

OHCHR ESCR Bulletin

- Public Edition -

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). Your feedback is most welcome. Please send an email to: 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

[Latest development on OP-ICESCR](#)

Two Latin American countries took steps towards the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). The Optional Protocol was approved by the Argentine National Congress on 16 March 2011 and by the Salvadorian National Assembly on 18 May 2011. The deposit of the ratification instrument is the only pending step for these countries to become parties to the Optional Protocol. On 28 April 2011, Costa Rica signed the OP-ICESCR as the 36th signatory of the treaty. The OHCHR Regional Office for Central America, in collaboration with its Headquarter (RRDD/HRESIS), will organize activities to promote the approval of the OP-ICESCR by the Costa Rican National Assembly.

- For more information: Francesco Notti (OHCHR-Regional Office for Central America), fnotti@ohchr.org and Christian Courtis (RRDD/HRESIS), ccourtis@ohchr.org Bahram Ghazi (RRDD/HRESIS), bghazi@ohchr.org

Historic Resolution on Sexual Orientation and Gender Identity

On 17 June, the Human Rights Council (HRC) passed a resolution on human rights violations based on sexual orientation and gender identity (SOGI) (L.9/Rev.1). This represents the first UN resolution to bring specific focus to human rights violations based on SOGI. It affirms the universality of human rights and notes concern about acts of violence and discrimination based on SOGI. This commitment of the HRC sends an important signal of support to human rights defenders working on these issues and recognizes the legitimacy of their work. The resolution requests OHCHR to prepare a study on violence and discrimination on the basis of SOGI, and calls for a panel discussion to be held at the HRC in March 2012 to discuss the findings of the study and to consider appropriate follow-up.

- For more information: Charles Radcliffe (OHCHR-New York Office), radcliffe@un.org
- Full text of the resolution: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/17/L.9/Rev.1

Establishment of a new mechanism on the issue of discrimination against women

A Working Group on discrimination against women in law and in practice was established by the Human Rights Council in September 2010 (resolution 15/23) and held its first session from 6 to 10 June 2011. The Working Group is mandated to identify, promote and exchange views, in consultation with States and other actors, on good practices related to the elimination of laws that discriminate against women. The Working Group is also tasked with developing a dialogue with States and other actors on laws that have a discriminatory impact where women are concerned, and to identify ways to cooperate with States to fulfill their commitments to eliminate discrimination against women in law and in practice.

- For a recent web story on the WG: <http://www.ohchr.org/EN/NewsEvents/Pages/WGWomenInLawAndPractice.aspx>
- For more information, see: <http://www2.ohchr.org/english/issues/women/WGW/index.htm>
- To see the resolution established the Working Group: http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.RES.15.23_E_n.pdf

Landmark ILO Convention to protect domestic workers

On 16 June, the International Labour Organisation (ILO) adopted the Convention on Domestic Workers (2011) and the accompanying Recommendation. This establishes the first global standards for the estimated 50 to 100 million domestic workers worldwide, the vast majority of whom are women and girls, and many of whom are migrant workers. The new standards oblige governments to protect domestic workers from violence and abuse, and to ensure effective monitoring and enforcement. The Convention will come into force after two ratifications.

- For more information: Pia Oberoi (RRDD/HRESIS), poberoi@ohchr.org
- Full text of the Convention: http://www.ilo.org/ilc/ILCSessions/100thSession/reports/provisional-records/WCMS_157836/lang--en/index.htm
- Full text of the Recommendation:

http://www.ilo.org/ilc/ILCSessions/100thSession/reports/provisional-records/WCMS_157835/lang--en/index.htm

- Statement of the Special Rapporteur on contemporary forms of slavery: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11171&LangID=E>
- Statement of the Committee on Migrant Workers: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11175&LangID=E>

Human Rights Council adopts the complaint mechanisms of the CRC

On 17 June 2011, the Human Rights Council adopted the final draft Optional Protocol to the Convention on the Rights of the Child on a communications procedure for violations of children's rights. The Council recommended that the General Assembly adopts the Optional Protocol and that the treaty be opened for signature in 2012. The new protocol will enable the Committee on the Rights of the Child to examine communications from children and their representatives as well as inter-State communications, and provides for an inquiry procedure for grave or systematic violations, including the ESCR set forth by the Convention.

- Full text of the final draft of the Optional Protocol is currently available as Annex to the draft resolution of the Human Rights Council (A/HRC/17.L.8). The draft resolution can be searched through the UN Official Document System (UN ODC: <http://documents.un.org/>).
- For further information, please contact Carmen Rueda (HRTB-Petitions Unit), crueda@ohchr.org

Right to food expert consultation in Latin America

On 9-10 June 2011, over 40 food experts from Latin America and the Caribbean met in Bogotá, Colombia, to exchange their experiences on ways forward and challenges on the protection of the right to food in the region. The expert meeting was convened by the Special Rapporteur on the right to food, and co-organized by OHCHR and FAO. In the past decade, promising policies and legislation have been set up in the region, such as the “zero hunger” policy in Brazil or the right to food framework laws in Guatemala, Ecuador and Nicaragua. The meeting was attended by experts from different organizations and institutions, both governmental and non-governmental, as well as parliaments and national human rights institutions.

- For more information: Ulrik Halsteen (SPB/ESCR Section), uhalsteen@ohchr.org and Yoonie Kim (SPB/ESCR Section), ykim@ohchr.org

ACTIVITIES IN THE FIELD

Bolivia: promoting the justiciability of ESCR



From 4 to 8 April 2011, OHCHR Bolivia, with support from the HQ (RRDD/HRESIS) organized two workshops to promote awareness of the justiciability of ESCR. One of the workshops was addressed to civil society and indigenous organizations, and the other to higher judicial authorities from around the country. An international conference was also organized to generate academic discussion around ESCR. Around 400

people participated in this event. The events were organized in coordination with the Ombudsman Office and civil society organizations, as part of the Office's efforts to strengthen the capacity of local partners on ESCR. As part of these events, OHCHR-Bolivia also held a meeting with the Plurinational Legislative Assembly to promote the ratification of the OP-ICESCR and launched a publication on the main international instruments on ESCR.

- For more information: Inés Carrasco (OHCHR-Bolivia), icarrasco@ohchr.org and Christian Courtis (RRDD/HRESIS), ccourtis@ohchr.org
- A publication launched at the events "Las Naciones Unidas en la exigibilidad de los Derechos Económicos, Sociales y Culturales. Selección de instrumentos internacionales.":
<http://bolivia.ohchr.org/docs/Las%20Naciones%20Unidas%20en%20la%20exigibilidad%20de%20los%20Derechos%20Economicos%20Sociales%20y%20Culturales.pdf>

Haiti: Workshops on human rights budget analysis & disaster response

From 29 March to 1 April 2011, the Human Rights Section of the United Nations Stabilization Mission in Haiti (MINUSTAH) /OHCHR organized, in partnership with a local civil society organization (Centre d'analyse et de recherche en droits de l'homme), a workshop on a human rights-based approach (HRBA) to the 2010-2011 Haitian national budget analysis with a focus on the health, housing and education sectors. Subsequently, from 8 -11 June 2011, OHCHR, UN-Habitat and Human Rights Section/MINUSTAH organized a workshop on the right to adequate housing in the post-disaster context of the country. The Special Rapporteur on adequate housing participated in the workshop, and her interventions focused on the need to halt all forced evictions of earthquake survivors and to integrate human rights in all phases of post-disaster, recovery and reconstruction processes.

- For more information on the work of MINUSTAH Human Rights Section: Denise Poulard (Human Rights Section, MINUSTAH), poulardd@un.org
- For more information on the work of the Special Rapporteur on adequate housing: Beatrice Quadranti (HRCSPD/ESCR), bquadranti@ohchr.org

Kyrgyzstan: Working on national housing code / HLP in natural disaster response



OHCHR Regional Office for Central Asia has been supporting the revision of the Kyrgyz housing code and has substantively contributed to the integration of human rights elements in the draft code, in particular those relevant to the right to adequate housing. On 6 June 2011, OHCHR organized a meeting for parliamentarians and international experts to discuss the draft code and on the following day, OHCHR and an international expert contributed to the first hearing of the code in the Kyrgyz Parliament. The Regional Office also supports capacity-building of humanitarian actors. On 8 June, the Office organized a one-day training for the members of the IASC protection cluster in Kyrgyzstan on housing, land and property issues in the context of natural disasters and other types of emergencies. OHCHR is leading the protection sector in

Kyrgyzstan.

- For more information: Nuriana Kartanbaeva (OHCHR Regional Office in Central Asia), nkartanbaeva@ohchr.org and Bahram Ghazi (RRDD/HERSIS), bghazi@ohchr.org

[Mexico: Publication on ESCR and OP-ICESCR](#)

OHCHR-Mexico and a group of NGOs, the Mexican ESCR-Coalition (Espacio DESC), have jointly published a book in Spanish on frequently asked questions on ESCR and the OP-ICESCR (in Spanish). The book includes the full text of the ICESCR and the OP-ICESCR, summaries of the General Comments of the Committee on Economic, Social and Cultural Rights and a bibliography of useful readings. It is an excellent tool for awareness-raising and promotion the ratification of the OP-ICESCR.



of

- The book is available from:
<http://www.hchr.org.mx/files/doctos/Libros/2011/PIDESClibro.pdf>
- For more information: Omar Gomez (OHCHR-Mexico), ogomez@ohchr.org

[Nepal: targeting law students to promote justiciability of ESCR](#)



More than 140 law students from across the country participated in a three-day conference on “Enhancing Justiciability of ESCRs”, organized by the Nepalese Law Students' Association, in collaboration with OHCHR-Nepal, the National Human Rights Commission and civil society. The conference brought together key stakeholders, including the Supreme Court Chief Justice, to discuss practical challenges concerning justiciability of ESCR. Discussion included best practices from Nepal and other jurisdictions, constitutional protection of ESCR, and transitional justice in relation to ESCR. At the end of the conference, participants adopted a declaration which outlines the role of law students, especially in the current context of the drafting of a new constitution.

- For more information: Dip Magar (OHCHR-Nepal), dmagar@ohchr.org and Raju Prasad Chapagai (OHCHR-Nepal), rchapagai@ohchr.org

[Serbia: Monitoring National Plan on Roma](#)

On 16 May, at the request of the Office of the Ombudsman of the Republic of Serbia, OHCHR held a first working meeting with that institution to support the development of their monitoring work on the implementation of Roma national action plans on education, housing, health, employment, re-admission and discrimination. This work will include a review of legislative and policy decisions and concrete steps taken at national, provincial and local levels to address the situation of Roma as well as international assistance provided to this end. OHCHR will assist the process by providing guidance on international standards, methodologies that can be used in this context and national experiences.

- For more information: Marija Raus (Human Rights Advisor, Belgrade), marija.raus@undp.org and Bahram Ghazi (HRESIS/RRDD), bghazi@ohchr.org

[Tunisia: Supporting national efforts for the transition to democracy](#)

An agreement with the Government of Tunisia was reached for the establishment of an OHCHR country office to provide technical assistance and capacity building on human rights. It is expected that a memorandum of understanding will be agreed upon shortly. The Office has deployed one human right officer to the country so far. The Office has developed a programmatic focus on supporting: (1) the National Fact-finding Commission on Abuses and Violations, and the National Fact-finding Commission on Cases of Embezzlement and

Corruption; (2) security sector reform and rehabilitation; (3) the establishment of an independent judiciary;(4) development and operation of a national human rights institution; and (5) capacity building for civil society and local authorities to promote human rights. As deprivation of ESCR largely motivated the uprising against the former regime and forms urgent priorities for the new regime to address, OHCHR aims especially to support respect, protection and promotion of ESCR across the five principal areas of its support, as well as in proposed transitional-justice processes.

- For more information: Joseph Schechla (OHCHR-Tunisia), jschechla@ohchr.org

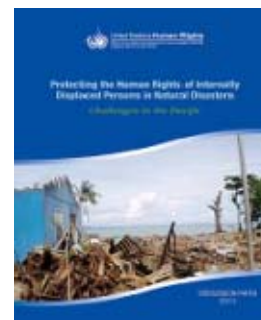
Tajikistan: Engaging the dialogue on the right to adequate housing

On 10 June 2011, the OHCHR Regional Office for Central Asia, the Human Rights Advisor in Tajikistan, the European Union and two local Human Rights NGOs, convened the first meeting to discuss issues on housing, evictions, relocation and compensation in light of relevant international human rights standards. The participants - state officials, civil society organizations and diplomatic representatives - discussed, in particular, the processes and concerns surrounding the redevelopment of the city of Dushanbe and the Rogun Hydro Power Plant project. The meeting aimed to facilitate constructive dialogue among national stakeholders on the protection of human rights in these areas.

- For more information: Lilia Zaharieva (HRA Tajikistan), Lilia.Zaharieva@undp.org or Bahram Ghazi (RRDD/HRESIS), bghazi@ohchr.org

Pacific Regional Office: Protecting IDPs in natural disasters

On 3 May 2011, OHCHR Pacific Regional Office, the Office of the Coordination of Humanitarian Affairs (OCHA) and the Brookings-LSE Project on Displacement co-organized a regional conference on the protection of internally displaced persons (IDPs) in the Pacific, in Suva, Fiji. The conference focused on displacement within Pacific Island countries due to sudden-onset natural disasters and climate change. At the conference, OHCHR launched a discussion paper “Protecting the Human Rights of Internally Displaced Persons in Natural Disasters: Challenges in the Pacific”. The paper outlines three case studies in which thousands of people have been forced from their homes by volcanic eruptions and tsunamis in Papua New Guinea, Samoa and Solomon Islands in recent years.



- For more information: Matilda Bogner (OHCHR-Pacific Regional Office), Matilda.Bogner@undp.org
- The discussion Paper and the outcome document of the conference are available from: <http://pacific.ohchr.org>

South America Regional Office: series of work on ESCR (cash transfer, indicators, and national human rights institutions)

OHCHR Regional Office for South America has conducted several activities on ESCR. From 17 to 18 March 2011, the Regional Office and FAO organized an expert meeting on Conditional Cash Transfer programmes (CCTs) and human rights, as a preparatory meeting for the VI Regional seminar on CCTs to be held in September 2011. The main product expected from the seminar is an “evaluation instrument” for Latin-American States and policy-makers to evaluate and structure their CCT programmes from a human rights perspective. On 11 -12 and 18-19 April 2011, the Regional Office organized workshops on human rights indicators and ESCR in Chile and Peru (on the rights to health and to/at work

for Chile, and the rights to education, health and social security for Peru) aiming at strengthening the capacities of national human rights institutions in these countries.

- For more information: Humberto Henderson (OHCHR South America Regional Office), hhenderson@ohchr.org

EVENTS

UPCOMING EVENTS

Moving forward: human rights of older persons

On 1-5 August 2011, the second session of the Open-ended Working Group on the human rights of older persons will take place in New York. It will include panel discussions about age-based discrimination, violence and abuse against older persons; health, social protection and social exclusion. The Chair's summary of the first working session of the Working Group (18-21 April) is now available online. It offers an overview of the discussion about the international framework and its gaps, and lists some preliminary proposals, including a call for a new international convention on the human rights of older persons; a new special rapporteur or independent expert; and more effective implementation of existing instruments.

- Information about the Working Group, including the Chair' summary of the first working session:
<http://social.un.org/ageing-working-group/index.shtml>
- For information on OHCHR and human rights of older persons, see:
<http://www.ohchr.org/EN/Issues/OlderPersons/Pages/OlderPersonsIndex.aspx>
- For more information: Juana Sotomayor (HRESIS/RRDD), sotomayor@un.org

RECENT EVENTS

17th 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://ap.ohchr.org/documents/mainec.aspx> and <http://www2.ohchr.org/english/bodies/hrcouncil/17session/reports.htm>

► For Live Webcast and Archives of the Human Rights Council and the interactive dialogues on these reports: <http://www.un.org/webcast/unhrc/index.asp>

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

Mandates* and offices	Main focus / relevant sections	Symbol number
High Commissioner for Human Rights	An outline of activities of the UN human rights mechanisms and OHCHR on economic, social and cultural rights in 2010.	A/HRC/17/24
Special Rapporteur on the right to health	Value added of the right to health framework to development policies and programmes.	A/HRC/17/25
<u>Addendum - Mission to Guatemala</u>	With focus on distribution of health services and indigenous communities.	A/HRC/17/25/Add.2

<u>Addendum - Mission to the Syrian Arab Republic</u>	With focus on access to health care.	A/HRC/17/25/Add.3
	Report on the expert consultation on access to medicines	A/HRC/17/43
Special Rapporteur on the right to education	The promotion of equality of opportunity in education.	A/HRC/17/29
Special Representative of the Secretary-General on business and human rights	“Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”.	A/HRC/17/31
Special Rapporteur on the human rights of migrants	Chapter II C. addresses the rights of migrants to health and adequate housing.	A/HRC/17/33
<u>Addendum - Mission to Japan</u>	Chapter V addresses the rights to housing and education of migrant children.	A/HRC/17/33/Add.3
Independent Expert on extreme poverty	A human rights-based approach to recovery from the global economic and financial crises.	A/HRC/17/34
Independent Expert on foreign debt	Update on the consultation on the draft general guidelines on foreign debt and human rights	A/HRC/17/37
Independent Expert in the field of cultural rights	Access to and enjoyment of cultural heritage.	A/HRC/17/38
Special Rapporteur on racism	The report addresses discrimination against Roma in ESCR.	A/HRC/17/40

Step forward on HIV/AIDS and human rights: GA High Level Meeting on AIDS

On the 10 June 2011, UN Member States adopted a new declaration on HIV and AIDS with time bound targets for 2015 and beyond. Although not without its challenges, human rights are a prominent feature of the declaration. For example, States committed to: create an enabling legal, social and policy frameworks for an effective HIV response; protecting human rights; addressing discrimination and violence against women; and reviewing laws and policies that adversely affect universal access. Reference is also made to the Convention on the Rights of Persons with Disabilities and the need to include persons with disabilities in national HIV responses. For the first time specific reference has been made to populations at risk i.e. men who have sex with men, people who inject drugs and sex workers. The commitment to halve HIV infection among drug users and the target of treating 15 million people is a major victory and governments are encouraged to use TRIPS flexibilities to increase and sustain access to low cost generic medicines.

- For more information: Abigail Noko (RRDD/MDGS), anoko@ohchr.org

UNECE: Working Group on Affordable, Healthy and Ecological Housing

In September 2011, the United Nations Economic Commission for Europe (UNECE) established a Working Group to explore possible options for a legally binding instrument on affordable, healthy and ecological housing in the UNECE region. On 11 and 12 April 2011, the Working Group held its first meeting and discussed the feasibility of adopting such an instrument as well as key issues to be addressed.

- For more information on the Working Group: <http://live.unece.org/hlm/wgaheh/sessions/1stsession.html>

- For the background of the establishment of the Working Group:
http://www.unece.org/press/pr2010/10env_p27e.htm

TOOLS / PUBLICATIONS / MULTIMEDIA

Publications/ Reports

- *A Resource Guide to Housing in South Africa 1994-2010: Legislation, Policy, Programmes and Practice*, Socio-Economic Rights Institute of South Africa (SERI):
http://www.seri-sa.org/images/stories/SERI_Housing_Resource_Guide_Feb11.pdf
- *Boston Principles on the Economic, Social, and Cultural Rights of Noncitizens*, The Program on Human Rights and the Global Economy, Northeastern University School of Law:
<http://www.northeastern.edu/law/academics/institutes/phrge/publications/boston-principles.html>
- *Criminalising the Livelihoods of the Poor: The impact of formalising informal trading on female and migrant traders in Durban*, Socio-Economic Rights Institute of South Africa (SERI): http://www.seri-sa.org/images/stories/seri_criminalising_the_livelihoods_of_the_poor_feb11.pdf
- *Housing the poor in African cities*, UN-Habitat:
<http://www.unhabitat.org/pmss/getElectronicVersion.aspx?nr=3115&alt=1>
- *Maximum Available Resources & Human Rights*, Center for Women's Global Leadership: <http://www.cwgl.rutgers.edu/globalcenter/publications/marreport.pdf>
- *Regularization of Informal Settlements in Latin America*, Lincoln Institute of Land Policy: http://www.lincolninst.edu/pubs/1906_Regularization-of-Informal-Settlements-in-Latin-America
- *Right to Food Quarterly Vol. 6 No. 1*, FIAN International: (In English and Spanish):
<http://www.fian.org/resources/documents/categoria-3/fian-right-to-food-quarterly-vol-6-no-1-2011>
- *The Fight for the Right to Food: Lessons Learnt*, Jean Ziegler, Christophe Golay, Claire Mahon, Sally-Anne Way,
<http://graduateinstitute.ch/Jahia/site/corporate/lang/en/institute/news%3bjsessionid=5C3B6697A26425D6BF568035F9B93E9B?newsId=114555>
- *Wikileaks, Housing Rights and Afghanistan: Documenting Gross Housing and Land Rights Violations as War Crimes*, Housing and Land Rights Network (HLRN):
http://www.hic-mena.org/publication_det.asp?catid=2&id=53
- *World Report on Disability*, WHO:
http://www.who.int/disabilities/world_report/2011/en/index.html
- *2010 Report on the Application of the EU Charter of Fundamental Rights*, European Commission: (English)
http://ec.europa.eu/justice/policies/rights/docs/com_2011_160_en.pdf / (French)
http://ec.europa.eu/justice/policies/rights/docs/com_2011_160_fr.pdf

Multimedia

- Video: Speech of the Special Rapporteur on the right to food on land and human rights at the International Land Coalition's International Conference and Assembly of Members, Tirana, Albania, 24-27 May 2011: <http://www.youtube.com/watch?v=hcwHU7hreFA>
- Videos and photos: The Special Rapporteur on adequate housing, Mission to Argentina: <http://righttohousing.org/en/news/blog/relatorios/2011/05/17/mission-to-argentina-watch-the-videos-and-see-the-photos/>

Training

- Online course “Housing Rights are Human Rights”, Human Rights Education Associates (HREA): http://www.hrea.org/index.php?base_id=792&language_id=1 (Deadline for application is 1 September)

CASES, LEGISLATION & POLICIES

Constitutional Court of Colombia: Free Trade Agreements and human rights

In a series of decisions, the Constitutional Court of Colombia addressed various human rights concerns regarding free trade agreements. In its decision C-608 of 2010, the Court emphasized that the State must ensure consultation with ethnic groups in the negotiation processes of FTAs, as well as with regard to legislative and administrative measures aimed at their implementation. In its decisions on FTAs between Colombia and Canada and complementary agreements (C-609 of 2010 and C-187 of 2011), the Court highlighted that international labour standards and the rights to work, association and social security continue to be a framework for the State parties and underlined that annual reports on human rights and free trade provide for a critical internal control mechanism for the implementation of FTAs.

- Full texts of the decisions (in Spanish) is available from: <http://www.corteconstitucional.gov.co/relatoria/>
- For more information: Catherine Pedereros (OHCHR-Colombia), cpedreiros@hchr.org.co

Supreme Court of Nepal gives verdict on the right to food

On 19 May 2010, the Supreme Court of Nepal directed the government to provide food to affected and vulnerable populations in order to protect them from starvation with timely intervention. The Court asserted that this was an obligation of the government under the constitution and international human rights treaties, including ICESCR. The verdict came in response to a writ petition filed by Pro-Public, a public interest NGO, on 15 September 2008 which demanded the issuance of appropriate orders to provide food to affected populations in 16 districts in the country. Though the decision was published only in April 2011, this ruling is deemed important as the number of people affected by food insecurity and starvation in the country is on rise. Over 300,000 people in these districts were reported to be suffering from starvation.

- For more information: <http://www.supremecourt.gov.np>

European Court of Human Rights: rulings on living conditions of asylum seekers

Two recent decisions of the European Court of Human Rights found that the lack of adequate living conditions of asylum-seekers amounted to violations of rights protected by

the European Convention of Human Rights. In *M.S.S. v. Belgium and Greece*, the Court found that the situation of an asylum-seeker who was left to live on the street amounts to a violation of the right to be free from inhuman and degrading treatment (article 3 of the Convention). In *Rahmi v. Greece*, the Court decided that failure to provide decent minimum living conditions to unaccompanied child asylum-seekers was in violation of the rights to be free from inhuman and degrading treatment (article 3), to freedom and security of the persons (article 5) and to an effective remedy (article 13).

- Full text of the decisions is available at the European Court database:
<http://www.echr.coe.int/echr/en/header/case-law/hudoc/hudoc+>

[CESCR: follow up to the German Constitutional Court's ruling on social security](#)

In its May 2011 session, the Committee on Economic, Social and Cultural Rights issued its concluding observations on Germany. The Committee noted the ruling of German Federal Constitutional Court in February 2010 which found a legislation defining standard social benefit does not comply with the constitutional requirement to guarantee a subsistence minimum necessary for a life with human dignity. However the Committee expressed concern that the method upheld by the ruling was still insufficient for ensuring an adequate standard of living for the beneficiaries, and recommended Germany to review the methods and criteria applied to determine the level of social security benefits and to monitor whether the level of benefits affords the beneficiaries an adequate standard of living.

- CESCR Concluding Observation on Germany:
<http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.DEU.CO.5-ENG.doc>
- Summary of the judgment of the German Federal Constitutional Court (in English):
<http://www.bundesverfassungsgericht.de/pressemitteilungen/bvg10-005en.html>



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<http://www2.ohchr.org/english/issues/escr/escr-general-info.htm>

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