

Global Initiative for Economic, Social and Cultural Rights



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2015 Annual Report



Global Initiative for Economic, Social and Cultural Rights

2015 Annual Report

Message from the Co-Executive Directors

GI-ESCR began in 2010, as an initiative to advance the realization of economic, social and cultural (ESC) rights globally, tackling the endemic problem of poverty and social injustice through a human rights lens. Our vision is of a world where the human rights framework reflects the real world experiences of all of us, effectively furthering social and economic justice and human dignity, and catalyzing change from the local to the global, and back to the local. To realize this vision, our role is one of catalyzing social change through leveraging of strategic spaces. This is work that we undertake in close partnership with local partners from around the world; what we like to call "making the UN work for the poor," although it also encompasses strategic spaces beyond the UN.

2015 not only brought a celebration of our fifth anniversary, but was also a year of reflection and transformation, as we carefully moved from our startup phase to the next phase of our organizational development. This transformation involved a strategic planning process including broad consultation with partners and others with whom we have worked over the past five years. That process identified that the launch phase of GI-ESCR had distinguishing characteristics: organizational agility, nimbleness, high quality technical insights, an eye for the strategic, partnering with and drawing upon other networks and advocates, and high appreciation for local actors and agency. These qualities and core values will be nurtured and sustained as growth and greater impact are pursued in this next phase.

GI-ESCR believes that scaling up to the next phase requires both the amplification of voices of local advocates by leveraging international law and mechanisms - and informing the content, meaning, and interpretation of international human rights norms from the perspectives of marginalized groups and communities. As such, this two-way exchange of information and advocacy results both in specific change at the local level and structural change within the international human rights normative framework, and a more intentional and profound symbiosis between the two. It is no longer enough to think globally and act locally; GI-ESCR works with partners to think and act, globally and locally, where work at one level is enriched by, and strengthens and supports the other.

2015 also brought several key results and accomplishments, as highlighted in this Annual Report. Our focus on innovative areas of human rights normative development and implementation continued, with successes in the areas of women's rights related to access to land and other productive resources, extra-territorial human rights obligations (ETOs), furthering additional avenues for enforcement of social rights, the human rights impact of privatization of social rights with a particular focus on the right to education, and increasingly focusing on systemic violations of ESC rights and the need for positive measures to be taken to remedy such violations.

We also worked in more developed areas where we have deep expertise, such as the right to adequate housing, the rights to water and sanitation, strategic litigation to enforce social rights, and the plight of human rights defenders focusing on ESC rights.

As we enter 2016 and beyond, our goal is to build on these successes and strengthen both the substantive areas of our work as well as the organizations generally, including in the areas of governance and communications, as well as our important presence in Geneva.

Our vision of the GI-ESCR in the next phase is a sustainable and mature organization and a more coherent organizational identity. We envision an organization which is recognized and valued for its leadership on a range of ESC rights issues. It is of an organization with a solid and growing base of donor support, with active and engaged staff, management and Board. Our aim is to ensure that concrete outcomes and impact not only further our mission but lay the foundation for future human rights advocacy of others.

**Mayra Gomez and Bret Thiele, Co-Executive Directors
Global Initiative for Economic, Social and Cultural Rights**

Message from the Board of Directors

In 2015, with growth in credibility, reputation, and expectations, the Co-Directors and Board of Directors of GI-ESCR agreed that the time is right for a transition from organizational "start up" to organizational "step up." The Strategic Planning process pursued in 2015 built upon GI-ESCR's innate strengths and distinct placement in the field. The aims are to ensure that GI-ESCR is well placed within its field to make meaningful contributions and impact; to ensure that organizational, administrative and support capacities are developed to implement the plan; and that organizational values, funding and sustainability are progressively aligned and enhanced over the 2016-2019 period and beyond.

The consultation process revealed to us clearly that within a world that has entrenched bureaucratic patterns, a bifurcation between human rights policies and human rights practices, rigid approaches to complex issues and changing realities, and partial and disjointed strategies, GI-ESCR is seen by the ESC human rights community as being nimble, resilient, intelligent and ethical in its systemic and profound approach to change that integrates and links the global and local and an inclusive approach to the architecture and carpentry of human rights policy and practice; resulting in real change on the ground as well as a framework for a change in the field of ESC rights.

By being small and comparatively nimble in a world where funding and organizations and their plans can be inelastic - as needs, opportunities and contexts change - GI-ESCR can have a strategic eye, pioneer, and break ground for issues that best leverage change. Part of the uniqueness of our organization is the role that it plays to defend rights on the global stage. Those who know GI-ESCR well will tell you that we lift above our weight, and that we get results where many do not. We are distinctive amongst our peers for our focus, methods and strategies, which we believe is vital to overcoming the dramatic inequalities and unnecessary human suffering which today characterizes the world, as well as to uniting various critical sectors (for example, environmental justice, global governance, women's rights, and the development sector) to align more closely and more powerfully. The complexity of today's and tomorrow's issues go beyond what any individual organization, sector or field can do.

GI-ESCR believes that reaching that next, needed scale of impact requires both the amplification of voices of local advocates by leveraging international law and mechanisms - and informing the content, meaning, and interpretation of international human rights law from the perspectives of marginalized groups and communities. Peers, partners and others in the field in which we operate have recognized the unique contribution of the GI-ESCR, including the ways in which we partner with others, our key methodologies, and our results.

As members of the Board of Directors, we are thrilled with GI-ESCR's growth and progress, and grateful to the many partners, donors, staff, consultants and volunteers who have made such success possible.

Board of Directors Global Initiative for Economic, Social and Cultural Rights

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1. Introduction

Our vision is of a world where the human rights framework reflects the real world experiences of all of us, effectively furthering social and economic justice and human dignity, and catalyzing change from the local to the global, back to the local.

To realize this vision, our role is one of catalyzing social change through leveraging of strategic spaces. This is work that we undertake in close partnership with local activists and advocates from around the world - what we like to call "making the UN work for the poor," although it also encompasses strategic spaces beyond the UN.

In 2015, GI-ESCR increased its role in Geneva by bringing ESC rights expertise to bear on international human rights mechanisms and facilitating locally-based partners to engage with international human rights law and mechanisms to achieve local human rights impact. GI-ESCR also continued to advance three strategic priority areas, namely: strategic litigation and legal advocacy; advancing women's and ESC rights; and human rights and development, with a particular focus on the human rights impact of privatization in and of education. We also played a lead role within international human rights mechanisms to promote, advance and enforce ESC rights generally.

This report highlights GI-ESCR's key activities and resulting achievements across these strategic areas and discusses the relevance of the gains made, as well as opportunities for building upon these successes.

2. Geneva: Leveraging International Law and Mechanisms for Local Impact

Connecting and demystifying Geneva for the ESC rights community

A key part of our work in Geneva is trying to ensure that human rights mechanisms and processes are informed by the experiences and views of rights holders and particularly those living in poverty. To achieve this we aim to increase the flow of information on ESC (ESC) rights in and out of Geneva and to increase the accessibility of the mechanisms for civil society.

In 2015 we did this through a number of activities. **We produced [five Update publications](#) for the year as a means to disseminate Geneva-based outcomes to global civil society**, including two bi-annual Updates on human rights and housing, land and productive resources, focusing on developments from the international human rights mechanisms, and three Updates on the ESC rights highlights of each session of the Human Rights Council for the year.

We undertook treaty body reporting in partnership with national and local NGOs on ESC rights issues ranging from the right to housing, the rights to water and sanitation, participation rights, the right to education, the right to health, land and property rights and women's rights. This work involved us providing logistical and travel support in some instances, technical and advocacy capacity building in some instances and assistance with navigating the UN mechanisms in Geneva and setting up meetings with relevant stakeholders.

In addition **we provided logistical support and capacity building to ESCR-Net members who were engaging with the treaty bodies.** Even where we had not submitted a report in respect of a particular country, we often provided logistical and substantive support to NGOs who came to Geneva in respect of a country review (eg: Thailand, Sweden, Venezuela). We received feedback from our NGO partners that this assistance is very valuable and enabled them to undertake more effective and targeted advocacy. This was the case even for relatively sophisticated NGOs who require less support and assistance.

We also **provided training on ESC rights and how to undertake advocacy on ESC rights with the treaty bodies and Human Rights Council.** These included trainings for a number of Geneva Academy courses; the OHCHR Minority Rights Fellowship; and the ASPBAE right to education training day.

Another important aspect of this work is **monitoring and strengthening the key international ESC rights mechanism - the UN Committee on Economic Social and Cultural Rights (CESCR)**. In order for the International Covenant on Economic, Social and Cultural Rights to be able to do its work of realizing ESC rights for rights holders, the Committee must be strong and effective and accessible for civil society. Therefore we invest resources into monitoring the work of CESCR and undertaking activities aimed at strengthening the work and membership of the Committee. We work closely with CESCR Secretariat to ensure the maximum possible access to the Committee for civil society and to disseminate useful information about the working methods or modalities of the Committee or developments in its substantive work.

We have also initiated a project on the membership of CESCR focusing on gender representation, independence of members and expertise on women and ESC rights. The project has focused initial efforts on the 2016 elections of members, but will be an on-going project that aims to increase the number of women on CESCR, ensure transparency in the election process and encourage the election of high quality, independent members. We wrote a letter to all Missions in New York and Geneva highlighting these issues in the context of the up-coming elections. We then reached out to partners around the world to identify strong female candidates and we engaged with States to prioritize female candidates in their internal processes and voting.

With the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2013, the Committee has been working on its first Views (published in September 2015) and on its working methods for handling Communications under the OP. Together with other ESCR-Net members we have been advocating to ensure that the working methods and process for submitting, considering and publishing Views is as friendly to rights holders and advocates as possible. This advocacy has included engagement with a group of practitioners working with other treaty bodies to share experiences and information and to work together on issues affecting all treaty bodies complaint mechanisms.

Promoting ESC Rights in Geneva

In 2015, we continued the work to promote ESC rights with the Geneva human rights mechanisms and stakeholders. This work is important for ensuring that ESC rights receive sufficient attention and priority in the work of the Human Rights Council, including the Universal Periodic Review (UPR), and in States' human rights priorities. In general, there remains an under-representation of ESC rights in these areas, including, for many diplomats, a lack of understanding of ESC rights and how to engage with them. More dialogue and creative thinking will be necessary to advance practical suggestions about how the Human Rights Council and its mechanisms can better promote the realization of ESC rights and the concept of interdependence, interrelatedness and indivisibility of rights.

Therefore, we have undertaken broad ESC rights advocacy at the Human Rights Council through activities such as:

Providing comments and input on the draft text on the ***right to work*** and worked to ensure civil society awareness and input into this resolution.

- Providing inputs on the draft text of the ***right to education*** resolution.
- ***Oral Statements during the Human Rights Council*** in relation to: the right to adequate housing; the rights to water and sanitation; the right to education; enforced disappearances and ESC rights; and the issue of extreme inequalities raised by the Special Rapporteur on extreme poverty and human rights.
- ***Contributed a [blog on demystifying ESC rights](#)***, to the Universal Rights Group's blog series.

- **Coordinated side events at the Human Rights Council** that raise awareness about topical ESC rights issues: women & housing, land and water in March; and on privatization in education in June.
- **Lobbying States and other NGOs** to take greater account of ESC rights in their work in the Council and UPR.
- **Engaging with the 'Friends of ESCR' group** of States led by Portugal.

Normative Development of ESC rights

We continue to work on the normative development of ESC rights with the objective of ensuring progressive normative development that responds to the needs and situation of rights holders, particularly those living in poverty. In this respect we have engaged in the negotiation of resolutions of the Human Rights Council, in development of General Comments of various treaty bodies, participated in expert consultations hosted by various Special Procedures mandate holders, made submissions to Special Procedures mandate holders, provided briefings on specific topics to expert members of treaty bodies, engaged in treaty body parallel reporting on substantive legal issues (such as extra-territorial human rights obligations, the impact of privatization on social rights, and women's access to land and other productive resources) and advocated for the consideration of new issues by Special Procedures mandate holders and various Committees.

In relation to engagement with Special Procedures mandate holders we:

- Engaged with the **Special Rapporteur on housing**, including attending her expert meetings on sub-national governments and on homelessness. We also attended an OHCHR expert meeting on homelessness and the right to adequate housing;
- Engaged with the Special Rapporteur on human rights and the environment, including attending various expert meetings on **human rights and the environment**. We also engaged with States on the next steps for this mandate and its interaction with the climate change issues and process.

We also engaged in the Human Rights Committee's consultations on a new **General Comment on the right to life** (Art 6 ICCPR). Together with ESCR-Net and its members [we undertook advocacy](#) to ensure that the new General Comment includes a broad understanding of the right to life which reflects the evolving thinking and jurisprudence on the social elements of the right to life, such as its link with the right to health and rights to water and sanitation as well as systemic violations such as homelessness. We attended the Day of Discussion on this topic and also monitored the Committee's process for development of the new General Comment and advocated with Committee members.

We also made a [Submission](#) to the UN Working Group on transnational corporations and human rights, on States' **extra-territorial treaty obligations**. The Submission documented pronouncements by UN treaty bodies and Special Procedures mechanisms on extra-territorial obligations and emphasised the nature of those obligations in the context of corporations and other business actors. We also published an [article](#) on this topic.

On the issue of **corporate actors and ESC rights** we made a [Submission](#) to CESCR in relation to its early consideration of a General Comment on corporate actors and ESC rights outlining our views on the key issues that should be covered.

The last few years has seen increasing attention on the topic of **human rights defenders (HRDs) and ESC rights** due to a deteriorating situation worldwide. This is evidenced by the proliferation of reports of alarming increases in threats, harassment, arbitrary detention, murder and enforced disappearances of defenders working on ESC rights. These attacks and restrictions on defenders of ESC rights have serious consequences for individuals and their families, but also for their communities and a devastatingly chilling effect on all voices of dissent.

**HOUSING IS A
HUMAN RIGHT**



**EVICTIONS VIOLATE
HUMAN RIGHTS**

**RESIST FORCED
EVICTIONS**

**DONATED BY AGYEMAN KATA
COMMUNITY**

This trend is also well documented by UN human rights experts, including the former Special Rapporteur on HRDs, Ms Hina Jilani, who found that labor rights activists suffered the highest number of attacks, harassment, arbitrary detention and disappearances and those working on land and natural resources issues or campaigning against forced evictions were the second most harassed group seen by her mandate.

Most recently, following an expert consultation in 2014 in which we participated, the UN Working Group on Enforced Disappearances published a ‘Study on *enforced or involuntary disappearances and ESC rights*.’ The Working Group noted that ‘persons who live in poverty and lack the enjoyment of a number of ESC rights are more vulnerable to becoming victims of enforced disappearance’, and confirmed the greater risk of enforced disappearance of people actively defending ESC rights.

This year we have also been working with the International Service for Human Rights (an NGO that works with HRDs) to encourage CESCR to look at this issue in more detail and to produce some guidance to States on their obligations in this respect. We presented parallel reports to CESCR highlighting the situation of HRDs working on ESC rights issues in Honduras (on this report we also worked with *Plataforma Internacional contra la Impunidad*, a Latin American NGO) and Angola. The reports emphasized the interdependence, interrelatedness and indivisibility of all rights and stressed the need for more detailed and specific statements by the Committee in relation to the particular situation of HRDs working on ESC rights. Further, the reports emphasize the importance of the human rights principle of participation and its potential to prevent the escalation of disputes over land and resources, into violent conflict and serious abuses of human rights.

3. Strategic Priority: Strategic Litigation and Legal Advocacy

Global Initiative Promotes and Enforces Extra-Territorial Human Rights Obligations

In 2015, we continued its work on promoting and enforcing extra-territorial obligations (ETOs), a cutting edge issue within the field of human rights, and of special relevance to ESC rights in particular. ETOs entail the legal obligations of States related to human rights violations abroad, whether by the State directly or by other actors, such as transnational corporations, that the State is in a position to regulate. This work includes continuing its leadership role within the ETO Consortium and helping implement the Consortium’s Strategic Plan. We also provided leadership for the Consortium’s Parallel Reporting Focal Point.

ETOs Highlighted before the Human Rights Committee

Informed in part by a [Parallel Report](#) submitted by us and the International Human Rights Clinic at the Western New England School of Law, the Committee questioned Canada on its extra-territorial obligations (ETOs), including the ETO to protect rights abroad by regulating Canadian corporations and by providing accountability and remedial mechanisms when rights are violated abroad. The Committee commented that “A country could not just provide corporate identity to a company and then be unperturbed by whatever the company could do around the world.” When Canada challenged the extra-territorial jurisdiction of the Covenant, the Committee reminded the Canadian delegation that “The final arbiter for the interpreting the Covenant was the Committee, not individual States.”

In its [Concluding Observations](#), the Committee expressed its concern “about allegations of human rights abuses by Canadian companies operating abroad ... and about the inaccessibility to remedies by victims of such violations.” The Committee also regretted “the absence of an effective independent mechanism with powers to investigate complaints alleging abuses by such corporations that adversely affect the enjoyment of the human rights of victims, and of a legal framework that would facilitate such complaints.” The Committee went on to recommend that Canada “a) enhance the effectiveness of existing mechanisms to ensure that all Canadian corporations, in particular mining corporations, under its jurisdiction respect human rights standards when operating abroad; b) consider establishing an independent mechanism with powers to investigate human rights abuses by such corporations abroad; c) and develop a legal framework that affords legal remedies to people who have been victims of activities of such corporations operating abroad.”

Expanding Avenues for Social Rights Litigation: The Principle of Indivisibility

In the same Concluding Observations on Canada, the Committee questioned Canada on homelessness and denial of access to health care for migrants, pointing out that both may rise to the violation of the right to life guaranteed in Article 6 of the Covenant. In its [Concluding Observations](#) the Committee reminded Canada that it “should ensure that all refugee claimants and irregular migrants have access to essential health care services irrespective of their status.”

Canadian media soon reported on these important developments, with two articles appearing [HERE](#) and [HERE](#).

The issue of indivisibility continued during a [Half Day of Discussion](#) related to drafting General Comment No. 36 on the content of Article 6 of the Covenant. There the Committee again looked at the ESC rights aspects of the Covenant, including considering a [Written Submission](#) we jointly submitted with the [Social Rights Advocacy Centre](#) (SRAC) and [ESCR-Net](#) as well as an oral intervention by Bruce Porter of SRAC. The Committee looked at issues ranging from homelessness to denial of access to health care, water, sanitation and food as rising to potential violations of the right to life and was urged to continue to interpret the Covenant, including Article 6 as requiring both negative and positive legal obligations and remedies.

New Resources: ETOs in Relation to International Financial Institutions

In order to share ETO development with broader civil society, we produced a brochure entitled “[ETOs in the context of International Financial Institutions](#)” which explores the extraterritorial obligations of States when acting through International Financial Institutions. It moreover discusses the direct human rights obligations of IFIs under international law and provides suggestions for civil society action. The brochure was published and disseminated by the ETO Consortium.

Human Rights Committee to consider case of Forced Eviction in the Philippines

The Human Rights Committee officially registered the case of *Garsain et al. v. The Philippines*. The case challenges the Government of the Philippines for the brutal forced eviction of the residents of Corazon de Jesus, a community in San Juan City, Metro Manila. On 11 January 2012, one hundred twenty one (121) residents of Corazon de Jesus, San Juan City, Metro Manila Philippines suffered a brutal forced eviction and saw their homes demolished. Joint forces of Philippine National Police, Special Weapons and Tactics and demolition team bombarded the residents with water canons, used a bulldozer to enter the community, and fired guns and threw teargas toward the residents and community. Policemen were armed with M14, M16 and 45 caliber firearms.

Since access to justice was denied in the Philippines, the complaint is asking the Human Rights Committee to hold the Government accountable to its human rights obligations under the International Covenant on Civil and Political Rights as well as to take a deeper examination of the rights of human rights defenders working on housing rights. The Complaint was submitted by us in support of our local partner, Defend Job Philippines, a human rights organization based in the Philippines, and with the assistance of the International Human Rights Clinic at the New England University School of Law. **The complainants’ submission can be seen [HERE](#).**

UN Committee on ESC Rights Issues Historic Ruling on Spain Related to the Right to Housing

Along with our partners from the ESCR-Net Strategic Litigation Working Group, we successfully intervened as *amicus curiae* in the first ever case decided under the Optional Protocol to the ICESCR.

In *I.D.G. v. Spain* (Communication 2/2014) the Committee established that Spain has the obligation to provide for effective remedies in foreclosure procedures related to defaulting on mortgage payments, to ensure that all appropriate measures are taken to guarantee personal notification in foreclosure procedures, and to guarantee that legislative measures are adopted to prevent repetition of similar violations in the future.

The Committee's ruling is in line with the *amicus curiae* intervention, and relies on it for established principles and relevant interpretation of such principles through international and comparative case law and other sources. It stressed that States parties must interpret and apply domestic law consistent with their obligations under the ICESCR and must ensure effective judicial protection for Covenant rights, including the right to adequate housing. The latter protection entails state obligations to consider all feasible alternatives to eviction, ensure the greatest possible security of tenure, provide for adequate and reasonable notice in cases of eviction, ensure that evictions do not render persons vulnerable to other human rights violations, and provide adequate compensation for violations. In doing so, the Committee expanded the protections related to the prohibition on forced evictions to evictions in the context of foreclosure. In accepting this intervention, the Committee also set a precedent by allowing for third party interventions which present material relevant to the issues at stake.

Detroit Right to Water Amicus Curiae Intervention

In 2015, we also co-authored an *amicus curiae* brief in support of plaintiffs in Detroit that are challenging the water disconnections. The brief bolstered the plaintiffs' legal challenge by highlighting that the disconnections for inability to pay violate a range of legal obligations applicable to the U.S. under key international human rights treaties. More information is available [HERE](#), and a copy of the *amicus curiae* brief is available [HERE](#).

Optional Protocol to the ICESCR: An Opportunity for Strategic Litigation to Shape the Human Rights Framework

We authored an article entitled [*Optional Protocol to the ICESCR: An Opportunity for Strategic Litigation to Shape the Human Rights Framework*](#) which was published in Portuguese and English. The article promotes the use of the Optional Protocol for strategic litigation of ESC rights and highlights the usefulness of the publication [*Claiming ESCR at the United Nations: A Manual on Utilizing the OP-ICESCR in Strategic Litigation*](#), co-authored by us and published by ESCR-Net.

4. Strategic Priority: Advancing Women's ESC Rights

CEDAW General Recommendation on the Rights of Rural Women

GI-ESCR worked closely with the UN Committee on the Elimination of all Forms of Discrimination against Women (CEDAW) to develop its groundbreaking new [General Recommendation No. 34 on the Rights of Rural Women](#). The new General Recommendation has a significant focus on women and land, and highlights that "The Committee considers rural women's rights to land, natural resources, including water, seeds and forests, and fisheries as fundamental human rights." The General Recommendation clarifies State obligations to ensure the rights of rural women, with a focus on article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, the only provision in international human rights law which explicitly addresses the situation of rural women. The new General Recommendation also contains explicit recommendations related to rural women's rights to health, education, employment, housing, water, sanitation, energy and participation. It also recognizes that States have responsibilities to uphold their Extraterritorial Obligations (ETOs) when it comes to the rights of rural women abroad.

Advancing Women's Land and Property Rights in Africa

On 20 March 2015, GI-ESCR hosted its annual Strategic Meetings to Advance Women's Land and Property Rights in Africa once again bringing partners together to discuss achievements and opportunities to collaborate together. In particular, it focused on continuing work with the ACHPR, the CEDAW Committee, and the post-2015 development agenda. GI-ESCR also partnered with KHRC and ESCR-Net to bring together 35 African women's rights advocates in Nairobi, Kenya, 16-18 June 2015, for the '[International Mechanisms to Claim Women's ESC Rights in Africa: Regional Workshop and Strategic Exchange](#).' This meeting had a heavy focus on women's land rights in Africa. The meeting was also the subject of a later blog published on the OP-CEDAW website entitled '[Using CEDAW and its Optional Protocol to advance women's land and property rights](#).'



Photo credit: Neil Palmer (CIAT)

ACHPR General Comment on Article 7(d) of the Maputo Protocol

In 2015, GI-ESCR and its partners continued to work towards a General Comment to the Maputo Protocol which focuses on the question of women's rights to land and property in cases of divorce, and in particular the question of equitable share (addressing Article 7(d) of the Maputo Protocol). A General Comment in this area will help to clarify certain legal issues and pave the way for more successful litigation of women's land and property rights. These issues include defining 'equitable share,' as well as addressing registration of marriage, as some countries maintain regressive standards when it comes to defining 'equitable share,' such that women are not able to enjoy equal marital property rights in practice. Similarly, some countries have double standards when it comes to the division of property in cases of divorce or dissolution, and even in those cases where 'community of property' is the default property regime, this often applies only to officially registered marriages, leaving women in customary or polygamous marriages outside the scope of protection. These issues are particularly difficult for marginalized women, including those women affected by HIV/AIDS. Having legal clarity on these issues and the legal obligations of States will establish a Continent-wide standard based on human rights principles, and will help to support litigation and advocacy on these issues at national as well as regional levels. On this initiative we are working closely with a number of partners in Africa (IGED-Africa, FIDA-Kenya, ISLA, KHRC, LRC and others) as well as with the Special Rapporteur on the Rights of Women in Africa. Draft available upon request.

Parallel Reporting to the UN Treaty Bodies Highlighting Violations of Women's Rights to Land and Property in Multiple Countries

In 2015, GI-ESCR presented a total of 9 parallel reports to United Nations human rights treaty bodies addressing concerns related to women's land and property rights. These reports addressed the situation for women in the following countries:

Burundi (to the UN Committee on Economic, Social and Cultural Rights with ActionAid Burundi)

Cambodia (to the UN Human Rights Committee with STAR Kampuchea)

Cote d'Ivoire (to the UN Human Rights Committee with Association des Femmes Juristes Côte d'Ivoire)

East Timor (to the UN Committee on the Elimination of all Forms of Discrimination against Women with Rede ba Rai - East Timor Land Network)

Eritrea (to the UN Committee on the Elimination of all Forms of Discrimination against Women)

Gabon (to the UN Committee on the Elimination of all Forms of Discrimination against Women)

Maldives (to the UN Committee on the Elimination of all Forms of Discrimination against Women with Live and Learn Maldives)

Tuvalu (to the UN Committee on the Elimination of all Forms of Discrimination against Women with TANGO - Tuvalu Assoc. of NGOs)

Uganda (to the UN Committee on Economic, Social and Cultural Rights with the Center for Economic, Social and Cultural Rights in Africa and the Uganda Land Alliance)

All of these reports helped to shape the various Concluding Observations which emerged from country review processes and we saw significant progress. Many were very strongly worded and helped to advance new standards and language around women's land rights. For example, on Uganda, the Committee's Concluding Observation related to land grabbing, in which it called on Uganda to "*fulfil the obligation to obtain their free, prior and informed consent, including and in particular of women and customary land owners*" before any land acquisition, is truly groundbreaking as it clearly affirms this important obligation exists under the International Covenant on Economic, Social and Cultural Rights. Concluding Observations also underscored the need to strengthen national legal frameworks protecting women's land rights and to eliminate discriminatory customs and traditional practices which affect the full enjoyment of women's land and inheritance rights, including by ensuring that local customary leaders and magistrates are trained to uphold women's land rights at the community level.

FAO Study on Gender Equality, Water Governance and Food Security with a Focus on the Near East and North Africa (NENA)

In July, GI-ESCR submitted the final draft of the paper “Gender Equality, Water Governance and Food Security with a Focus on the Near East and North Africa (NENA)” to the UN Food and Agriculture Organization (FAO). The 59-page paper focuses on gender equality and women’s empowerment at the intersection of water governance and agriculture for food security. By spotlighting these unique linkages, the paper aims to uncover some of the main challenges to the achievement of gender equality within this context, and to point towards possible solutions to address those challenges. The paper puts a particular focus on investigating the situation in the Near East and North Africa (NENA) region, the most water scarce region in the world. It also integrates good practices from around the world, which can be considered in the development of gender-responsive policies and practices relevant to agricultural water governance. Going beyond the rhetoric of women’s participation, the paper seeks to clarify what it means to create an environment, which is conducive to gender equality and women’s meaningful and active participation in water governance, particularly as related to agriculture for food security.

The paper also provides concrete recommendations to governments and other stakeholders, including FAO, on how to effectively address gender inequalities in water governance with the objective of improving food security and nutrition. In terms of gender equality, FAO’s main objectives are to achieve equality between men and women in 1) access to and control over resources, services, opportunities; 2) participation in institutions and decision-making bodies and in shaping policies, strategies, programmes and investments; and 3) by reducing

women’s work burden. With regards to food security, the paper is intended to contribute to FAO’s Strategic Objective 1 on eradication of hunger, food insecurity and malnutrition, as well as its Strategic Objective 2 on increasing and improving provision of goods and services from agriculture, forestry and fisheries in a sustainable manner. In total, over 50 individuals were consulted. Report available upon request.

Advancing Women’s Empowerment through Eliminating Discrimination in Rights to Housing, Land and Water



Women’s security of tenure and access to and control over housing, land and water are essential to women’s equality and well-being because they provide:

- safety and security;
- a means to produce food to feed themselves and their families;
- a means to produce income to support the health, education, nutritional and other essential needs of their families;
- a means to raise capital to pursue livelihoods;
- a bargaining tool in the home; and
- cushioning to weather economic and other shocks or emergencies.

This is particularly so for poor women and rural women. This side event will highlight several forthcoming developments in international and regional human rights law in relation to women’s rights to housing, land and water, bringing together key experts and organizations working on these issues.

Welcome Comments:
Mr Renne Klinge
Deputy Head of Mission, Permanent Mission of Finland

Chairperson:
Ms Lucy McKernan
Global Initiative for Economic, Social and Cultural Rights

Speakers:
Ms Leilani Farha
Special Rapporteur on the Right to Adequate Housing

Ms Barbara Bailey
CEDAW Committee Member

Ms Sylvia Noagbesenu
Initiative for Gender Equality and Development - Africa

Mr Richard Pearhouse
Human Rights Watch





refreshments will be provided

Wednesday, 11 March 2015
16:30-18:00
Room XIX, Palais des Nations

Human Rights Council Side Event

Together with the Missions of Finland, Germany and Sierra Leone, GI-ESCR held a side event on women’s economic and social rights entitled: ‘**Advancing Women’s Empowerment through Eliminating Discrimination in Rights to Housing, Land and Water.**’ The side event highlighted several developments in international and regional human rights law in relation to women’s rights to housing, land and water, bringing together key experts and organizations working on these issues.

The event was held during the Human Rights Council’s 28th regular session.

Speakers included:

- Ambassador of Sierra Leone, Ms Yvette Stevens
- Deputy Head of Finnish Mission, Mr Renne Klinge
- Special Rapporteur on adequate housing, Ms Leilani Farha

- CEDAW Committee member, Ms Barbara Bailey
- Initiative for Gender Equality & Development – Africa, Ms Sylvia Noagbesenu
- Human Rights Watch, Mr Richard Pearshouse

The panelists discussed a range of issues related to advancing women’s empowerment, including women’s security of tenure and access to, use of and control over housing, land and water as being essential to women’s equality and well-being. Discussants pointed out that if properly addressed using the human rights framework, security of tenure and access to, use of and control over housing, land and water result in increased safety and security; a means to produce food to feed themselves and their families; a means to produce income to support the health, education, nutritional and other essential needs of their families; a means to raise capital to pursue livelihoods; a bargaining tool in the home; and cushioning to weather economic and other shocks or emergencies. The particular importance of these rights for poor and rural women was highlighted.

5. Strategic Priority: Human Rights and Development

Practitioners Guide: Human Rights-Based Approach to Water in Informal Settlements

The purpose of our latest [Practitioners Guide](#), on the Human Rights-Based Approach to Water in Informal Settlements, is to provide an analysis of how to best incorporate the human right to water in the context of development. The Guide also includes several case studies and provides lessons learned on how to better incorporate the right to water into human rights-based development.

Case studies from Kenya, Brazil and Bangladesh focus on the challenges of making the human right to water a reality in informal settlements. They demonstrate that there are common obstacles pertaining to technical, situational, socio-cultural and legal dimensions. The case studies also demonstrate the uses and advantages of the human rights-based approach, and highlight challenges and successes related to implementing such an approach to access to water in informal settlements.

Privatization and its Impact on the Right to Education Project

Under our right to education project in 2015, GI-ESCR carried out or supported research and advocacy in ten countries, which laid the groundwork for engagement with several UN treaty bodies as detailed below. Additionally, we began to work towards elaborating international human rights norms related to privatization of education and disseminated information about the project to various fora.

The highlight of the advocacy efforts in 2015 was to secure, working closely with partners, a ground-breaking [resolution](#) from the Human Rights Council, calling on States to regulate private schools and research their impact. We published a [joint press release](#) that was widely disseminated.

We engaged extensively with the UN Special Rapporteur on the right to education, Mr. Kishore Singh, providing support through synthesis and analysis of the emerging information and pronouncements on matters related to privatization. This allowed his reports to be informed from real world situations and resulting in a critical view of privatization in and of education.

In 2014, Mr. Kishore Singh presented a [report](#) to the UN General Assembly which examined State responsibility in the face of the explosive growth of private education providers, from a right to education perspective, and laid out several applicable principles to address the shortcomings of privatization. He then wrote two other reports on the topic, on [regulation](#) of private providers in education, and on [public-private partnerships](#) in education. Mr. Singh has remained [active](#) through various statements and events where he discussed the issue.

We have summed up our approach and work in the area in a [presentation](#) shown at the 2015 Comparative International Education Society (CIES) conference 2015 in Washington DC, as well as in three short explainers published at the end of 2015, on the [methodology](#), [use of human rights mechanisms](#), and some [case studies](#).

Ghana

In depth research was conducted in partnership with the Ghana National Campaign Coalition resulting in three parallel reports: to the [pre-session](#) of the Committee on the Rights of the Child (CRC) in August 2014, to the [Committee](#) on the Elimination of Discrimination against Women (CEDAW) in November 2014, and a [supplementary report](#) submitted to the CRC, highlighting a case study supplementing the first report to the CRC.

In the resulting [List of Issues](#) produced by the CRC, the Committee formally asked the Ghanaian Government to explain itself on the growing privatization in education in the country and the effect it has on the realization of the right to education for all. The CRC used the information provided by us and the Ghana National Campaign Coalition in requiring Ghana “to provide **detailed information on the reasons behind the increase in private education and the low quality of public education, including lack of teachers and teacher absenteeism, in the State party, limiting access to quality education for children who cannot afford private school tuitions**” as well as to provide disaggregated data on children attending private schools. Following this List of Issues, the CRC published [Concluding Observations](#) on Ghana in which it asked the country to assess and address the growth of private schools in education. These Concluding Observations were followed by a [joint press release](#). The CEDAW advocacy resulted in the Committee [expressing](#) its concerns “about the trend towards privatisation of education and the priority given to schooling of boys over girls” in Ghana as well as recommended that Ghana “intensify efforts to reduce disparities in access to education and in terms of quality of education between urban and rural areas as well as public and private schools.” A [joint press release](#) was made to disseminate these Concluding Observations.

Kenya

Building up on workshops with local partners, Parallel Reports were produced with our support as follows:

- A [report](#) to the CRC, in April 2015, [adapted](#) for CESCR in September 2015
- A [report](#) for the African Commission on Human and People’s Rights (ACHPR) in September 2015
- Supplementary [reports](#) to CESCR and the CRC focused on the legal and policy framework

As a result, CESCR raised concerns in November 2015 about the situation in Kenya in its [List of Issues](#), in particular how Kenya “has regulated and monitored informal private schools (or low-cost private schools) to ensure quality education.” This statement was supported by a [press release](#), which also mentioned the questions raised by the ACHPR during the oral review of Kenya that took place in November 2016. It was followed with [Concluding Observations](#) in March 2016 in which the Committee recognizes that “the proliferation of so-called ‘low-cost private schools’ [...] has led to segregation or discriminatory access” and recommend, amongst other things, that Kenya “bring the Registration Guidelines for Alternative Provision of Basic Education and Training in line with Articles 13 and 14 of the Covenant and other relevant international standards; that it ensure that all schools, public, private, formal or non-formal, are registered; and that it monitor their compliance with the guidelines.” These were disseminated in a [press release](#) led by EACHRights.

Uganda, Brazil and Chile

The October 2014 [Parallel Report](#) submitted to CESCR resulted in the [List of Issues](#) addressing privatization in education. Specifically, the Committee formally asked the Ugandan Government to explain the impact of

privatization in education “on the right to education of girls and children living in poverty.” Together with the Initiative for Social and Economic Rights (ISER), we submitted an additional [Parallel Report](#) focusing on a specific case in the peri-urban area of Kampala. As a result, in its June 2015 [Concluding Observations](#) on Uganda, CESCR noted with concern the “*widening of the gap in access to quality education resulting from the increase in the provision of private education*”, and recommended that Uganda “*assume primary responsibility for the provision of quality education to all children*” and “*strengthen regulations and expand monitoring and oversight mechanisms for private education institutions.*”

The CESCR report was also [adapted](#) for the African Commission on Human and Peoples’ Rights (ACHPR) (with a [summary](#) of the report we prepared in French to facilitate advocacy). The result was the first official statement from the African Commission on the issue. In its [Concluding Observation](#) on Uganda, the ACHPR considers that “*the increase in the establishment of private schools, which has been encouraged by the Government, allegedly raises the concern of the Government gradually releasing itself from the obligation to provide quality public education, which could result in discrimination against children from low-income households.*” The African Commission recommended the Ugandan Government to “*increase its investment in public education to match the increasing enrolment, and ensure the quality thereof, to avoid forcing parents to resort to private schools, as well as to regulate the quality of education being provided by private schools.*” This ground-breaking statement, the first one by a regional body, was disseminated through a [press release](#) of ISER, supported by a [global press release](#) led by us and endorsed by ten organizations.

Further research and parallel reporting has also been undertaken in Brazil, Chile, Nepal, United Kingdom and Morocco with similar results.

In Brazil, this advocacy resulted in ground-breaking [Concluding Observations](#) in which the CRC raised direct concerns with standardized testing, and recommended that the Brazilian Government “*phase-out the transfer of public funds to the private education sector and review its policies with regard to fiscal and tax incentives for enrolment in private education institutions in order to ensure access to free quality education at all levels, in particular nurseries and pre-schools, for all children by strictly prioritizing the public education sector in the distribution of public funds*” and “*stop the purchase of standardized teaching.*”

Regarding Chile, working with Sciences Po and local organizations (FORO, the Chilean Education Coalition, and RED), as well as with the support of the Latin American Coalition on the Right to Education (CLADE), we prepared and submitted Parallel Reports to [CESCR](#) and [CRC](#). They were widely disseminated through a [press release](#) translated in [Spanish](#).

CESCR advocacy resulted in the Committee addressing the issue of privatization in education, with the Committee including the concerns on privatization of education in the [List of Issues](#), which were disseminated through a [press release](#), and important [Concluding Observations](#) in June 2015, in which the Committee recognized for the first time the concept of “*segregation ... along socioeconomic lines*”, as a result of the privatization education system in Chile, and requires that “*educational establishments receiving State support must be non-profit-making*”.

Similarly, the CRC advocacy resulted in privatization of education being addressed in the [List of Issues](#). In its October 2015 Concluding Observations, the CRC pushed CESCR analysis further, and recommended that Chile “*promptly take measures to decrease segregation and to promote an egalitarian and inclusive educational system, prohibiting all schools, independently of the source of funding, public or private, to select students on arbitrary criteria or socio-economic background*”.

Importantly, it also made a statement regarding the aims of education, expressing concerns that “education being strictly evaluated according to instrumental and cognitive standards and indicators, excluding values and attitudes such as equality of rights between men and women, development of empathy, respecting commitments,



participation in democratic life and respect for the environment” and recommending that “education contributes to the development of the fullest potential of every child, the development of respect for human rights, the preparation of the child for responsible life in a free society and the development of respect for the natural environment”. A press release in [English](#) and [Spanish](#) reported this outcome.

Rapid Response Work

Working with the African Coalition on Education for All– ANCEFA - and other partners, we produced a Joint [CSO statement](#) on a report of the African Development Bank and others promoting privatization in education in Africa. It received close to 100 signatures in a few days, and was [launched](#) at the World Human Rights Conference in December 2014 in Marrakech – the “Marrakesh statement on privatization in education in Africa.”

We also actively supported partners in Kenya and Uganda to react to a statement from the World Bank president supporting Bridge International Academies (BIA) in May 2015. We worked with them to draft a [statement](#), a [letter](#), and a [press release](#), and collected over 120 endorsements. The statement was launched online, disseminated widely and had significant impact. For instance, the World Bank officially responded in a [letter](#) in August 2015 indicating that they would be doing an assessment of BIA.

Building a Movement

Together with OSF-ESP, we organized a gathering of academics and practitioners in Geneva in June 2015, building up on the [2014](#) meeting. This event, which gathered a dozen NGOs from various countries was an occasion to:

- Meet with key partners to build a common plan and understanding and to strategize, which were captured in reports on [joint work](#), the [analysis framework](#), and [strategic litigation](#).
- Discuss challenging substantive issues, in particular public-private partnerships, during a discussion with experts, which was followed by a [report](#).
- Conduct joint advocacy with UN mechanisms, and build the capacities of the participants. In particular, a [side-event](#) to the Human Rights Council was organized: “Human rights policy responses to the growth of private actors in education”.

Another meeting was organized in London, in October 2015. This week-long meeting aimed at gathering additional civil society organizations to plan joint work, and to support advocacy on a report about the UK’s support to private education in developing countries, which was led by the Right to Education Project (RTE). The GI-ESCR participated to organize the activities of the [program](#), including:

- A [press conference](#) to launch the UK report on financial support for private education abroad.
- A series of discussions with civil society organizations on joint strategies.
- A one-day consultation on human rights principles on private actors in education.
- A public [event](#) in which we took part: “Setting the Rules of the Game: how can regulations of private actors ensure the right to education post-2015?”
- A debate at the British parliament on private actors in education.

A Consortium on privatization in education and human rights was created during the year, and building on these events, gathering various partners working on the issue.

Furthering Norms on the Human Rights Impact of Privatization in Education

In partnership with RTE, a particular focus of our work also involved consultation with civil society and academics with the aim of elaborating international norms and standards aimed at defining the human rights standards applicable to the role of private actors in education. As a first step, a draft [analysis framework](#) of

human rights and private actors in education was published, and a [methodological guide](#) for CSOs to assess privatization against human rights standards was release.

6. Partnerships and Networks

We actively participate in several relevant networks, including:

- ESCR-Net Strategic Litigation Working Group (including on Steering Committee)
- ESCR-Net Women and ESC Rights Working Group (including in core leadership)
- ESCR-Net Corporate Accountability Working Group
- Extra-Territorial Obligations Consortium (including on Steering Committee)
- ETO Consortium Parallel Reporting Focal Point

Annex 1. 2015 Financial Report

| 2015 Unaudited Financial Statement | | | | | |
|--|-------------------|------------------|-------------------|------------------|--------|
| <i>items in blue represent funds/grants carried over from 2014</i> | | | | | |
| Grant: | Anon 1 Carry Over | Anon 1 2015-2016 | Anon 2 Carry Over | Anon 2 2015-2016 | AUS |
| Income by Grant Received: | 15,687 | 250,000 | 78,705 | 100,000 | 26,331 |
| Staff costs | | | | | |
| Salaries | 8,000 | 97,000 | 63,765 | 21,250 | 2,932 |
| Consultants | 0 | 0 | 0 | 0 | 0 |
| Project Costs | | | | | |
| Travel | 0 | 9,455 | 10,421 | 1,312 | 0 |
| Meetings | 0 | 34,991 | 0 | 0 | 21,898 |
| Partnerships | | | | | |
| JPA costs | 0 | 50,000 | 0 | 0 | 0 |
| PERI Donations | 0 | 0 | 0 | 0 | 0 |
| Office Support / Overhead | | | | | |
| Rent | 0 | 11,554 | 3,333 | 746 | 0 |
| Utilities | 0 | 0 | 132 | 0 | 0 |
| Communications | 465 | 5,112 | 0 | 0 | 0 |
| Office Supplies | 0 | 3,445 | 550 | 33 | 0 |
| Publications | 7,000 | 0 | 0 | 0 | 0 |
| Wire Transfer & Bank Fees | 45 | 520 | 17 | 0 | 313 |
| Other (postage, etc.) | 223 | 358 | 25 | 0 | 0 |
| Audit | 0 | 1,740 | 0 | 0 | 0 |
| Reserves | | | | | |
| TOTAL Income | 15,687 | 250,000 | 78,705 | 100,000 | 26,331 |
| TOTAL Expenses | 15,733 | 214,175 | 78,243 | 23,341 | 25,143 |
| Remaining Unspent Balance | -46 | 35,825 | 462 | 76,659 | 1,188 |

| AUS 2 | PERI 3 | PERI 4 (SP) | PERI 5 | FAO Water | Reserves |
|--------|--|-------------|--------|-----------|---------------|
| 27,109 | 92,247 | 35,000 | 82,446 | 14,000 | |
| | Includes 62,670.88 rollover from 2014 and 29,576 2015 income | | | | <i>18,513</i> |
| 0 | 46,522 | 0 | 0 | 5,705 | |
| 0 | 0 | 17,000 | 0 | 8,295 | |
| 0 | 568 | 15,824 | 0 | 0 | |
| 0 | 0 | 0 | 0 | 0 | |
| 0 | 0 | 0 | 0 | 0 | |
| 0 | 1,500 | 0 | 0 | 0 | |
| 0 | 0 | 0 | 0 | 0 | |
| 0 | 0 | 0 | 0 | 0 | |
| 0 | 0 | 0 | 0 | 0 | |
| 0 | 0 | 0 | 0 | 0 | |
| 0 | 0 | 0 | 0 | 0 | |
| 15 | 321 | 17 | 16 | 0 | |
| 0 | 50 | 0 | 0 | 0 | |
| 0 | 0 | 0 | 0 | 0 | |
| | | | | | <i>18,513</i> |
| 27,109 | 92,247 | 35,000 | 82,446 | 14,000 | |
| 15 | 48,961 | 32,841 | 16 | 14,000 | |
| 27,094 | 43,286 | 2,159 | 82,430 | 0 | |



The Global Initiative for Economic, Social and Cultural Rights

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