

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

[Tunisia: The quest for dignity, social justice and human rights](#)

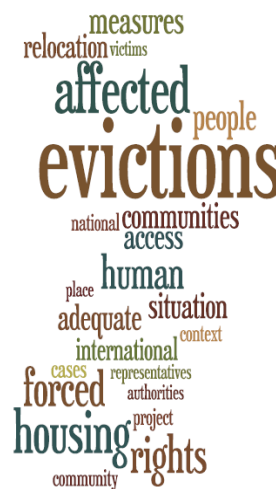
In their mission report to Tunisia (26 January – 2 February 2011), OHCHR's high-level team highlighted the importance of the indivisibility and interdependence of human rights. The team identified "the denial of dignity" as the underlying cause of the uprising and the aspiration of the people for a responsible and accountable government that delivers on all human rights and social justice. The report discusses how the concentration of economic and political power in the hands of a group of privileged individuals resulted in striking economic and social disparities and denial of basic economic and social rights for very large sectors of the population.

- The report can be downloaded in Arabic, English and French at:
<http://www.ohchr.org/EN/countries/MENARRegion/Pages/TNIndex.aspx>

OHCHR's new tool to address forced evictions

The "Forced Evictions Assessment Questionnaire" is intended to serve as a guidance tool for addressing situations of forced evictions by: a) contextualizing events; b) assessing the existence and the type of human rights violations that are foreseen or on-going; c) offering practical advice to all parties; and d) helping to monitor and report on the situation.

- Download the Questionnaire at:
<http://www2.ohchr.org/english/issues/escr/docs/ForcedEvictionsAssessmentQuestionnaire.pdf>



First session on human rights of older persons

The Open-ended Working Group was created in December 2010 (GA res. 65/182) to focus on strengthening the protection of the human rights of older persons. Its first session in New York (18-21 April) includes panels discussing the international and regional framework and existing mechanisms, as well as identifying gaps. Panelists include treaty body experts, members of various regional human rights systems, UN agencies, National Human Rights Institutions and NGOs.

- Information about the Working Group, reference documents, programme of work and statements is available in the following dedicated web site:
<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>

ACTIVITIES IN THE FIELD

OHCHR-Nepal: transferring ESCR monitoring skills in remote areas

On 9 and 10 March 2011, OHCHR-Nepal conducted training on monitoring of economic, social and cultural rights (ESCR) in collaboration with the Human Rights Network, a coalition of human rights NGOs. Participants included 35 human rights defenders and government officials in Udayapur district, Eastern region of Nepal. The training produced an Action Plan to make the district “human rights friendly”, including goals related to measuring the enjoyment of ESCR in 2011 and beyond. The activity is part of OHCHR-Nepal’s efforts to strengthen the capacity of local stakeholders in remote areas of Nepal, where the enjoyment of ESCR is severely hampered.



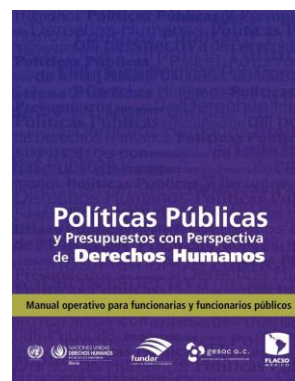
Regional Office for South America: Observatory on the right to food

Through its collaboration with FAO, OHCHR's Regional Office for South America supported and contributed to the first meeting of the *Observatorio del Derecho a la Alimentación*, a network of academic institutions working on the right to food. The meeting held in Bogotá, Colombia on 17 and 18 February 2011 gathered representatives from approximately 20 Latin-American universities and elected its technical secretariat. The work of the Observatorio will include regular publication of documents, financial support to research on the realization of the right to food by members and the creation of a virtual library. The Observatorio also requested OHCHR technical support in its institutional-building activities.

- For more on the event: <http://www.rlc.fao.org/iniciativa/tallerob.htm>

Mexico: “Public Policies and Budgets from a Human Rights Perspective”

On 28 February 2011, OHCHR Mexico and other key Mexican partners published a handbook, primarily for public servants. It aims to provide technical knowledge and tools to incorporate the human rights perspective in the design, implementation, and evaluation of public policies. The handbook reflects the experiences and best practices gathered all along the process of formulation, discussion, approval, operation and evaluation of public budgets in Mexico City. The handbook provides clear indications on how and why human rights and international obligations of the State should be the main framework for designing and implementing public policies and budgets.



- For the full text of the publication: <http://www.hchr.org.mx/Documentos/Libros/2011/L280211PPDH.pdf>

Central Africa Regional Office: Promoting and protecting the right to health in Cameroon

On 24 February 2011, OHCHR Central Africa Regional Office/UN Centre for Human Rights and Democracy in Central Africa organized a forum in Yaoundé to raise awareness and advocate for the respect of the right to health in Cameroon. The main focus was on availability, accessibility, acceptability and quality of health services. A number of issues were raised during the discussions, including the lack of ethical behaviour from the medical personnel, impunity and the fact that healthcare services are widely perceived as a favour rather than a right for the population.

West Africa Regional Office: Legal protection of ESCRs and women and ESCRs

From 21 to 23 February 2011, the OHCHR West Africa Regional Office (WARO) and the Ministry for the Promotion of Human Rights of Burkina Faso organized a regional training on the justiciability of ESCRs. The training took place in Ouagadougou with 30 magistrates and lawyers from six countries (Benin, Burkina Faso, Mali, Niger, Senegal and Togo). Participants adopted a final declaration, appointed a country focal point and agreed on specific actions as a follow-up to this event. WARO continued its advocacy for the ratification of the Optional Protocol to the ICESCR through workshops (30 and 31 March in Dakar, Senegal and during the World Social Forum in Dakar from 6 to 11 February 2011 and in

Cape Verde); support in the form of promotional material, radio messages (Cape Verde and Burkina Faso). The Office also organized an awareness-raising forum for women from civil society organizations on ESCR (28 February 2011, Dakar, Senegal).

Regional Office for Southern Africa celebrates World Water Day

From 20 to 22 March 2011, OHCHR Regional Office for Southern Africa (ROSA) participated in a seminar on the right to water and sanitation, as part of the celebrations of World Water Day taking place in Cape Town. ROSA presentation focused on achievements and challenges at the international level in the protection of the right to water. It also used this opportunity to advocate for the ICESCR's ratification in the sub-region and for the issuance of open-ended invitations to special procedures.



- For the joint statement for World Water Day by three special procedures mandate holders (Water and Sanitation: A human right for all, even slum-dwellers and the homeless):
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10875&LangID=E>

Guatemala: supporting civil society and national institutions ESCR initiatives

OHCHR-Guatemala supported several events in response to requests from civil society and national human rights institutions. On 23 February 2011, the Office contributed to the workshop for Government institutions on the third periodic report to the Committee on Economic, Social and Cultural Rights, organized by the *Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos* (COPREDEH). From 8 to 10 March 2011, the Office also contributed to a three-day workshop on the justiciability of ESCR in Guatemala City conducted by international and national NGOs. The workshop aimed to build capacities of national and local NGOs regarding the justiciability of ESCR.

- More information on the COPREDEH workshop:
<http://www.copredek.gob.gt/index.php?showPage=6&nwid=248>

Kyrgyzstan: Making rights a reality for the homeless

To access to the web story:

<http://www.ohchr.org/EN/NewsEvents/Pages/Makingrightsarealityforthehomeless.aspx>



EVENTS

16th 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>

► 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>

Mandates and reports	Main focus / relevant sections	Symbol number
Report of the Special Rapporteur on adequate housing	Right to adequate housing in post-disaster and post-conflict settings.	A/HRC/16/42
<u>Addendum</u> - <i>Mission to Croatia</i>	Post-conflict housing reconstruction and restitution, access to housing in the context of the transition from a State-run to a market economy, and current housing challenges	A/HRC/16/42/Add.2
<u>Addendum</u> - <i>Mission to Kazakhstan</i>	Adverse impact of the global economic and financial crises on the enjoyment of the right to adequate housing and on the large-scale evictions or displacement of individuals and communities	A/HRC/16/42/Add.3
<u>Addendum</u> - Preliminary note on the mission to the World Bank Group	The right to adequate housing and the activities of the World Bank Group	A/HRC/16/42/Add.4
Report of the Representative of the Secretary-General on the human rights of internally displaced persons	Chapter IV: "Specific rights and issues of concern to internally displaced persons" focuses on ESCR	A/HRC/16/43/Add.2
<u>Addendum</u> - <i>Follow-up to the visit to Azerbaijan in 2007</i>		
<u>Addendum</u> - <i>Operational guidelines on the protection of persons in situations of natural disasters</i>	Practical guidance on the application and protection of the human rights of persons affected by situations of natural disaster including their ESCR	A/HRC/16/43/Add.5
Report of the Independent Expert on minority issues	Chapter III: "Addressing the poverty of ethnic minorities" relates to ESCR	A/HRC/16/45/Add.2
<u>Addendum</u> - <i>Mission to Viet Nam</i>		
Report of the Special Rapporteur on the right to food	Agroecology and the right to food. The report advocates for agroecology as a mode of agricultural development that should guide reinvestment in agriculture	A/HRC/16/49
<u>Addendum</u> - <i>Mission to the Syrian Arab Republic</i>	General assessment; drought and climate change; specific groups; transition to a social market economy	A/HRC/16/49/Add.2
<u>Addendum</u> - <i>Preliminary note on the mission to the People's Republic of China</i>	Situation of people living in rural areas and the situation of rural migrant workers, improving security of land tenure and access to land, making a transition towards more sustainable agriculture in China	A/HRC/16/49/Add.3
Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	Chapter III C: "Food and the economic situation impacting the right to food"	A/HRC/16/58

Progress report of the Special Rapporteur on the situation of human rights in Myanmar	Chapter III C: "Economic, social and cultural rights" and D: "Focus on the right to education"	A/HRC/16/59
Report of the 2010 Social Forum	Effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights	A/HRC/16/62
Report of the HRC Advisory Committee -	Preliminary study on ways and means to further advance the rights of people working in rural areas	A/HRC/16/63
Report of the HRC Advisory Committee -	Final study on discrimination in the context of the right to food.	A/HRC/16/40
Report of the Secretary General - Analytical study on the steps taken to promote and implement programmes to address HIV/AIDS-related human rights	Includes discussions on discrimination, participation and criminalization of people living with HIV	A/HRC/16/69

[Special Rapporteur on situation of human rights in Myanmar addresses ESCR and the right to education](#)

The mandate of the Special Rapporteur on situation of human rights in Myanmar has usually focused on civil and political rights, humanitarian crisis and armed conflict. Acknowledging the dire situation of ESCR, the latest report of the Special Rapporteur to the Human Rights Council (A/HRC/16/5) focused on ESCR and more specifically on the right to education. While State authorities have still not accepted an official visit since February 2010, the Special Rapporteur hopes that discussion on this important area might help his dialogue with the Government.

- Link to the report: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-59.pdf>

[Concerns about human rights defenders in India](#)

At the end of her official visit to India (10 to 21 January 2011), Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders, expressed a number of concerns in relation to defenders in the country, in particular those denouncing development projects that threaten or destroy the land, natural resources and livelihood of communities; defenders working for the rights of marginalized people including those of minorities such as Dalits or sexual minorities, and women human rights defenders. She also pointed out the trend to target activists working on the Right To Information (RTI) Act, who may be ordinary citizens, exposing human rights violations and poor governance, including corruption of officials.

- The statement of the Special Rapporteur is available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10660&LangID=E>

[CEDAW: Women's housing, land and property rights](#)

During its review of State reports at its 48th session, the Committee on the Elimination of Discrimination against Women (CEDAW) made a number of recommendations on women's

rights to housing, land and property, including on forced eviction and house demolitions (Israel); the concept of “head of household” in administrative practice and the need for recognition of joint or co-ownership of land (Sri Lanka); and failures of slum-upgrading programmes to systematically address the needs of poor urban women (Kenya).

- Recommendations and documents of the session are available at:
<http://www2.ohchr.org/english/bodies/cedaw/cedaws48.htm>

Expert meeting on the impact of recovery measures on the human rights of those living in extreme poverty

From 27 to 28 January 2011, the Independent Expert on human rights and extreme poverty, Ms. Magdalena Sepúlveda Carmona, convened in Geneva an expert meeting on the “Impact of recovery measures on the human rights of those living in extreme poverty”, with the support of OHCHR, UNICEF and the Norwegian Centre for Human Rights. The purpose of the meeting was to create a forum to discuss, provide input to the Independent Expert's forthcoming report that will outline parameters for a human rights-based approach to recovery from the global economic and financial crises, with particular focus on the most vulnerable and marginalized groups (A/HRC/17/34).

- For the press release of the IE's fact finding mission to Ireland:
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10661&LangID=E>

TOOLS / PUBLICATIONS / MULTIMEDIA

Amnesty International: four handbooks on economic, social and cultural rights

Amnesty International Netherlands has published a series of four volumes (a main book and books on the right to adequate housing, the right to adequate food and the right to adequate water and sanitation) for civil society organizations and activists working with local communities in Africa to realize their ESCR.

- The handbook can be downloaded at:
<http://www.huridocs.org/2011/02/haki-zetu-esc-rights-in-practice/>

Ending Homelessness: A Handbook for Policy Makers

This handbook, developed by the European Federation of National Organisations Working with the Homeless (FEANTSA), aims at policy-makers and others seeking to tackle homelessness in Europe. It sets out a set of five goals for strategies to end homelessness, namely: (1) no one sleeping rough; (2) no one living in emergency accommodation for longer than is an “emergency”; (3) no one living in transitional accommodation longer than is required for successful move-on; (4) no one leaving an institution without housing options; and (5) no young people becoming homeless as a result of the transition to independent living.

- The handbook can be downloaded at:
http://www.feantsa.org/files/freshstart/Campaign_2010/background_docs/FEANTSA_handbook_EN_FINAL.pdf
- On this topic, documents of the European Consensus Conference on Homelessness are available at:

<http://ec.europa.eu/social/main.jsp?catId=637&langId=en&eventsId=315&furtherEvents=yes>

Gender-based Violence: Summaries of Jurisprudence

The Center for Justice and International Law (CEJIL) has issued the latest volume of its "Tools for the Protection of Human Rights" that includes a selection of decisions related to the protection of women victims of violence issued by international human rights mechanisms. It is a part of its "Tools for the Protection of Human Rights", organized in themes, with the goal to facilitate human rights defenders access and utilization of the standards of national and international jurisprudence.

- Download this document as:
http://cejil.org/sites/default/files/Summaries%20of%20Jurisprudence%20-%20Gender-based%20Violence_0.pdf

UPR recommendations database

UPR-Info web site database allows searching, including by using ESCR key words, of all UPR recommendations through several categories: State under Review; State that made the recommendation; regional groups and organizations; response; session; thematic issues; and the type of action contained in each recommendation.

- The database is available at :<http://www.upr-info.org/>

FAO flagship report focuses on the gender gap in agriculture

The State of Food and Agriculture 2010-11 focuses on women in agriculture and argues how improving gender equality in agriculture would generate significant gains for the agricultural sector and society as a whole.

- The report is available at: <http://www.fao.org/publications/sofa/en/>

IACHR report on indigenous peoples' ancestral land

The Inter American Commission of Human Rights has released a report discussing indigenous and tribal peoples' rights over their territories, lands, and natural resources. Based on the legal instruments of the Inter-American system, as interpreted by the Commission and the Inter-American Court in the light of developments in general international human rights law, the report discusses the scope of rights and States' obligations.

- The report available is available at:
<http://www.cidh.oas.org/Comunicados/English/2011/13-11eng.htm>

Other recent publications and documents:

- CEDAW and Muslim Family Laws – in Search for Common ground,
<http://musawah.org/docs/pubs/CEDAW%20&%20Muslim%20Family%20Laws.pdf>

- Corporate Legal Accountability Quarterly Bulletin – Issue 3, March 2011, available at <http://www.business-humanrights.org>
- Golay, Mahon and Cismas, The impact of the UN special procedures on the development and implementation of economic, social and cultural rights, <http://ssrn.com/abstract=1754936>
- HIC, The Goldberg Opportunity: A Chance for Human Rights-based Statecraft in Israel, http://www.hic-mena.org/publication_det.asp?catid=1&id=52
- HLRN, Planned Dispossession, Forced Evictions and the 2010 Commonwealth Games in India, http://www.hic-sarp.org/documents/HLRN_Press%20Release_Forced%20Evictions%20&%20CWG_7%20Feb.%202011.pdf
- NRC, Internal Displacement: Global Overview of Trends and Developments in 2010, <http://www.internal-displacement.org/publications/global-overview-2010>
- UNHCR, Navigating Nairobi: A review of the implementation of UNHCR's urban refugee policy in Kenya's capital city, <http://www.unhcr.org/4d5511209.pdf>

One minute for the right to water

For the second year, the OHCHR-Mexico organized a short movie contest "One Minute for human rights" in order to promote and disseminate human rights. Results of this contest including the "Right to water" category can be seen on:

<http://www.hchr.org.mx/cineminutos2010.htm>



Videos on forced evictions:

- Raquel Rolnik, UN Special Rapporteur on adequate housing, talks about the growth of forced evictions around the world, 3:19 minutes, <http://www.youtube.com/watch?v=lmtvmVb2hjQ>
- Railway Communities Facing Eviction in Kenya, A WITNESS Interview from the World Social Forum 2011, 4:40 minutes, <http://www.youtube.com/watch?v=XQ4ZIPmO3uk>
- Community Resistance to Forced Eviction - Cambodia, produced by LICADHO, 8:43 minutes, <http://www.youtube.com/watch?v=zbTWCzybYw>
- Forced Evictions in Ghana: A WITNESS interview from the World Social Forum in Dakar, 4:55 minutes, <http://www.youtube.com/watch?v=AY1Vh-6tuWY>
- For more: <http://blog.witness.org/category/campaigns/forced-evictions/>

Other video products:

- Catarina de Albuquerque, Independent Expert on the human right to water and sanitation, debriefing for the press at the end of her official visit to the United States of America (Friday, 4 March 2011), 2:19 minutes, <http://www.youtube.com/watch?v=nOWoxsJpuzw>
- El retorno por las tierras, produced by Peace Brigades International - Colombia, 10 minutes, <http://www.youtube.com/watch?v=wu9H30snc5w>

(on land and displacements in Colombia, in Spanish)

- Refugee access to education in Nairobi, Refugees International, 5 minutes, <http://www.refugeesinternational.org/blog/video/urban-refugees-access-education>

CASES, LEGISLATION & POLICIES

Health care renunciation for economic reasons in Switzerland

A recent study indicates that in Geneva, Switzerland, 14.5% of the population (aged 35-74 years) renounced health care for economical reasons. 74% of the renunciations concerns dental care, 37% physician consultation, 26% health devices, 13% medication, and 5% surgery. 30% of the lowest income group renounced health care for economical reasons. Persons with the lowest income (<3000 CHF/month) renounced health care 9 times more frequently than those with the highest income (=13 000 CHF). The findings also highlight the fact that persons with lower income presented greater risk factors and renounced more frequently to consult health care services.

- The article can be accessed at: <http://www.smw.ch/content/smw-2011-13165/>

World Bank Inspection Panel on eviction, land titling in Cambodia

Subsequent to a complaint launched by civil society organizations, the World Bank Inspection Panel found that the Bank's operational policies failed to properly design and supervise the Cambodia Land Management and Administration Project (LMAP). These failures contributed to the forced eviction of some 4,250 families living around Phnom Penh's Boeung Kak Lake. Residents were reportedly denied the right to register their land ownership shortly before the Government leased the area to a private developer and began pressuring families to leave the area. The World Bank Board of Executive Directors recently met to decide what action should be taken in light of the findings of the Inspection Panel.

- Inspection Panel's report: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/12/01/000334955_20101201025955/Rendered/PDF/580160INVR0INS1se0only1910BOX353791.pdf
- World Bank press release: <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:22852720~menuPK:34463~pagePK:34370~piPK:34424~theSitePK:4607,00.html>
- Additional information from civil society organizations: http://www.babcambodia.org/newsarchives/world_bank.html



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