

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). 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.

Table of Contents

1. [Highlights](#)
2. [Activities in the field](#)
3. [Events](#)
4. [Tools, publications and multimedia](#)
5. [Cases, legislation & policies](#)

HIGHLIGHTS

[OP-ICESCR: New ratifications and signatures](#)

On 20 September El Salvador became the fourth country to ratify the Optional Protocol to the International Covenant on ESCR, followed by the ratification by Argentina on 24 October. Five more ratifications are needed for the Protocol to enter into force. Two new countries have also signed the OP-ICESCR: Cape Vert (26 September 2011) and Venezuela (4 October 2011). Advocacy efforts of the OHCHR Regional Offices for Central America, South America and Western Africa have contributed to these ratifications and signatures.

[African Commission launches Principles and Guidelines on ESCR](#)

After several years of work, the African Commission on Human and Peoples' Rights officially launched its *Principles and Guidelines on Economic, Social and Cultural Rights and Reporting Guidelines on Economic, Social and Cultural Rights* during its 50th ordinary

session in Banjul, the Gambia on 24 October 2011. These instruments, which importantly draw on general comments and reporting guidelines adopted by the Committee on Economic, Social and Cultural Rights, will help to clarify the content and strengthen the protection of the ESCR under the African Charter on Human and Peoples' Rights.

- The text will soon be available at the African Commission's website: <http://www.achpr.org/>

ESCR Monitoring: Training Course for OHCHR staff

Another edition of the OHCHR Training on Strategies and Skills to Monitor and Protect Economic, Social and Cultural Rights took place in Geneva from 26 to 30 September 2011. Twenty-three participants from field presences and different sections at Headquarters came together for an intensive week of learning and sharing. The Course aimed at strengthening participants' knowledge and skills in key areas of ESCR Monitoring, and enhancing the application of common methodologies. The course also offered a unique opportunity for cross-fertilizing and for developing ties among staff with a particular interest in monitoring ESCR on equal footing with other human rights.



Women and ESCR Consultation

OHCHR in collaboration with the Women's Rights and Gender Section and ESCR-Net, hosted a consultation on Women and Economic, Social and Cultural Rights from 27-28 October 2011 at Palais des Nations, Geneva. The consultation brought together key actors working on women's ESCR: UN treaty bodies (CEDAW, CESCR, CERD and the HRC); special procedures (including the recently established Working Group on Issues on Discrimination against Women in Law and Practice and the Independent Expert on



International Solidarity); civil society advocates and experts; human right and gender advisors from UN agencies (UNFPA, UNICEF, UN Women and WHO) and OHCHR staff members. The consultation aimed to identify the key challenges faced by women to the enjoyment of their ESCR; and map the substantive issues where there is a need for conceptual clarity, better coherence or practical guidance, develop a strategy to advance such issues at the international level and identify opportunities for collaboration.

- For agenda, some documents and presentations see: http://www.escr-net.org/actions/actions_show.htm?doc_id=1622921

ACTIVITIES IN THE FIELD

Indicators for Monitoring ESCR in Nepal

On 20 September, the National Human Rights Commission and OHCHR-Nepal launched *A User's Guide* containing indicators for selected economic, social and cultural rights (ESCR) in Nepal. Based on the OHCHR framework and developed by the Working Group on ESCR Indicators, which also included National Women Commission, National Dalit Commission, Ministry of Health and Population and Community Self-Reliance Centre, the indicators are expected to serve as a tool for the national stakeholders to monitor progressive realisation of the rights to adequate food, adequate housing, health, education and work. The Government's National Human Rights Action Plan (2010), which outlines national human rights priorities for the next three years, has already integrated some of these indicators.



NHRC Chairperson launching the User's Guide

- The User's Guide is available at:
<http://nepal.ohchr.org/en/resources/publications/2011/Indicators%20for%20Monitoring%20ESCR%20in%20Nepal-%20A%20User's%20Guide.pdf>

Validation of ESCR module for the judiciary in Senegal

On 25 October 2011, the Regional Office for West Africa of OHCHR organized a regional workshop in cooperation with the Senegalese Judiciary School in Dakar, Senegal, with the aim of validating a training module on human rights, including economic, social and cultural rights, for the judiciary schools of six countries in the sub-region (Benin, Burkina Faso, Mali, Niger, Senegal and Togo). The module that is being currently finalized have been designed to ensure that justiciability of ESCRs is well understood and can be applied by magistrates. A training of trainers will be organized once the module is made available.

EVENTS

RECENT EVENTS

GA Side-event: "More than housing reconstruction", New York, 21 October 2011

The Special Rapporteur on the right to adequate housing, Ms. Raquel Rolnik, presented her report (A/66/270) at the General Assembly. Her latest report examined how disaster relief and recovery efforts have ensured people's access to housing and tenure security. The presentation was followed by a well attended side-event, co-organized with the Permanent Mission of Finland and Germany. The event brought together governments, humanitarian agencies, NGOs and other stakeholders to discuss some challenging questions such as: what are key requirements to ensure adequate housing under international human rights law? How do

these differ from current practices? What does 'Building Back Better' really mean for people's right to adequate housing?

- The report is available at:
<http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

Settling Human and Housing Rights in UN-HABITAT

From 20 to 23 September, organized in strong collaboration with OHCHR, UN-Habitat convened an international Expert Group Meeting on Forced Evictions aiming at identifying ways to strengthen human rights, the right to adequate housing and the protection from forced evictions in UN-HABITAT's overall policies and programmes, particularly the Global Housing Strategy to the year 2025. The meeting produced a number of recommendations advocating for a full integration of human rights in all UN-Habitat activities and



programming. OHCHR has availed itself to help this process in particular through the joint OHCHR/UN-Habitat United Nations Housing Rights Program.

- For documents and the "consensus-based recommendations" of the meeting:
<http://www.unhabitat.org/content.asp?cid=10539&catid=5&typeid=6&subMenuId=0>
- United Nations Housing Rights Programme (UNHRP) web site:
<http://www.unhabitat.org/categories.asp?catid=282>

International Guidelines on Land Tenure: closer to conclusion

The Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security has been negotiated by the Committee on World Food Security (CFS) with support from FAO. The draft guidelines touch upon various human rights issues, including the prohibition of forced eviction, the rights of indigenous peoples, protection of human rights defenders and human rights responsibility of business enterprises. The guidelines are expected to be concluded in a final round of negotiation. OHCHR, as well as the Special Rapporteur on the right to food, have provided technical assistance throughout the negotiation to ensure that the guidelines are in line with international human rights standards.

- For more information on the process, see: <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>
- Latest version of the draft guidelines:
http://www.fao.org/fileadmin/user_upload/nr/land_tenure/pdf/First_Draft_VG_with_changes_October_2011_English.pdf

66th session of the General Assembly: 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>

Mandates* and offices	Main focus / relevant sections	Symbol number
Report of the Secretary-General on realizing the Millennium Development Goals for persons with disabilities	Report emphasizes the rights of persons with disabilities in order to ensure their access to all aspects of development.	A/66/128
Report of the Secretary-General on follow-up to the Second World Assembly on Ageing	Report describes key human rights issues related to the situation of older persons in the world. **	A/66/173
Report of the Special Rapporteur on the rights of indigenous People	Report highlights in the thematic study the issue of rights of indigenous people in terms of corporate responsibility of extractive industries.	A/66/288
Report of the Special Rapporteur on the human rights of internally displaced persons	Report with focus on the issue of climate change and internal displacement.	A/66/285
Report of the Special Rapporteur on the right to food	Report focuses on small scale farming and other business models that can contribute to the full realization of the right to food.	A/66/262
Report of the Special Rapporteur on the human rights of migrants	Mapping of the activities of the Special Rapporteur on the human rights of migrants.	A/66/264
Report of the Special Rapporteur on the right to health	Report considers the interaction between national legislation and the right to health with specific focus on reproductive and sexual health.	A/66/254
Report of the independent expert on the effects of foreign debt	Report aims to focus attention on the impact of financial activities on the realization of human rights, particularly on the economic, social and cultural rights.	A/66/271
Report of the Special Rapporteur on the right to education	Report considers the issue of domestic financing of basic education with special focus on emergency situations.	A/66/269
Report of the Special Rapporteur on adequate housing	Report focuses on the realization of the right to adequate housing in post-disaster setting.	A/66/270
Report of the Special Rapporteur on extreme poverty	The report focuses on state and national measures penalizing people living in poverty and affecting their human rights.	A/66/265

* 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.

** For a user-friendly summary:

<http://www.ohchr.org/EN/Issues/OlderPersons/Pages/OlderPersonsIndex.aspx>

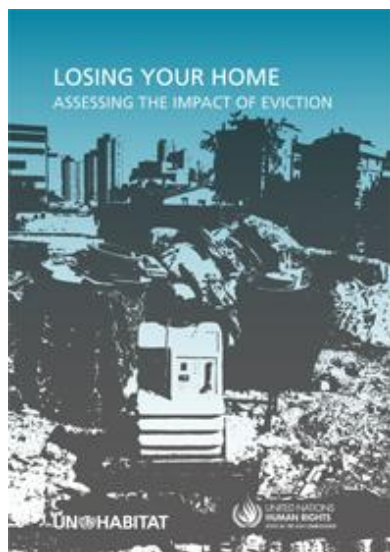
[Adoption of the Maastricht Principles on Extraterritorial Obligations of States](#)

In September, a group of academic and NGO experts adopted the Maastricht Principles on Extraterritorial Obligations of States in economic social and cultural rights. The Principles are intended to clarify the scope of extraterritorial international human rights obligations in the area of economic, social and cultural rights, and constitute the outcome of a five year period of research and consultations.

- The text is available at;
<http://www.maastrichtuniversity.nl/web/file?uuid=0fc38bc3-63f8-4c99-8b4f-d0d27fb607ef&owner=bdf7683-80b5-4222-9540-09e8ce89e8cf>

TOOLS / PUBLICATIONS / MULTIMEDIA

[Losing your Home, Assessing the impact of eviction](#)



OHCHR and UN-Habitat have recently released a report entitled “Losing your home: Assessing the impact of eviction”. Through the overview of a number of eviction impact assessment (EViA) methodologies, the report demonstrates how the human and social costs of evictions and displacements are highly underestimated. Evaluating the real costs of evictions argues in favour of reconsidering projects design, claiming adequate compensation and relocation, and helps the dialogue between various stakeholders.

- The report is available at:
<http://www.unhabitat.org/pmss/listItemDetails.aspx?publicationID=3188>

[UN-wide strategy on food and nutrition security](#)

The UN Secretary-General’s High Level Task Force (HLTF) on Global Food Security launched user-friendly summaries of its “Updated Comprehensive Framework for Action (UCFA)” at the annual meeting of the Committee on World Food Security, October 2011. This framework was developed in 2010 as a revised UN and international financial institutions common strategic framework to respond to the global food crisis as well as to guide the achievement of world food and nutrition security. The UCFA integrates a human rights based approach to food and nutrition security and was endorsed by 22 member agencies of the HLTF, including OHCHR.

- The outline, summary and full text of the UCFA are available from: <http://www.un-foodsecurity.org/>

[UNICEF: “Austerity measures threaten children and poor households”](#)

This social and economic policy working paper offers essential data recently updated about fiscal austerity. Serving as an update of earlier research by UNICEF, this working paper: (i)

examines the latest IMF government spending projections for 128 developing countries, comparing different periods; (ii) discusses the possible risks for social expenditures; (iii) assesses the most common adjustment measures being considered by developing countries in 2010-11 and their potentially adverse impacts on vulnerable populations; and (iv) summarizes a series of alternative policy options that are available to governments to expand fiscal space and ensure a Recovery for All, including children and poor households.

- http://www.networkideas.org/featart/sep2011/Isabel_Jingqing_Matthew.pdf

FAO updates on Right to Food Country Projects

FAO is issuing monthly update on their projects in Mozambique, Bolivia, Nepal and El Salvador to integrate the right to adequate food and good governance in national policies, legislation and institutions. These updates are available at:

- http://www.fao.org/righttofood/RightToFoodAtCountryLevel_en.htm

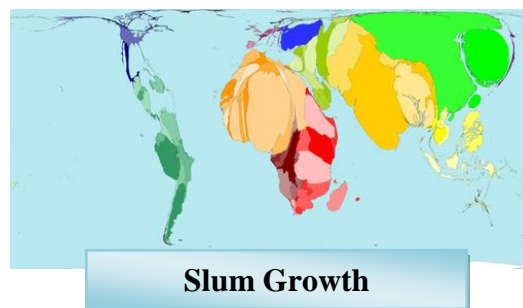
Other Publications/ Reports

- *Human Rights Watch has recently released three reports of relevance to ESCR*
 - *Right to work: You will be fired if you refuse: Labor Abuses in Zambia's Chinese State-owned Copper Mines, November 2011,*
<http://www.hrw.org/reports/2011/11/03/you-ll-be-fired-if-you-refuse>
 - *Right to education: Futures Stolen - Barriers to Education for Children with Disabilities in Nepal, August 2011,*
<http://www.hrw.org/reports/2011/08/24/futures-stolen-0>
 - *Schools and Armed Conflict: A global Survey of Domestic Laws and State Practice in Protecting Schools from attack and military use, July 2011,*
<http://www.hrw.org/reports/2011/07/20/schools-and-armed-conflict-0>
- Lorenzo Cotula, *Human Rights, Natural Resource and Investment Law in a Globalised World. Shades of Grey in the Shadow of the Law*, Routledge, Research in International Economic Law Series, 2011, www.routledge.com/9780415609906
- FIAN International, *El Derecho a la Alimentación y la Situación de Defensoras y Defensores de Derechos Humanos en Guatemala (August 2011)*,
<http://www.fian.org/resources/documents/others/el-derecho-a-la-alimentacion-y-la-situacion-de-defensoras-y-defensores-de-derechos-humanos-en-guatemala/pdf>
- FIAN International, *Human Rights in a Changing Climate. Demands on German and International Climate Policy: The Human Rights to Food and to Water (Original published in 2009. English version issued August 2011)*,
<http://www.fian.org/resources/documents/others/human-rights-in-a-changing-climate/pdf>
- Marie Huchzermeyer, *Tenement Cities. From 19th Century Berlin to 21st Century Nairobi*,
<http://www.africaworldpressbooks.com/servlet/Detail?no=877>

- Aoife Nolan, *Children's Socio-Economic Rights, Democracy and the Courts*, Hart Publishing, 2011, http://www.hartpub.co.uk/Preface_Contents.pdf
- *Right to Food and Nutrition Watch*, 2011 edition (in English, French and Spanish), www.rfn-watch.org

Multimedia

- **OHCHR Web Stories:**
 - "Eliminate preventable maternal mortality now", <http://www.ohchr.org/EN/NewsEvents/Pages/Eliminatematernalmortalitynow.aspx>
 - "Women and girls and their right to sanitation", <http://www.ohchr.org/EN/NewsEvents/Pages/Womenandgirlsrighttosanitation.aspx>
 - "Promoting the language rights of indigenous peoples", <http://www.ohchr.org/EN/NewsEvents/Pages/HRC18PanelIndigenous.aspx>
 - "Bringing health-related rights home for older persons", <http://www.ohchr.org/EN/NewsEvents/Pages/HealthOfOlderPersons.aspx>
- **UNAIDS Web Story:** "Housing Works to improve the lives of people living with HIV in the United States", <http://www.unaids.org/en/resources/presscentre/featurestories/2011/october/20111028housingworks/>
- **Using videos** to denounce ESCR violations:
See the work of Witness: Forced Eviction in the Name of Development, <http://www.witness.org/campaigns/forced-evictions>
- **Using satellite imagery** for establishing fact of ESCR violations:
See the American Association for the Advancement of Science (AAAS) work on forced evictions and demolition in Kenya, <http://shr.aaas.org/geotech/kenya/kenya.html>
- **Mapping ESCR inequalities:**
Worldmapper site contains some interesting maps such as the ones on overcrowded homes or unemployment: http://www.worldmapper.org/textindex/text_housing.html



CASES, LEGISLATION & POLICIES

European Court of Human Rights declares dissolution of Geneva squatters association illegal

On 11 October 2011, the Second Chamber of the European Court of Human Rights declared, in the *Association Rhino and others v. Switzerland* decision, that the dissolution of

a squatters association, which included within its goals the providing affordable and collective housing to its members, fighting against housing speculation, promoting associative housing and organizing cultural and social activities in the squatted premises, was not justified by a legitimate goal and was disproportionate, concluding that Switzerland violated article 11 of the European Convention on Human Rights.

- The case can be consulted (in French) at <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=SWITZERLAND%20%7C%2048848/07&sessionid=81194452&skin=hudoc-en>

Paraguay takes steps to comply with regional court decision on indigenous peoples

The Government of Paraguay has recently signed an agreement with the Sawhoyamaya indigenous community and private parties, in order to implement the remedial orders issued by the Inter-American Court of Human Rights in the *Sawhoyamaya Indigenous Community v. Paraguay* case. The Court required the Government, inter alia, to adopt measures to reconstitute the indigenous community with their ancestral territory.

- For further information, see <http://www.amnesty.org/en/news-and-updates/paraguay-restore-indigenous-community%E2%80%99s-ancestral-lands-2011-09-29>

European Parliament adopts EU Homelessness Strategy

On the 14 September 2011, the European Parliament adopted a Resolution B7-0475/2011, calling for an EU homelessness strategy, recognizing the urgency of the issue and the need for a visible EU role in coordination and support for members states' policies.

- For more information, see http://www.feantsa.org/files/freshstart/Communications/Press%20Releases/2011/pres_s_release_EP_Resolution_final.pdf



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