



The Global Initiative

for Economic, Social and Cultural Rights

2011 Annual Report

I. Strategic Planning Meeting

In November 2011 the GI-ESCR brought together leaders from the fields of economic, social and cultural rights, development, and environmental justice for a one-day strategic planning meeting and inter-sector dialogue.

Held at the offices of InterAction, a large network of development agencies, the meeting achieved the two goals of the GI-ESCR, namely to further define the complementary niche of the GI-ESCR within the economic, social and cultural rights movement as well as the development sector and to foster deeper dialogue between the ESC rights movement, the development sector and the environmental justice sector.

The meeting included:

- An introduction to the GI-ESCR;
- An assessment of the field of ESC rights advocacy;
- Identification of gaps in the current standards and jurisprudence;
- Discussion of strategies to strengthen standards and jurisprudence on ESC rights;
- Examination of what is needed from the ESC rights movement from the perspective of the development sector;
- Examination of what is needed from the ESC rights movement from the environmental sector; and
- Exploration of opportunities for integrated advocacy by the human rights, development and environmental sectors.

Results of the meeting included helping to further define the niche of the GI-ESCR and the cross-sector dialogue created a better understanding of mutual goals of the human rights, development and environmental sectors and how the expertise, tactics, strategies and connections of those sectors can and should complement each other. Plans were envisioned where such cross-sectoral collaboration would occur in practice, including:

- Helping to articulate human rights, including economic, social and cultural rights, standards which should guide development and to which actors should be held accountable;

- Capacity building on human rights, including economic, social and cultural rights, standards for beneficiaries/rights holders so that they can freely, actively and meaningfully participate in decisions related to planning, design, implementation and monitoring of development;
- Complementing development agendas by working to hold States and other actors accountable to human rights, including economic, social and cultural rights, standards.

II. Advocating for a Human Rights Based post-2015 MDG Framework

A. Netherlands Quarterly for Human Rights article

The Netherlands Quarterly for Human Rights published *Falling Short of Our Goals: Transforming the Millennium Development Goals into Millennium Development Rights*, an article authored by the Co-Executive Directors and one Board member of the GI-ESCR along with Ellen Dorsey. The article lays out the argument for the express inclusion of the human rights framework as the core of any post-2015 development framework. The article was also disseminated to participants of the UN Human Rights Council Social Forum, through the International Economic, Social and Cultural Rights Network (ESCR-Net), and on the GI-ESCR website.

B. UN Human Rights Council Social Forum: Right to Development

The GI-ESCR participated in the Social Forum held by the UN Human Rights Council in Geneva in October 2011 which focused on the 25th Anniversary of the Right to Development. A presentation was made by the GI-ESCR which emphasized how strategic litigation and other forms of legal advocacy can support the human rights-based approach to development, which also provides the means by which rights holders can shape the definition of human rights standards from the perspective of marginalized or vulnerable groups as well as hold actors accountable to those standards. The GI-ESCR recommended increasing the use of legal advocacy as a means of enforcing the right to development; to support universal ratification of international human rights treaties, especially the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and to find ways to better utilise the treaty bodies' periodic review process to monitor the human rights based approach to development. As concerns the post-2015 MDG framework, the GI-ESCR suggested that in order to truly promote the right to development, it was crucial to expressly incorporate the human rights-based approach to development as an explicit and central pillar of the post-2015 development framework.

The intervention and following interactive dialogue resulted in the Social Forum concluding that “Normative frameworks were already in place in relation to many of the elements of right to development: existing human rights mechanisms and provisions needed to be utilised and right to development had to be invoked more routinely through employing strategic litigation and legal advocacy. This would provide the means by which rights holders can shape jurisprudence from the perspective of marginalized or vulnerable groups and thus help define human rights standards and hold actors accountable.”

The intervention and following interactive dialogue also resulted in the Social Forum adopting as one of its six recommendations that “Debates on achievement of MDGs and any post-2015 development vision must explicitly incorporate multi-dimensional aspects of the right to

development and all human rights. There is a need to focus on implementing existing human rights obligations at the core of development agendas.”

III. Women and ESC Rights

A. ‘On the Road to Busan’: International Consultation on Development Cooperation, Women’s Rights and Gender Equality

The GI-ESCR participated in a two day consultation held in Brussels, Belgium which aimed to create a common platform for influencing the High Level Forum on Aid Effectiveness (HLF-4) that took place in Busan, South Korea, from 29 November to 1 December 2011. The consultation was hosted by Women in Development (WIDE) in cooperation with the women’s groups of the BetterAid Coordinating Group (BACG): Association for Women’s Rights in Development (AWID), the Asia Pacific Forum on Women, Law and Development (APWLD), Coordinadora de la Mujer/Bolivia, the African Women’s Development and Communication Network (FEMNET). During the Consultation, the GI-ESCR served as a resource on women’s economic, social and cultural rights, including coordinating a break out session during the consultation on rights-based approaches to development, and made substantive contributions to the draft ‘Key Demands from Women’s Rights Organizations and Gender Equality Advocates To the Fourth High Level Forum on Aid Effectiveness (Busan 2011) and the Development Cooperation Forum (2012).’ That document ultimately received the endorsement of over 50 women’s rights groups from all over the world, and will serve as an ongoing platform for common advocacy aimed at transforming the international aid effectiveness agenda.

B. OHCHR Expert Group Meeting on Women and ESC Rights

The GI-ESCR also participated in a two day consultation on Women and Economic, Social and Cultural Rights which was coordinated by the Human Rights Economic and Social Issues Section (HRESIS) in collaboration with the Women’s Rights and Gender Section (WRGS) of the UN Office of the High Commissioner for Human Rights. The aim of the consultation was to: 1) identify the key economic and social challenges facing women today; and to 2) map the substantive issues where there is a need for conceptual clarity, better coherence or practical guidance and develop a strategy to advance such issues at the international level and identify opportunities for collaboration. The consultation gathered some 30 participants from leading NGO and academic experts on the subject, experts from the Treaty Bodies, the recently established Working Group on the Issue of Discrimination against Women in Law and Practice and representatives of the UN Special Procedures. The GI-ESCR specifically presented on the issue of women and poverty, highlighting the need to adopt a gender-sensitive approach to policy development and legal reform in the area of ESC rights.

C. Sri Lanka: Women and Land Rights (ActionAid Project)

Sri Lanka has been giving State land to the landless for many years, including in the wake of the 2004 Tsunami. As a practice, however, it has only given these lands in single ownership. Most often, it is the male that is given the property as he applies for the land and he is also considered the ‘head of the household.’ This is a process which systematically excludes women.

The most recent review (2011) of Sri Lanka by the UN Committee on the Elimination of All Forms of Discrimination against Women highlighted the importance of these issues, and provided important recommendations which now need to be followed up on by civil society actors and implemented by State authorities. There, the CEDAW Committee urged Sri Lanka to:

- (a) Abolish the concept of “head of household” in administrative practice and recognize joint or co-ownership of land; and
- (b) Speedily amend the Land Development Ordinance in order to ensure that joint or co-ownership be granted to both spouses when the State allocates land to married couples.

While these Concluding Observations are very important and useful from an advocacy perspective, little awareness exists among civil society, the donor community and others working in development initiatives on the CEDAW process and the Concluding Observations (COs) that are issued by the CEDAW Committee at the culmination of the State review. In order to address the gap, the GI-ESCR was able to secure a small grant from ActionAid to engage with the above actors to create awareness on the importance of the COs and to ensure the follow up that is required from civil society. The thrust of the advocacy with the State is to urge Sri Lanka to fully implement the COs in order to ensure that its obligations are met within a prescribed time frame.

The activities carried out this year include the publication of a briefing note (in Sinhala, Tamil and English) containing a simplified and explanatory version of the Concluding Observations (UN documents are not available in Sinhala and Tamil). Next year, we will also build on these efforts by coordinating a series of three workshops/strategic meetings to discuss the Concluding Observations and their implementation with civil society, the donor community, international NGOs and government officials.

IV. Housing Rights Program

A. African Union – European Union Civil Society Human Rights Seminar

In November 2011, the GI-ESCR participated in a two-day seminar held in Brussels to discuss the situation of the right to housing in Europe and Africa – main challenges and main groups at risk.

Specific input of the GI-ESCR, which found its way into the outcome document’s recommendations, included: (1) A call for the African Union and the European Union to ensure that good housing rights decision from regional human rights bodies are enforced and their remedial orders implemented; (2) that the content of housing rights be fully informed and defined by actual rights-holders; (3) that European Union States meet their extra-territorial obligation to protect by regulating their corporations for activities undertaken abroad; and (4) that the Maastricht Principles on Extra-Territorial Obligations are explicitly referred to when advocating for extra-territorial obligations.

V. Strategic Litigation and Legal Advocacy

A. World Bank Inspection Panel: Challenging the Red Sea Dead Sea Water Conveyance Study

Working with the Palestinian Farmers Union and the Palestinian Environmental NGO Network (PENGON), the GI-ESCR launched a Request for Inspection case with the World Bank Inspection Panel challenging the Red Sea Dead Sea Water Conveyance Study. The GI-ESCR argues that as planned, the study fails to examine feasible alternatives to mitigating the degradation of the Dead Sea and that such alternatives exist and should be prioritised as they do not pose potential environmental damage to the area. It also argues that such alternatives also will further the right to water for Palestinians, particularly those in the Jordan Valley, and that such a comprehensive study is essential for Palestinians to meaningfully participate in consultation about the Water Conveyance Study. The Panel agreed to undertake the Request for Inspection which will occur in 2012.

B. Chixoy Dam case: Seeking Accountability from International Financial Institutions

The GI-ESCR, along with Rights Action and the Human Rights Clinic of the Western New England University School of Law, filed an appeal of the Chixoy Dam to the Inter-American Commission on Human Rights. The appeal seeks to hold the World Bank and the Inter-American Development Bank accountable for gross violations of human rights that occurred during the construction of the Chixoy Hydroelectric Dam in Guatemala. The village of Río Negro was forcibly evicted through a series of brutal massacres to during the construction of the Dam, a project funded and supervised by the two Banks. Specifically, the case argues that the Member States of the World Bank and Inter-American Development Bank violated their respective human rights under the inter-American human rights system. This is the first case to seek accountability of international financial institutions (IFI) before an international human rights mechanism. The case has garnered a great deal of attention from those working on IFI accountability

C. EWASH Parallel Report: Right to Water in Palestine

The GI-ESCR undertook a fact-finding mission to Palestine (Gaza Strip and the West Bank including East Jerusalem) in July 2011 and worked with the Emergency Water, Sanitation Hygiene Group's (EWASH) Advocacy Task Force to draft a Parallel Report to the Committee on Economic, Social and Cultural Rights regarding violations of the rights to water and sanitation by Israel in the occupied Palestinian territory (oPt).

Members of the Committee relied on the Parallel Report in questioning the Israeli delegation and according the EWASH the report resulted in the rights to water and sanitation being given considerable attention by the Committee. Subsequently, the Special Rapporteur on the oPt and a UN delegate of Norway requested copies of the report. The latter requested a copy of the report as it chairs the Ad Hoc Liaison Committee which is examining the issue of donor aid and destruction of water and sanitation infrastructure in the oPt.

Resulting Concluding Observations of the Committee included holding Israel accountable for the fact “that Palestinians living in the oPt do not have access to sufficient and safe drinking water and adequate sanitation” and “the continuing destruction fo the water infrastructure in Gaza and in the

West Bank”. The Committee urged Israel “to take measures to ensure the availability of sufficient and safe drinking water and adequate sanitation for Palestinians living in the oPt, including through the facilitation of the entry of necessary materials to rebuild the water and sanitation systems in Gaza” and “to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank including the Jordan Valley, affected by the destruction of the local civilians’ wells, roof water tanks, and other water and irrigation facilities.”

A user-friendly Fact Sheet on the rights to water and sanitation, how to leverage the power of UN human rights mechanisms, and how to use the Concluding Observations in local advocacy was also produced and disseminated to grassroots and civil society organizations.

D. Dobri Jeliaskov case: Preventing forced eviction in Bulgaria

Building on jurisprudence created by staff of the GI-ESCR since 2005 that opened avenues for enforcing housing rights under the International Covenant on Civil and Political Rights, in July 2001 the Human Rights Committee issued its first ever injunction order against threatened forced eviction. Specifically, the Committee issued the order to protect the impoverished Roma community of Dobri Jeliaskov in Sofia. The order came at the request of the GI-ESCR which filed a complaint with the Committee on behalf of the Dobri Jeliaskov community and its local advocate the Equal Opportunities Initiative. The complaint successfully argued that, if the forced eviction is carried out, it would be in violation of Bulgaria’s legal obligations under the International Covenant on Civil and Political Rights. The injunction resulted in the national government preventing the municipal government from carrying out the forced eviction, which was to occur in early July 2011.

As a member of ESCR-Net, the GI-ESCR successfully reached out the others in the ESCR Network to generate a letter writing campaign calling on the Bulgarian authorities to abide by their international human rights obligations and not forcibly evict the Dobri Jeliaskov community.

“Thank you very much for all your help! We are very happy with the success! Thank you also for putting so much efforts and giving so much of your time for this case. The small community concerned asked me to please send you their sincere thanks and to assure you that they highly appreciate your help.”

-Daniela Mihailova, Equal Opportunities Initiative

E. Challenging Anti-Migrant Worker Legislation in Alabama

The GI-ESCR joined as *amicus curiae* in *Hispanic Interest Coalition of Alabama, et al. v. Robert Bentley, et al.*, a case challenging a recent law in Alabama that, among other things, requires government authorities to cut off supply of water if residents are unable to prove lawful presence in the United States. The brief relies in part on international human rights law including the human right to water.

F. Dale Farm forced eviction

The GI-ESCR issued a Protest Letter to the UK authorities condemning the planned forced eviction of the Dale Farm Traveller community in Essex, UK. The GI-ESCR also filed an Early Warning and Urgent Action appeal to the Committee on the Elimination of Racial Discrimination (CERD)

which resulted in CERD intervening with UK authorities. Additionally, the GI-ESCR intervened with the Special Rapporteur on the right to adequate housing, the Special Rapporteur on contemporary forced of racism and the Independent Expert on Minority Issues. Unfortunately, after a struggle of many years, the community was forcibly evicted in late 2011.

G. Capacity Building: Effective use of UN Human Rights Procedures

The GI-ESCR provided four workshops to international and national staff of the Norwegian Refugee Council on how to leverage international power by accessing UN human rights mechanisms for local impact. The workshops took place in Gaza City and Ramallah in the occupied Palestinian territory and covered substantive issues related to the right to adequate housing, the right to education, the rights to water and sanitation, and protections for human rights defenders. The workshops also strategized on how to make the best use of the upcoming mission of the UN Special Rapporteur on the right to adequate housing.

H. Uganda forced eviction

In August 2011, the GI-ESCR filed an Urgent Action complaint with the UN Special Rapporteur on the right to adequate housing expressing its grave concern about reports of threatened forced eviction of over 3,000 residents from the villages of Kitikara, Ngurwe, Ngoma, Nyakatehe, Kituti, Kabanena and Kasonga in Hoima district of Uganda. The reason for this threatened forced eviction is to establish an army base near several oil wells and the Ministry of Defence is chiefly responsible for this threat.

VI. Networks and Organizational Infrastructure

A. Networks

The GI-ESCR actively participated in several relevant networks, including:

- ESCR-Net Adjudication Working Group
- ESCR-Net Strategic Litigation Initiative
- ESCR-Net Women and ESC Rights Working Group
- ESCR-net Social Movement Working Group
- Extra-Territorial Obligations Consortium
- ETO Consortium World Bank/IMF Focal Point Working Group
- World Bank and Human Rights Affinity Group
- Bringing Human Rights Home: ESC Rights; Working Group

B. Organizational Infrastructure

In 2011, the GI-ESCR created a logo and worked to build its website and other internet presence for a launch in early 2012.