

Fifth session of the Expert Mechanism on the Rights of Indigenous Peoples

The Expert Mechanism (EM) on the Rights of Indigenous Peoples will hold its 5th session at the Palais des Nations in Geneva from the 9th to the 13th of July 2012. This year, the EM will consider a *Study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples*. The study outlines international and regional standards on indigenous peoples' rights to language and culture, describes the relationship between indigenous cultures and languages to their self-determination and rights to their lands, territories and resources, analyses indigenous peoples' languages, identities and cultures, including challenges faced in the promotion and protection of indigenous language

and cultural rights. The study finishes with the Expert Mechanism's Advice No. 3 on indigenous peoples' languages and cultures.

- For more information, please visit <http://bit.ly/KzCmGr>
- The Study's full text is available here <http://bit.ly/MKwHHx>

CASES, LEGISLATION & POLICIES

The Committee on the Rights of Persons with Disabilities' first Views

On 19 April 2012, the Committee on the Rights of Persons with Disabilities decided the very first individual communication (No. 3/2011, H.M. v. Sweden) concerning discrimination against a person with physical disability who suffers from a chronic connective tissue disorder. The only type of rehabilitation that could reportedly stop the decline of her health condition is hydrotherapy, which would only be practicable in an indoor pool in her house. Her application for a building permission was rejected by authorities on grounds of incompatibility of the construction in question with the city development plan. The Committee considered that the decisions of the domestic authorities failed to provide reasonable accommodation, were disproportionate and produced a discriminatory effect that adversely affected the author's access, as a person with disability, to the health care and rehabilitation required for her specific health condition.

- Full text of the Views: <http://bit.ly/LZZdGp>

Right to housing: City of Buenos Aires ordered to end homelessness of a mother and her disabled son

In the case of "Q.C., S.Y. v. Government of the Autonomous City of Buenos Aires", the Argentinian Supreme Court ordered the Buenos Aires local government to ensure a mother and her disabled son, who were homeless, adequate shelter, subject to inclusion in any current or future program of housing for permanent solution of the exceptional need situation. The Supreme Court, making use of provisions of ICESCR and CRPD, noted that while the right to housing does not amount to a right to demand housing, there should be a minimum guarantee for those facing situations of extreme vulnerability.

- Find the case available at: <http://bit.ly/JvBzUI> (text in Spanish)

Judgment on generic medicines – Kenya's first victory on the right to health

On 20 April a landmark judgment ruled that sections of the Anti-Counterfeit Act 2008 will not apply to generic medicines – protecting access to affordable treatment. The case, which was filed by three people living with HIV and has been on-going since 2009, challenged the aspects of the Anti-Counterfeit Act 2008 that confused counterfeiting with patent infringement, therefore threatening the importation of the generic medicines, including ARVs for people living with HIV. In her judgment, Lady Justice Ngugi ruled that intellectual property should not override the right to life, right to health and right to human dignity outlined in the Constitution of Kenya 2010. Patent holders will therefore not be able to use the act to legitimately block the import of generic medicines, as was feared by the petitioners. The UN Special Rapporteur on the right to health has also filed an amicus brief in this case.

- For more information: <http://bit.ly/HWU5Bo>
- Full judgment: <http://bit.ly/L1cEu5>

South-African ruling affirms traditional fishing rights

For the first time in South Africa, a magistrate ruled that the fishing tradition of a Wild Coast community gave them a constitutionally protected customary right to fish in a marine protected area inside the Dwesa-Cwebe Reserve. Elliotdale magistrate Greg Nel convicted three members of the Hobeni community for contravening the Marine Living Resources Act, but said the ban on the community fishing in the marine reserve amounted to "a complete extinguishment of (their) customary rights".

- For more information: <http://bit.ly/LRXXsB>

TOOLS / PUBLICATIONS / MULTIMEDIA

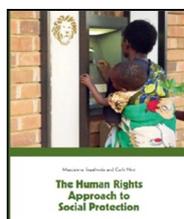
High Commissioner's report on the rights of street children

The report "Protection and promotion of the rights of children working and/or living on the street" analyses the circumstances of children working and/or living on the streets. The report recommends that States strengthen child protection systems, comprising relevant laws, policies, regulations and services across all social sectors, as an overarching strategy to safeguard all children. The preparation of this OHCHR report has been done through a unique cross-sector partnership with the Consortium for Street Children, Aviva and UNICEF.



- Additional information: <http://bit.ly/pd6ecW>
- The report is available here: <http://bit.ly/KrNJ1A>

"The Human Rights Approach to Social Protection"



Magdalena Sepúlveda (UN Special Rapporteur on Extreme Poverty and Human Rights) and Carly Nyst have just published a book, "The Human Rights Approach to Social Protection", which covers the relationship between poverty, human rights and social protection; the human rights-based framework for social protection, and the future of social protection. The book also includes a thirty-point list of recommendations to States based on their duty to protect, respect and fulfil the right to social security, which is affirmed under the art. 9 of the ICESCR and art. 22 of the UDHR.

- The full text of publication is available here: <http://bit.ly/NPGtO9>

"Africa Human Development Report 2012 - Towards a Food Secure Future"

The UN Development Programme has published its 2012 Africa Human Development Report focusing on food security. The report shows that food security and human development reinforce each other. It suggests that we must look beyond economic development and access and availability of food, while enforcing proper use of food and good nutrition through sustainable agricultural productivity for food, income and employment; through social protection for stability in food systems; and through empowerment for social justice and gender equality.

- The full report may be accessed here <http://on.undp.org/KY0Wul>

"Maximizing Resources to Realize Rights for All"

The Center for Women's Global Leadership (CWGL) brief "Maximizing Resources to Realize Rights for All", May 2012. The brief looks at the ways in which government expenditure and revenue, development assistance, debt and deficit financing, monetary policy and financial regulations can advance ESCRs.

- The brief can be downloaded here <http://bit.ly/LaoeBq>

Other Publications/ Reports

- FXB Center for Health and Human Rights (Harvard School of Public Health), Health and Human Rights Journal No. 14.1 is now online: <http://bit.ly/3BWvqC>
- OSF/COHRE/UNDP/Huairou Commission, Tools for Change: Applying UN Standards to Secure Women's Housing, Land, and Property Rights in the Context of HIV/AIDS, 2012: <http://bit.ly/LNf4Lj>
- Ecumenical Advocacy Alliance, Food for Life, Food Campaign Bulletin no. 2 / May 2012: <http://bit.ly/Ns6mET>
- International Federation of Health and Human Rights Organisations, Steps for Change – A human rights action guide for health workers, 2012 (available in English, French, Russian and Spanish): <http://bit.ly/MHhn1O>

- International Development Research Centre, Sustainable Cities: Local solutions in the Global South, 2012: <http://bit.ly/IWsNKW>
- Spaces for Change, Demolishing Foundations of Peace: <http://bit.ly/L3iidA>

Multimedia

OHCHR sources

- A call to protect indigenous communities from waste producing industries: <http://bit.ly/LTrsbY>

Other sources:

- SR on the right to education “Need to improve the quality of education” video: <http://bit.ly/Mvhb3V>
- UN Secretary-General’s Zero Hunger Challenge video: <http://bit.ly/LeTMb7>
- “The Myth of Relocation” documentary: <http://bit.ly/K5Q01X>
- Amnesty International’s “Housing is a human right” video: <http://bit.ly/J7B4Ad>
- A documentary on the first post-apartheid generation in South Africa struggling against forced evictions. The trailer is available at: <http://bit.ly/bpRoUa>
- NRC/IDMC is compiling a report with examples of housing and land practices that have improved IDP’s access to adequate housing and the attainment of durable solutions to their displacement. Please submit your contributions to Allison Fajans – Turner at allison.fajans-turner@nrc.ch

TRAINING OPPORTUNITIES

International Diploma in Mental Health Law & Human Rights: The course, in collaboration between WHO and the ILS Law College in Pune, India, builds the capacity of students to advocate for human rights and to influence national legislative, policy and service reform in line with the UN Convention on the Rights of Persons with Disabilities and other key international human rights standards.

- More information is available at: <http://bit.ly/LP40xt>
- For 2012-2013 enrolment, apply online no later than 31 July 2012 at: <http://bit.ly/Lqy7ZU>.



Previous issues of the ESCR Bulletin are available at: <http://bit.ly/Ae7IYv>

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