

# OHCHR ESCR Bulletin

*Bi-monthly update on economic, social and cultural rights*

**embrace diversity**  
**end discrimination**

Volume 1, October 2010

## 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). Your feedback is most welcome. Please send an email to: [escrbulletin@ohchr.org](mailto:escrbulletin@ohchr.org)

*\*The selection of information and the summary of each item do not necessarily reflect the views of the OHCHR or of the United Nations.*

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## HIGHLIGHTS

### [UN bodies recognize the right to water and sanitation](#)

Both the General Assembly and the Human Rights Council adopted resolutions recognizing the right to water and sanitation as a human right. On 28 July 2010, the General Assembly recognized that "the right to safe and clean drinking water and sanitation as a human right" (A/RES/64/292). On 30 September 2010, the Human Rights Council reconfirmed it by adopting a resolution which affirms that "the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity" (A/HRC/15/L.14). These landmark resolutions follow intensive work by civil society actors, and also build upon a study on this issue by the High Commissioner, submitted to the Human Rights Council in 2007. The work of the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation has also been an important contribution to this development.

- Full text of the General Assembly resolution A/RES/64/292:  
<http://www.un.org/en/ga/64/resolutions.shtml>
- Full text of the Human Rights Council resolution A/HRC/15/L.14:  
[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/15/L.14](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/15/L.14)

## **Spain ratified the Optional Protocol to the ICESCR**

Spain ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) on 23 September, a day before the first anniversary of the date at which the OP-ICESCR was opened for ratification. This is the third ratification following Ecuador and Mongolia, and the first among the European countries. Seven additional ratifications are still needed for the OP-ICESCR to enter into force. Since July 2010, three more countries (Bosnia and Herzegovina, Democratic Republic of Congo and Kazakhstan) signed the OP-ICESCR. Currently the number of the signatories counts 35 States.

- Full text of the OP-ICESCR: <http://www2.ohchr.org/english/bodies/cescr/docs/A-RES-63-117.pdf>
- Ratifications: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3-a&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3-a&chapter=4&lang=en)

## **ACTIVITIES AT COUNTRY LEVEL**

### **Guatemala: Capacity building on justiciability of ESCR, Guatemala City, 13-16 August 2010**

From 13 to 16 August 2010, OHCHR Guatemala organized a workshop on justiciability of ESCR for a group of judges and professors of law, as part of its technical assistance to the justice system in Guatemala. It is the third module of a continuing programme on international human rights law delivered by OHCHR with the same target audience. The workshop was composed of discussions and exercises on the concrete application of international standards through the analysis of jurisprudence in Guatemala and other countries.



- For more information: Leonardo Castilho (OHCHR-Guatemala), [lcastilho@ohchr.org.gt](mailto:lcastilho@ohchr.org.gt)

### **Bolivia: justiciability of ESCR and consumer rights, Cochabamba, 27-28 July 2010**

From 27 to 28 July 2010, OHCHR-Bolivia organized a national workshop on ESCR and on consumer rights together with the Bolivian Vice-Ministry for the Defense of Consumers (VMCR) and the Ombudsman's Office. Participants included representatives from seven Ministries and Vice-ministries, the Congress' Human Rights Commission, the Ombudsman's office and human rights NGOs. The workshop was designed in collaboration with the VMCR and national NGOs. Main conclusions of the workshop highlighted the need to: implement the National Human Rights Action Plan related to ESCR; create more synergies among the different actors, develop a list of measurable indicators to monitor the effective enjoyment of ESCR and consumer rights; elaborate the new Consumers' Law through broad consultations; and ratify the Optional Protocol to ICESCR.

- For more information: Anna Batalla (OHCHR-Geneva, Americas section / FOTCD), [abatalla@ohchr.org](mailto:abatalla@ohchr.org)

## [Nepal: Building capacity to monitor ESCR, Western Terai, 7-9 September 2010](#)

From 7 to 9 September 2010, OHCHR-Nepal conducted a regional training workshop on monitoring ESCR in Western Terai.

Representatives of the National Human Rights Commission (NHRC), NGOs, and the local government participated. The workshop aimed at enhancing knowledge and skills on monitoring ESCR, including identifying and using indicators as a tool. A Western Terai ESCR network was formed at the end of the workshop. The network, with support of NHRC



and OHCHR, aims to work in the areas of i) enhancing justiciability of ESCR; ii) providing information to the UN Human Rights mechanisms and stepping up the advocacy for the implementation of the recommendations; iii) providing input to the Working Group on ESCR Indicators working at the central level.

- More information: Dip Magar (OHCHR-Nepal), [dmagar@ohchr.org](mailto:dmagar@ohchr.org)

## **EVENTS**

### [Roundtable “Maternal mortality and morbidity, human rights and accountability”, Geneva, 2-3 September 2010](#)

On 2 and 3 September, two international roundtables of experts were held in Geneva on maternal mortality and morbidity, human rights and accountability. In her opening address, the High Commissioner, referring to the recent OHCHR study, said that maternal mortality and morbidity is a matter of human rights, and is often a result of violations of key human rights principles including accountability, equality, non-discrimination and meaningful participation. Furthermore, the High Commissioner, referring to the 108 countries who invited her to present the study to the Millennium Development Goals Review Summit in New York, 20-22 September, said she will seize every opportunity to emphasize the intrinsic link between human rights and the MDGs, using maternal health as a powerful illustration.

- The HC statement, the OHCHR study and more information: <http://www.ohchr.org/EN/NewsEvents/Pages/MaternalmortalityHRandaccountability.aspx>
- For more information, Melinda Ching-Simon (OHCHR-Geneva, Women’s Human Rights & Gender Section/RRDD), [mchingsimon@ohchr.org](mailto:mchingsimon@ohchr.org) and Juana Sotomayor (OHCHR-Geneva, HRESIS/RRDD), [jsotomayor@ohchr.org](mailto:jsotomayor@ohchr.org)

### [OHCHR-FAO joint panel on the implementation of the right to food, Geneva, 17 September 2010](#)

On 17 September, OHCHR and FAO jointly organized a panel discussion, “Implementation of the right to food: practical implications” in Geneva, as a side event at the 15<sup>th</sup> session of the Human Rights Council. The Special Rapporteur on the right to food, one of the panelists, elaborated the key elements of implementation of the right to food at country level. The panel also presented experience in Mozambique, Brazil and Timor-Leste, as well as analysis on justiciability of the right to food. At the event, two tools recently developed by OHCHR and FAO were launched, namely the *Fact Sheet on the Right to Adequate Food* (OHCHR-FAO joint publication) and FAO’s *Methodological Toolbox on the Right to Food*.

- To download the Fact Sheet on the Right to Food:  
<http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>
- To download the Methodological Toolbox on the Right to Food:  
[http://www.fao.org/righttofood/publi\\_02\\_en.htm](http://www.fao.org/righttofood/publi_02_en.htm)
- For more information: Asako Hattori (OHCHR-Geneva, HRESIS/RRDD),  
[ahattori@ohchr.org](mailto:ahattori@ohchr.org)

## 15<sup>th</sup> session of the Human Rights Council: Reports relevant to ESCR

You can find the documents listed below in all available UN official languages at the online database, searching by symbol numbers: <http://ap.ohchr.org/documents/mainec.aspx>

Mandates and reports	Main focus of the report	Symbol number
Report of the Special Rapporteur on <b>contemporary forms of slavery, including its causes and consequences</b>	The manifestations and causes of domestic servitude	<b>A/HRC/15/20</b>
Addendum	Communications to and from Governments	<b>A/HRC/15/20/Add.1</b>
Addendum	Mission to Mauritania	<b>A/HRC/15/20/Add.2</b>
Addendum	Mission to Ecuador	<b>A/HRC/15/20/Add.3</b>
Addendum	Mission to Brazil	<b>A/HRC/15/20/Add.4</b>
OHCHR Study <b>on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration</b>	(Contains a section on ESCR)	<b>A/HRC/15/29</b>
Report of the <b>Human Rights Council Advisory Committee</b>	Draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members	<b>A/HRC/15/30</b>
Report of the Independent expert on the <b>issue of human rights obligations related to access to safe drinking water and sanitation</b>	Non-State service provision	<b>A/HRC/15/31</b>
Addendum	Progress report on the compilation of Good Practices	<b>A/HRC/15/31/Add.1</b>
Addendum	Preliminary note on the mission to Slovenia	<b>A/HRC/15/31/Add.2</b>
Addendum	Mission to Egypt	<b>A/HRC/15/31/Add.3</b>
Corrigendum		<b>A/HRC/15/31/Add.3/Corr.1</b>
Progress report of the <b>Independent expert on the question of human rights and extreme poverty</b>	How to improve the draft guiding principles on extreme poverty and human rights	<b>A/HRC/15/41</b>

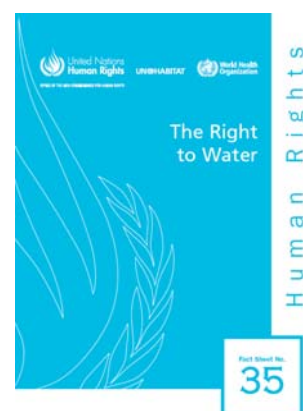
Joint report of the Independent expert on the <b>question of human rights and extreme poverty</b> and the Independent expert on the <b>issue of human rights obligations related to access to safe drinking water and sanitation</b>	Mission to Bangladesh	<b>A/HRC/15/55</b>
Report of the Special Rapporteur on the situation of human rights in <b>Cambodia</b>	(Includes focus on the access to land and housing rights)	<b>A/HRC/15/46</b>
Report of the Independent expert on the situation of human rights in <b>Somalia</b>	(Includes sections on the right to food, nutrition, health and education)	<b>A/HRC/15/48</b>

## RESOURCES TOOLS / PUBLICATIONS

### OHCHR releases the right to water fact sheet

The latest OHCHR Fact Sheet dealing with ESCR, co-signed by WHO and UN-HABITAT, describes the multiple dimensions of the right to water. It explains the legal basis of the right to water, its content, the obligations of states and others – including the private sector - and the ways to monitor this right to water:

- Download Fact Sheet n°35 from:  
<http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>
- Ordering hard copies: [publications@ohchr.org](mailto:publications@ohchr.org)
- For more information: Bahram Ghazi (OHCHR-Geneva, HRESIS/RRDD),  
[bghazi@ohchr.org](mailto:bghazi@ohchr.org)



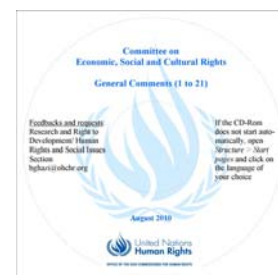
### OHCHR fact sheet “FAQ on ESCR” now available in Chinese

OHCHR fact sheet series No. 33, “Frequently Asked Questions on Economic, Social and Cultural Rights”, is translated into Chinese. Now this fact sheet is available in all UN official languages.

- Download Fact Sheet No. 33 from:  
<http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>

### All CESCR General Comments in one CD-ROM

For the first time, a compilation of all General Comments (GCs) issued by the Committee on Economic, Social and Cultural rights (CESCR) in all UN official languages is made available in one CD-ROM. In the past, some GCs were not easily accessible in certain languages. The CD-ROM compiled by HRESIS fills this gap and provides easy access to the CESCR GCs. It also contains the texts of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Optional Protocol to the ICESCR, as well as the



official *Compilation of General Comments and General Recommendations (Volume I and II)* adopted by all Human Rights Treaty Bodies up to May 2008, Volume I and II in all UN languages.

- To order the CD-ROM contact: Bahram Ghazi (OHCHR-Geneva, HRESIS/RRDD), [bghazi@ohchr.org](mailto:bghazi@ohchr.org)

## **CASES, LEGISLATION & POLICIES**

### **Lebanon: Palestinian refugees right to work**

On 19 August 2010, the Lebanese Parliament adopted amendments to the Labour Code and the Social Security Laws, granting wider employment rights to 400,000 Palestinian refugees in the country. Although Palestinian refugees will continue to be denied access to certain professions such as medicine and law, many legal obstacles to their employment have been removed. The Parliament also agreed to amend the law regulating the Lebanese Social Security Funds, allowing Palestinians to receive end-of-service indemnities.

- For more information: Dhafer Al-Hussini, (OHCHR-Geneva, Middle East and North Africa Section / FOTCD), [Dal-hussini@ohchr.org](mailto:Dal-hussini@ohchr.org)

### **Human Rights Committee recognized violation of ESCR of Palestinians and Bedouin populations in relation to their enjoyment of civil and political rights**

In its Concluding Observation on Israel, the UN Human Rights Committee stated that Israel should lift its military blockade of the Gaza Strip, which adversely affected the civilian population and their access to urgent medical care, as well as their access to sufficient drinking water and adequate sanitation. The Committee also stated that Israel should: cease its practice of collective punitive home and property demolitions; further review its housing policy based on the principle of non-discrimination; ensure equal access to water by all residents of the West Bank and , and allow the construction of water and sanitation infrastructure; and further guarantee the access to health structures, education, water and electricity by the Bedouin populations living in towns.

- For the full text of the Concluding Observation (CCPR/C/ISR/CO/3): <http://www2.ohchr.org/english/bodies/hrc/hracs99.htm>

### **African Commission on Human and People's Rights found Sudan violated various ESCR: Communication 296/05 – COHRE v. Sudan**

The complainant, COHRE (a Geneva-based NGO), submitted that since February 2003, following the emergence of an armed conflict in the Darfur region, Sudan had forcibly evicted thousands of indigenous inhabitants of Darfur, from their homes, communities and villages, and thus violated the rights guaranteed under the African Charter on Human and People's Rights. The African Commission on Human and People's Rights recognized the violation of number of rights under the African Charter, including Art. 14 (the right to property), Art.16 (the right to health), Art. 18(1) (protection of family) and Art. 22 (1) (the right to development).

- Full text of the communication: [http://www.achpr.org/english/Decison\\_Communication/Sudan/Comm.%20279-03.pdf](http://www.achpr.org/english/Decison_Communication/Sudan/Comm.%20279-03.pdf)

## European Court of Human Rights: Protection of ESCR through the right to private and family life: *Kuric and Others v. Slovenia*

Petitioners claimed that, following the independence of Slovenia in 1991, people who either failed to apply for new Slovenian citizenship, or whose requests were not granted, became aliens and their names were removed from the official registry of residents. The majority of those concerned had their permanent residence in Slovenia before its independence. According to the applicants, the loss of permanent residency had serious negative consequences, including eviction from their residence, restrictions to employment and movement, loss of personal possessions, and detrimental impact on their health due to living for years in inadequate shelters. The European Court of Human Rights found such denial of permanent residency amounts to the violation of the right to private and family life (Article 8).

- Full text of the judgment:  
<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=871181&portal=hbkm&source=externalbydocnumber&tab>
- Press release:  
<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=26828/06&sessionId=59951838&skin=hudoc-pr-en>



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