



# Global Initiative for Economic, Social and Cultural Rights



Photo credit: Georgina Smith / CIAT, Kenya

## 2017 Annual Report





**The Global Initiative**  
*for Economic, Social and Cultural Rights*

**2017 Annual Report**



Photo credit: Joe Brusky, Protest against Detroit Water Shut Offs, USA

## Message from the Co-Directors

The work of the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) continues to expand, as well as to deepen into a range of substantive areas, and this Annual Report showcases the ways in which the organisation achieved important impacts in 2017 for the realisation of economic, social and cultural (ESC) rights. Launched in 2010, the organisation started with a vision of a world where ESC rights are fully respected, protected and fulfilled, so that all people are able to live in dignity. While the vision is simple and clear, the task ahead is anything but easy. While there have been some improvements in specific areas related to the realisation of ESC rights, on the whole countries regardless of their level of development continue to be plagued by inequality and the denial of basic ESC rights for significant segments of their populations. We continue to live in a world where, according to the United Nations Development Programme (UNDP), [“Inequality has become the defining issue of our time.”](#) At the beginning, we said that:

*“If we believe that ESC rights can make a powerful difference in improving the lives of real people – and we do – then it is urgent for us to develop and deploy new and innovative strategies which tackle head on the main obstacles to the enjoyment of these rights. In order to advance the actual realization of ESC rights most significantly over the coming period we believe that we, and our movement, must rise to four critical tasks ...” (GI-ESCR Concept Note).*

At the time, those tasks were identified as: to *build and deepen cross-sector alliances*, forging partnerships to leverage the power of joint advocacy working at multiple levels; to *equalise power dynamics* through ESC rights awareness; to *brave*

*new frontiers* in ESC rights standard setting and enforcement; and *to move from a theory of economic, social and cultural rights, to the practical application of these rights* for the world's poor.

Eight years later, we are pleased that this Annual Report stays true to the initial dream which gave rise to GI-ESCR. If anything, the organisation has exceeded our expectations and continues to carve out its own path, joining hands with advocates all around the world with whom we share a common vision. For this, there are many people to thank and to acknowledge, including our Board, our staff, our partners, and our donors. Without this sustained collective effort, and without this matrix of co-actors, none of the achievements laid out in this report would be possible.

We hope that people suffering from ESC rights violations on the ground, as well as our colleagues in the field, are benefited by what we aim to do as an organisation, and we strive to make sure that whatever impacts we have are not just words on paper. Great ideas matter – but great actions matter still more in changing the lives of the poor – and it is through our ability to bend the *practice* of influential decision-makers and powerful policy-makers that we achieve our vision. This report provides example of how we have sought to do just that, for instance by seeking enforcement of ESC rights through litigation and parallel reporting, by helping to shape international norms, and by working in close collaboration with partners on areas as diverse as education, climate change, and women's rights to land and productive resources.

We know all too well that governments around the world often violate the human rights of the poor explicitly in the name of furthering economic prosperity and development, and treat the respect, protection and fulfillment of ESC rights as discretionary and aspirational at best. The same can be said of other powerful economic actors, such as corporations and inter-governmental organisations, which place financial gain before the rights of people. This reality requires the human rights movement to adopt bold new strategies and develop powerful new partnerships and tools commensurate with the task of transforming it. We are thankful to have the opportunity to contribute, and to join with others in this effort.

The image shows two handwritten signatures in blue ink. The signature on the left is 'Mayra Gomez' and the signature on the right is 'Bret Thiele'.

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



Photo credit: United Nations Photo, Slum Housing in Vietnam

# Message from the Board of Directors

As GI-ESCR enters its eighth year, we are pleased to report on substantial results which occurred over the course of 2017 in our programmatic and other work. From taking the lead on the legal enforcement of economic, social and cultural rights, including extra-territorial obligations; to enhancing women's access to land and other resources; to tackling the detrimental effects of privatisation of education by applying human rights norms; to strengthening international human rights mechanisms, we have furthered our goals to implement our Strategic Plan. We'd like to acknowledge the great work of our staff and partners, and thank them their commitment to human rights and our mission and vision for a more economically and socially just world.

On organisational development, the addition of a Communications Officer has significantly strengthened our ability to have our results and methodologies recognised, understood and consequently used and replicated by others around the world. With the launch of our new website in 2018, this recognition should be further enhanced. We have also increasingly raised our profile as a key leader on economic, social and cultural rights within Geneva-based human rights mechanisms, continuing to connect local advocates so they can leverage international law for local impact. This work is furthered with our inaugural issue of a yearbook reporting on the work of the Committee on Economic, Social and Cultural Rights – a tool covering the Committee's activities in 2017 which will be released in 2018, and which we hope proves useful to all of those seeking to better engage with the Committee.

Finally, we'd like to report that the organisation is on a solid financial foundation, with a successful 2017 independent financial audit as well as increased financial resources year over year. Here we'd like to acknowledge and thank our financial supports for their confidence in us and their commitment to the organisation and its important work.

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

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# 1. Introduction

GI-ESCR seeks to advance the realisation of ESC rights throughout the world, tackling the endemic problem of global poverty and social injustice through a human rights lens. GI-ESCR began in 2010 and is a registered non-profit organisation (501(c)3) in the United States, and currently has offices in Geneva, Switzerland; Nairobi, Kenya; and Duluth (MN), USA. It also maintains Consultative Status with the United Nations and Observer Status with the African Commission on Human and Peoples' Rights (ACHPR). It is governed by an international Board of Directors, whose 6 members play a fiduciary role (stewardship of tangible assets), a strategic role (strategic partnership with management), and a generative role (source of leadership for organisation). In the time since its inception, GI-ESCR has provided vital technical support and achieved groundbreaking outcomes that are respected within and beyond the human rights community. As a result, it has become increasingly recognised as a leader in the area of ESC rights advocacy and litigation.

This report highlights the Global Initiative's key activities in 2017 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. Strategic Litigation and Legal Advocacy

ESC rights litigation and legal advocacy can significantly contribute to the enforcement of ESC rights and there is a need to develop a progressive body of jurisprudence on ESC rights. Strategic litigation and other forms of legal advocacy are first and foremost aimed at holding perpetrators of human rights violations accountable and at achieving remedies for victims and survivors for those violations. Beyond that, however, GI-ESCR seeks to achieve structural and transformative change by engaging in legal advocacy with the aims of: (1) Promoting and protecting the obligation to fulfill social rights, including positive obligations, with a focus on systemic violations; (2) Demonstrating the justiciability of extra-territorial obligations (ETOs), including with respect to Member States of international financial institutions; (3) Expanding the scope of human rights protections by defining human right norms, including through the principle of indivisibility; and (4) Expanding the scope of human rights mechanisms and avenues for accountability, again including through the principle of indivisibility.

### **Right to social security affirmed in the context of informal domestic work in Ecuador**

GI-ESCR contributed within the ESCR-Net Strategic Litigation Working Group in drafting and submitting an *amicus curiae* intervention to the Committee on Economic, Social and Cultural Rights (CESCR) dealing with the right to social security in Ecuador. The complaint dealt with a case in which a woman in Ecuador had been denied her retirement pension request due to a small pause in her social security contributions, which had the impact of nullifying years of subsequent contributions. The nullification was triggered by a time when she had been engaged in unpaid care work at home and unable to make regular contributions for eight months.

The intervention encouraged the Committee to apply a substantive equality perspective to its interpretation of the facts and highlight the impact of unpaid care work on access to social security – a widespread global issue predominantly affecting women who continue to undertake the majority of such work. In particular, it provided comparative materials and recommendations to support the following points:

1. States must ensure that existing social security systems are enjoyed without discrimination, including for women who undertake unpaid care work.
2. States should take positive measures to ensure social security protections for persons unable to access or benefit from existing social security systems, particularly for older women.
3. States must ensure that existing social security systems facilitate access to information and are subject to due process, including the right to an effective remedy.

The Committee ultimately found that Ecuador had violated the International Covenant on Economic, Social and Cultural Rights, finding violations of article 9 (right to social security) and also articles 2(2) (non-discrimination) and 3 (equality between women and men) in conjunction with article 9. This finding was because State authorities had failed to provide adequate and timely information about the requirements for participation in the relevant social security system and because the impact of not meeting these requirements – a complete loss of pension despite years of contributions – was clearly disproportionate. Significantly, the Committee also found that the situation constituted indirect discrimination on the basis of gender given that women who engage in unpaid care work were likely to be affected disproportionately, without reasonable justification, with potentially devastating impact on their ability to enjoy an adequate standard of living during old age.

Please see: [CESCR's press release](#)

### **Joint Parallel Report on Australia related to corporate accountability**

Along with Inclusive Development International and Equitable Cambodia, GI-ESCR submitted to CESCR a [joint Parallel Report on Australia](#) which called attention to the case of an Australian bank which had financed the Phnom Penh sugar plantation which was responsible for the seizure and destruction of housing and land of more than 20 villages in Kampong Speu province. Many of the victims of those forced evictions lived in extreme poverty as a result of losing their land.

The report resulted in the Committee urging Australia to “take all necessary measures to ensure legal liability of companies based in or managed from the State party’s territory regarding violations of economic, social and cultural rights by their activities conducted abroad, or resulting from the activities of their subsidiaries or business partners where these companies have failed to exercise due diligence” and to “Reinforce effective mechanisms to investigate complaints filed against private companies, and take effective measures to ensure access to justice for victims.”

The [Concluding Observations](#) are now being utilised by Inclusive Development International and Equitable Cambodia to support a case before the Australian Human Rights Commission.

### **ETO advocacy policies and Joint Parallel Report on the Netherlands**

GI-ESCR worked within the ETO Consortium Steering Committee to craft, adopt and implement one of the outcomes of the global meeting held in Buenos Aires in November 2016, namely a process whereby members of the Consortium or others can request ETO expertise and assistance from ETO Consortium members. This policy subsequently resulted in GI-ESCR getting involved with partners in Peru dealing with environmental damage caused by a Dutch energy company, including a [Parallel Report to CESCR on the Netherlands](#) and potential future litigation and capacity building.

GI-ESCR, along with partners FIAN International, *Centro de Políticas Públicas y Derechos Humanos (EQUIDAD)*, and *Pueblos Indígenas Amazónicos Unidos en Defensa de sus Territorios (PUINAMUDT)*, addressed human rights violations related to environmental damage in Peru caused by a Dutch energy company before the United Nations Committee on Economic, Social and Cultural Rights. The Committee was urged to call up the Netherlands to regulate its corporations to prevent human rights violations abroad and to provide victims’ access to justice in the case of such violations.

Ultimately [the Committee expressed concern](#) at reports of serious damage to the environment and to indigenous peoples livelihoods caused in Peru by a company domiciled in the Netherlands and recommended that the Netherlands:

- (a) Include a formal monitoring mechanism in the National Action Plan on Business and Human Rights;
- (b) Take measures to ensure compliance with human rights obligations for companies operating in the territory of the State party;
- (c) Take measures to ensure physical safety and mental health of the people residing in the area of gas extraction in Groningen, as well the security and safety of their homes; provide proper compensation to the victims; and prevent future occurrences of damages related to gas extractions;
- (d) Expedite an overhaul of the oil refinery industry in Curaçao with a view to averting pollution;
- (e) Remove the legal and practical obstacles to holding accountable companies domiciled under the State party's jurisdiction, for violations of economic, social and cultural rights, resulting from their operations on the national territory or abroad.

EQUIDAD and PUINAMUDT are now working with Dutch lawyers to use these Concluding Observations in support of litigation in the Netherlands.

### **CESCR General Comment No. 24 on business and human rights**

GI-ESCR provided written comments to the Committee on Economic, Social and Cultural Rights offering ways to improve the content of the proposed General Comment on business activities.

Working within the ETO Consortium Steering Committee, GI-ESCR also coordinated input from various actors on the extra-territorial obligations section of the draft General Comment as well as advocacy in support of, and defense of, strong ETO related language.

Ultimately, the Committee adopted an authoritative reaffirmation of the ETO to protect International Covenant on Economic, Social and Cultural Rights in the context of corporations operating abroad.

Reaffirming its Concluding Observations developed over the past several years, the Committee made clear that States Parties to the Covenant are legally obligated to regulate corporations domiciled, incorporated or headquartered within their territories, or those over which they otherwise exercise control, to ensure that they respect, protect and fulfill Covenant rights throughout their operations, including their operations abroad.

The Committee also made clear that States Parties are legally obligated to ensure access to justice, including accountability and remedies, in the event such corporations detrimentally impact Covenant rights abroad.

According to Bret Thiele, Co-Executive Director of GI-ESCR “this is a welcomed reaffirmation of what civil society has brought to the Committee’s attention over the past several years.” He stated that such a positive result demonstrates the efficacy of a concerted civil society push, “the Global Initiative for Economic, Social and Cultural Rights and other members of the [ETO Consortium](#), including in particular [FIAN International](#) and several of its national sections, worked with several affected communities around the world to ensure that States are held accountable when their respective corporations impact Covenant rights abroad.”

“With this new General Comment, we hope that monitoring of and accountability for corporate actions abroad are systematically applied throughout all periodic reporting and complaints under the Covenant” Thiele added.

**The General Comment is available [HERE](#).**

**The relevant Office of the High Commissioner for Human Rights Press Statement is available [HERE](#)**

**A comprehensive collection of UN pronouncements on ETOs is available [HERE](#).**

## **Committee on Civil and Political Rights – Draft General Comment on the Right to Life**

Continuing our work to influence the new General Comment on the right to life, being drafted by the United Nations Committee on Civil and Political Rights, we responded to the Committee's further call for submissions on its revised draft General Comment. Our submission targeted 3 main issues:

- Welcoming the Committee's broadened understanding of the right to life as extending to living a life 'with dignity,' but urging the Committee to more explicitly recognise the economic and social elements of the right to life;
- Welcoming the recognition of connections between the right to life and environmental degradation and climate change, but suggesting some textual changes to underline that in some circumstances States obligations with respect to the right to life may require taking action to protect the environment or to address the causes of climate change; and
- Welcoming the discussion of ETOs in the draft General Comment and suggesting additions to recognise States' extra-territorial obligations with respect to corporations domiciled within its jurisdiction but affecting the right to life outside its jurisdiction.

The Committee is now under-taking a final reading of the draft General Comment and will present a final document probably in its third session next year (October 2018), but has, at our urging, removed language that could have been detrimental for bring individual complaints related to systemic violations.

## **Expert Group Meeting with Special Rapporteur on the Right to Adequate Housing**

GI-ESCR participated in a two-day Expert Groups Meeting with the Special Rapporteur on the Right to Adequate Housing. The meeting was to strategise on how to contribute to the #MakeTheShift campaign aimed at shifting the concept of housing from a commodity or financial context to one grounded in human rights. GI-ESCR committed to participating in the campaign with a focus on helping with Side Events in Geneva and parallel reporting to treaty bodies and to take the lead on the right to adequate housing by linking local actors to Geneva-based human rights mechanisms.

## **ESCR-Net Webinar on using UN mechanisms**

GI-ESCR conducted a one-hour ESCR-Net Strategic Litigation Working Group webinar on successful use of and strategies for using UN mechanisms. Discussed the strategy used by GI-ESCR to produce progressive interpretations and normative development of economic, social and cultural rights, including on how results based on this strategy create the foundation for subsequent successful strategic litigation. Real world examples of advancing the principle of indivisibility and extra-territorial obligations were provided and previous and ongoing litigation was discussed.

## **Network Leadership**

GI-ESCR participated in ESCR-Net Strategic Litigation Working Group Steering Committee including finalising its 2017 – 2018 Work Plan.

GI-ESCR also participated in the ETO Consortium Steering Committee, including monitoring implementation of the ETO Consortium Strategic Plan and developing a Plan of Action for 2018 through 2020.

We continue to update and publish its Working Paper containing United Nations (UN) pronouncements addressing extra-territorial obligations.

Please see: [\*Updated Working Paper – Human Rights Law Sources: UN Pronouncements on Extra-Territorial Obligations\*](#)



Photo credit: GI-ESCR, Slum Community in Nairobi, Kenya

# 3. Advocating for Women's Rights to Land and other Productive Resources

With respect to women's access to land and other productive resources, GI-ESCR's work builds upon past successes and strives to continually advance women's rights by strengthening the normative framework protecting these rights, with a particular focus on Africa. To this end, GI-ESCR work specifically on: (1) Utilising strategic spaces at international and regional levels to advance these rights, namely the human rights treaty bodies of the United Nations and the African Commission on Human and Peoples' Rights (ACHPR); (2) Strengthening partnerships and networks working on these issues, particularly between international and national organisations, including by continuing ongoing strategic discussions and partnerships between key actors and organisations working on these issues; (3) Highlighting the relevance of women's land rights in international discourse, particularly related to the rights of rural women, climate change, food and nutrition security, sustainable development and other relevant issues, and (4) Contributing to the creation of new human rights standards on these issues.

## **Advocacy before the UN Committee on the Elimination of Discrimination against Women (CEDAW)**

In 2017, GI-ESCR submitted three parallel reports on African countries addressing issues related to women's land and property rights. These were to the UN Committee on the Elimination of Discrimination against Women (CEDAW) on Kenya (with [FIDA-Kenya](#)); on Nigeria (with [Women in Law and Development in Africa \(WiLDAF\)](#) Nigeria and the [Kebetkache Women Development and Resource Center](#) (Nigeria)); and on Rwanda (with [ActionAid Rwanda](#) and the [Rwanda Initiative for Sustainable Development](#)).

On Kenya, our [Parallel Report](#) addressed the following substantive issues:

- The Marriage Act 2014

The CEDAW Committee established in its General Recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution, that "The State must protect the rights of women in such marriages, regardless of their registration status." However, in Kenya, women who have not registered by the stipulated deadline risk losing entitlement to shared matrimonial property. Given that 75% of the total Kenyan population lives in rural areas which are difficult to reach, often with limited access to news/information, they are likely not to be aware of legislative changes affecting their property rights.

- The Matrimonial Property Act 2015

One of the outstanding gains of this act is the acknowledgement of both monetary and non-monetary contribution of women in acquisition of matrimonial property. However the Act has a claw back clause Section 7 that negates the gain of equality in marriage and calls on spouses to show distribution. This leaves the majority of women in a disadvantaged position since it is not practical to quantify domestic work and/or non-monetary contribution. It leaves the court with the discretion of deciding what woman deserve. Again, this runs counter to what the CEDAW Committee has said in General Recommendation No. 29, wherein it provides that "States parties are obligated to provide, upon divorce and/or separation, for equality between the parties in the division of all property accumulated during the marriage."

- Land Act 2012

Upon the enactment of the Land Act spousal consent was required before approvals are made for any land transactions that involved matrimonial property. A key purpose for this provision was meant to protect spouses, mostly women, from arbitrary sale of matrimonial property leaving them destitute with their children. Parliament has since passed an amendment law that removed the requirement of spousal consent. Section 11 of the Land Laws Amendment Act amends section 28 of the Land Registration Act by deleting spousal consent, placing married women in a precarious legal position.

In its [Concluding Observations on Kenya](#), the CEDAW Committee issued strong recommendations in line with our report. It asked that Kenya:

- Review the requirement for registration of all marriages in a manner that protects the rights of women, including through awareness-raising and facilitation of registration in rural areas and a progressive timeline for registration and by allowing one spouse to register the marriage, thereby placing the onus on the other spouse to contest its validity;
- Repeal section 7 of the Matrimonial Property Act and recognise the principle of equality in all areas of marriage, including property;
- Repeal section 11 of the Land Laws (Amendment) Act of 2016 and reinstate the requirement of spousal consent for any transactions relating to marital property as it was under the Land Registration Act of 2012;
- Repeal and replace the Law of Succession Act and ensure equal rights between women and men with regard to inheritance and property laws; and,
- Allow for the division of property during marriage in order to protect the property interests of women when their husbands take subsequent wives.

A second [Parallel Report](#) to the CEDAW Committee addressed the current situation for women's land rights in Nigeria. The report highlights that in most parts of Nigeria, women still have limited or no access to land and property. Indeed, the State party report itself recognises that “[i]n rural areas, women's right of access to land is still regarded as secondary to that of men and many customs suggest that women's access to land is still mediated via patrilineal systems.”

The conflict of laws in Nigeria leaves many Nigerian women vulnerable to violations of land and property rights, both within and outside of marriage. While Nigerian women under Nigerian civil law have access to land, and while equal inheritance rights have likewise seen increased legal protection, the reality remains that certain customary laws continue to stipulate that only men have the right to inherit and own land. For most Nigerian women, namely for those without the independent financial means to purchase land for themselves, they are only able to access land through a male family member. Discriminatory customary laws, registration of land in spouse's name, non-implementation of human rights' laws and policies continue to pose as strong barriers for the Nigerian woman today as far as property rights and ownership are concerned.

In its [Concluding Observations](#), the CEDAW Committee picked up the key recommendation, which was to encourage the State to “Review the Land Use Act, the Land Administration Act and related land laws and repeal any provisions that prevent women's access to land in order to ensure rural women's access to land.” The Concluding Observations also contain a series of recommendation on women's/girls' inheritance rights, including asking Nigeria to ensure that the draft model customary law and Islamic law marriages/divorce registration law complies with the provisions of the Convention and guarantee full legal capacity for all women with regard to marriage, custody and inheritance. It also asked that the State party review the legal regimes governing inheritance under customary law and Islamic personal law to ensure that women's inheritance rights are in line with the Convention and effectively enforced and that women are fully informed about the changes in the law.

Lastly, on Rwanda, our [Parallel Report](#) highlighted that Rwanda should be encouraged to intensify efforts to raise awareness about women's land rights under national law, as well as the benefits of ensuring equal land rights for women, particularly among rural women and men, traditional leaders and local authorities; take immediate steps to address and remedy negative customs and traditional practices, especially in rural areas, which affect full enjoyment of women's land and property rights; and address and fill existing legal gaps so as to provide equal protection of property rights of women in informal/consensual and polygamous marriages, including by harmonising the law on Gender-Based Violence with the National Land Law. An oral submission was also presented during the review with the assistance of our partner [IWRAW-AP](#) (International Women's Rights Action Watch - Asia & Pacific).

The CEDAW Committee's [Concluding Observations](#) picked up on the issues that were raised in the written and oral submissions and echoed the recommendations made in the parallel report. The most relevant paragraphs are 50-51 (marriage and family relations), 12 (access to justice) and 42-43 (rural women). For example, the Committee highlighted that the State party should "Ensure that rural women as well as local authorities, mediation committee members (Abunzi), and judicial officers are sufficiently made aware of their rights under the Convention and the new legislation regarding women's rights to land."

Following the release of the Concluding Observations, ActionAid Rwanda and the Rwanda Initiative for Sustainable Development were able to utilise them in local awareness raising and media outreach on the occasion of International Women's Day (8 March 2017).

### **Influencing CEDAW's General Recommendation on Gender-related dimensions of disaster risk reduction in the context of climate change**

CEDAW first held a day of discussion on Women's Rights and Disaster Risk Reduction in a Changing Climate in 2016, and at that time, with our partners [Landesa](#) and [APWLD](#) (Asia Pacific Forum on Women, Law and Development), we submitted an [original written submission](#) to influence the draft. A draft of the General Recommendation was later released for comments and we had the opportunity in January 2017 to submit a [second written submission](#) responding directly to the draft text.

Through our written submissions we highlighted the importance of 1) addressing the multiple threats posed to women's land rights by climate change; (2) ensuring climate change strategies do not undermine women's land rights; (3) recognising and incorporating the positive impacts of women's land rights into climate change mitigation and adaptation; and (4) promoting women's participation and leadership in tackling climate change. The second written submission also strongly encouraged the CEDAW Committee to raise its voice more strongly and to affirm that urgent action to combat climate change, reduce greenhouse gas emissions, and minimise its disruptions is integral to the successful implementation of the Convention on the Elimination of all Forms of Discrimination against Women.

The final General Recommendation (CEDAW General recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change) as adopted by CEDAW reflects many of the inputs made, including around women's land rights, and is available [HERE](#).

### **CEDAW Updated General Recommendation in Violence against Women mentions land and housing**

In 2016, GI-ESCR submitted a [written submission to CEDAW](#) urging them to reflect women's economic, social and cultural rights concerns, and specifically land and housing issues, in their update of General Recommendation 19 on violence against women. The new [General Recommendation No. 35](#) urges States to "Adopt and implement effective measures to protect and assist women complainants and witnesses of gender-based violence before, during and after legal proceedings, including through: ... Ensuring access to financial aid and free or low-cost high quality legal aid, medical, psychosocial and counselling services, education, affordable housing, land, child care, training and employment opportunities for women victims/survivors and their family members"



(emphasis added). The General Recommendation also addresses the issuance and monitoring of eviction of perpetrators of violence against women, which was another theme addressed in our written submission.

## **Regional Advocacy before the African Commission on Human and Peoples' Rights**

### **General Comment to the Maputo Protocol on women's property rights within the context of marriage and divorce**

In May 2017, GI-ESCR and our partners had an opportunity to formally present a draft General Comment to the Maputo Protocol on Art. 7(d) to the African Commission on Human and Peoples' Rights during its private session, something that had not been done before. [IGED-Africa](#) (Initiative for Gender Equality and Development in Africa) and [KHRC](#) (Kenya Human Rights Commission) were there in Niamey, Niger to make the presentation and field the comments and questions from the Commissioners. The General Comment was discussed in detail and some Commissioners suggested further refinement.

In July, GI-ESCR secured a small grant through [RRI](#) (Rights and Resources Initiative) to convene a meeting in Accra, Ghana to finalise the draft text of the General Comment. On 2 September, the meeting to review and revise the General Comment was held in Accra, and attended by Commissioner Asuagbor, as well as representatives of IGED-Africa, [ISLA](#) (Initiative for Strategic Litigation in Africa), KHRC, and FIDA-Kenya, the main organisations in Africa with whom we have worked on this effort.

The General Comment has been scheduled for its final consideration and hopeful adoption in Spring 2019.

## **Strengthening Partnerships and Networks**

### **2017 Strategic Meeting to Advance Women's Land and Property Rights in Africa (17 March 2017)**

GI-ESCR held its annual "Strategic Meeting to Advance Women's Land and Property Rights in Africa," bringing together approximately 25 participants from organisations throughout Africa, as well as international organisations working on issues related to women's land and property rights. 2017 marked the 10<sup>th</sup> year that the meeting has taken place.

The objectives of the meeting included discussing strategies to advance women's land rights as well as identifying future advocacy opportunities. Issues that were highlighted include an update on the status of the General Comment to the Maputo Protocol (please see above). In discussing the status of this draft, IGED-Africa and ISLA explained the range of issues that have been raised during the drafting process. They also led a discussion about how to strengthen the use of the General Comment as an advocacy tool as well as ways in which civil society can contribute to the workings of the African Commission on Human and Peoples' Rights, particularly to protect and advance women's rights.

Other topics addressed during the meeting include: litigation strategies and the role of *amicus* interventions to the African Court on Human and Peoples' Rights; the impacts on women of large scale land deals in Zambia; strengthening the role of women as stakeholders in commercial land investments; gender and land investments in Tanzania and Mozambique; good practices and lessons learned about collectively held land; and a reflection on progress towards Sustainable Development Goals (SDGs) relevant to women's land rights.

The meeting concluded with a discussion about shared strategies for 2017.

### **ESCR-Net Women and ESCR Steering Committee**

In August, GI-ESCR was also elected to the newly appointed [ESCR-Net Women and ESCR](#) Steering Committee. The Steering Committee members will serve a two-year term (2017-2019).

## Publications and Statements

### Publication Final Release: The International Covenant on Economic, Social and Cultural Rights at 50: The Significance from a Women's Rights Perspective

GI-ESCR finished the final design of our publication with [ESCR-Net](#) 'The International Covenant on Economic, Social and Cultural Rights at 50: The Significance from a Women's Rights Perspective.'

This publication celebrates the significance of the International Covenant on Economic, Social and Cultural Rights (ICESCR) from the perspective of advancing and ensuring gender equality and simultaneously points to ways in which the treaty can be utilised even more strategically and effectively to ensure that women's ESC rights are fully respected, protected and fulfilled towards the goal of achieving gender equality. It seeks to overview the content of normative statements which CESCR has made over the years on various issues relevant to women's ESC rights, and to highlight cases in which advocates have engaged with CESCR successfully to raise these issues and seek redress for violations of women's ESC rights. While it does not address the issue of implementation by States, the publication highlights CESCR's commentary within the context of many specific country reviews.

The publication is available on our website in [English](#) and [Spanish](#).

***[For more information please see: Int'l Covenant on Economic, Social and Cultural Rights at 50: The Significance from a Women's Rights Perspective](#)***

### Landesa Statement for International Rural Women's Day

Together with our partner Landesa, GI-ESCR drafted and circulated a sign on statement for international rural women's day, lauding the United Nations Working Group on Discrimination Against Women in Law and Practice for its recent adoption of a [position paper on women's land rights](#), available on the Working Group's website. This [joint statement](#) was issued in support of this position paper in honor of International Day of Rural Women (15 October). It was signed by over 70 organisations. Together, we urged that this position paper be widely disseminated and implemented, including compliance by governments.

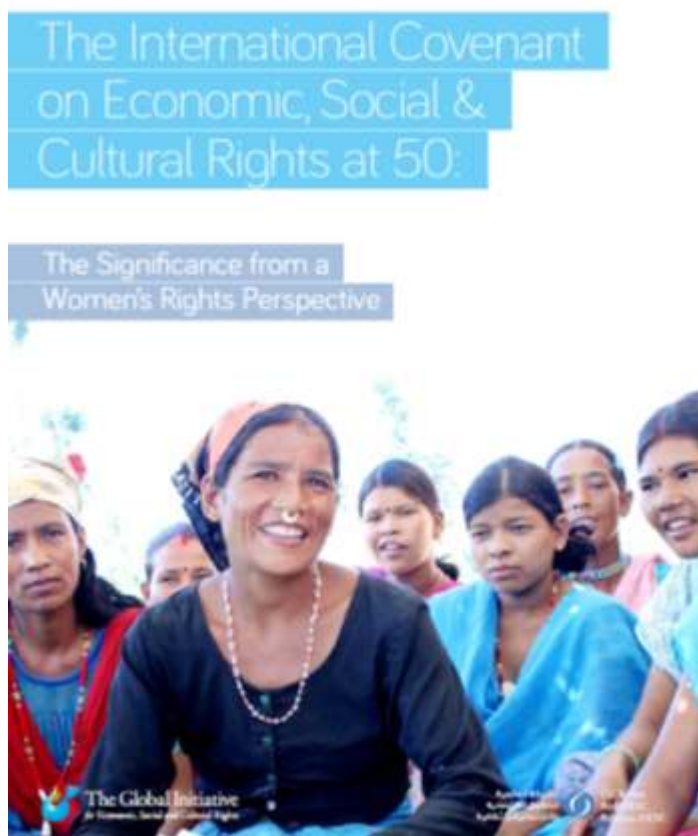




Photo credit: ILO in Asia and the Pacific, Children at School in Pakistan

## 4. Human Rights Impact of Privatisation of Social Rights

GI-ESCR works to deepen the research on the impact of the increasing role of private actors, particularly vis-à-vis education, and to highlight the obligation of States to respect, protect and fulfill ESC rights, and to offer a thoughtful response to privatisation and its impact on the enjoyment of ESC rights in practice.

### **Finalising the human rights guiding principles on States' obligations regarding private actors in education**

GI-ESCR has continued to develop the human rights standards on private involvement in education and the discussion on providing alternatives and solutions to privatisation in education. In 2017, GI-ESCR, as part of its role within the Secretariat for the development of the [human rights guiding principles on States' obligations regarding private actors in education](#), conducted a series of consultations on the draft. Global consultations were held over the course of 2017 in Western Europe, Asia, Africa and during the [2017 Comparative and International Education Society \(CIES\) Conference](#).

In March 2017, GI-ESCR in partnership with the Open Society Foundations (OSF) – Education Support Program and the Right to Education Initiative hosted the Western Europe Consultation on the guiding principles at UNESCO in Paris. Dr. Koumbou Boly Barry, the UN Special Rapporteur on the right to education, joined, as well as representatives from academia, education trade unions, civil society, and UN institutions.

During the CIES Conference, together with OSF, GI-ESCR organised a consultation workshop, providing human rights and education actors an opportunity to engage with the draft human rights guiding principles. GI-ESCR also gave a presentation on the process of the drafting of the human rights guiding principles during the panel “Assessing the growing role of private actors in education: Towards universal human rights Guiding Principles.”

GI-ESCR later participated to organise the Southern Africa Regional Consultation on the guiding principles, which was held in Johannesburg on 14 - 17 August 2017. The [Equal Education Law Centre](#), [Open Society Initiative for Southern Africa](#), and [Open Society Foundation for South Africa](#) hosted the consultations. It was attended by 36 education and human rights stakeholders, representing 12 countries in the region.

On 11 September, GI-ESCR also participated to organise the 2<sup>nd</sup> Asia consultation of the draft human rights guiding principles, in Kathmandu, Nepal. There were 55 participants from over 20 countries in attendance.

In October, over 80 organisations and State representatives from 24 francophone countries congregated at the *Institut de la Francophonie pour l'Éducation et la Formation* in Dakar, Senegal for Francophone actors to comment and express their views on the [guiding principles](#). The meeting was held from 23-26 October.

The engagement and input collected during the consultations has captured a breadth of expertise and experiences. These will guide the final drafting process in 2018 by the Expert Committee.

During that period, three new organisations joined the Secretariat for the development of the guiding principles, in addition to GI-ESCR and the Right to Education Initiative: the Equal Education Law Centre (South Africa), the Initiative for Social and Economic Rights (Uganda), and Amnesty International (global).

### **Monitoring the concerning developments of commercial low-cost private school chains**

GI-ESCR has continued playing a role in global efforts to research and monitor the development and impact of commercial low-cost private school chains on the provision of education, focusing on Bridge International Academies (Bridge). During the CIES Conference, GI-ESCR with partners organised and presented data on Bridge in the [panel](#), “Understanding commercial low-fee private schools: looking at available data on Bridge International Academies in three countries,” where we shared data from our experience in Kenya.

GI-ESCR has continued to monitor developments in commercial school chains. Regular updates on key developments are posted on the GI-ESCR website, and circulated to interested stakeholders and allies, and the media where appropriate. For example, a [press release](#) was issued when in Busia, Kenya, [the High Court upheld the County Education Board's decision to close ten Bridge schools](#).

GI-ESCR continues to follow developments in several countries, including but not limited to, Kenya, Liberia, Nigeria, India, and Pakistan, and hopes to increase efforts to offer support where necessary.

GI-ESCR has also monitored the pilot education PPP (public-private partnerships) in Liberia, where Bridge is one of eight private actors managing public schools. It has become increasingly important to monitor the PPP as the government seeks to scale up in year two, though the results of a pending evaluation would not have been released yet. Monitoring has been a challenge as the Ministry of Education in Liberia and private providers have not been forthcoming with information. To better monitor the situation, GI-ESCR seeks to establish a partnership with a national organisation so that it may offer support where it is needed.

In March GI-ESCR supported RESULTS Education Fund and EACHRights in the launch of their reports on low fee private schools in Homa Bay and Mathare, Kenya. GI-ESCR gave presentations at both launches which were attended by representatives from governments, civil society, the media, parents and students. GI-ESCR also assisted in the information dissemination of the reports. A journalist quoted the EACHRights report in a [Public](#)

[Finance International](#) article about Bridge International Academies. A journalist also attended the Mathare launch, with coverage appearing on a Kenyan [news outlet](#).

On 1 August, 174 civil society organisations from around the globe released [a statement](#) calling on investors to cease support for Bridge International Academies. The signatories came from a broad range of organisations from 50 different countries, including human rights, development, community-based, and faith-based organisations, as well as trade unions. This statement followed one in May 2015, where 116 organisations published [a statement](#) raising concerns about misleading facts regarding the costs and quality of Bridge schools.

In February, a [blog](#) on Bridge International Academies by GI-ESCR was published on Next Billion, countering Bridge's narrative and reaching a wider audience of business leaders and social entrepreneurs, alongside non-governmental organisations (NGOs) and policy makers.

These efforts have brought sustained attention to the pervasive issues with the Bridge schools. Throughout 2017 increase awareness of the concerns expressed by GI-ESCR and partner organisations was also reflected in a [new UK parliament report](#) found Bridge's model problematic and which raised questions about UK funding. The ACHPR also raised concerns about lack of regulation of Bridge International Academies in Kenya. Advocacy on, and awareness of these concerns will continue into 2018.

GI-ESCR ended a research project with the human rights clinic at Sciences Po Paris that focused on compiling case-law related to private actors in education.

In September 2017, a new project was initiated to assess the legal responsibilities of States investing in Bridge, with the focus on France and the case of PROPARCO.

### **Advocacy with international institutions**

GI-ESCR has strategically leveraged several Global institutions and United Nations mechanisms to ensure the human rights normative framework addresses the issue of low-fee private schools' impact on the provision of education.

- **World Bank spring meetings**

In April, GI-ESCR attended the World Bank Spring Meetings. GI-ESCR partnered with RESULTS Education Fund, ActionAid, the East Africa Centre for Human Rights, the Global Campaign for Education-US, the Institute for Social and Economic Rights-Uganda, the National Education Association and Oxfam to host the [session](#), "Free education and the question of low-fee private schools." The session discussed the World Bank's position on free education and fee-charging schools with presentations on evidence from research on IFC (International Finance Corporation) supported low-fee private schools.

- **UN Human Rights Council resolution on right to education**

In June, the UN Human Rights Council released the 2017 resolution on the right to education. GI-ESCR and Right to Education Initiative sought to maintain the tone of the previous resolution which called for commercialisation of education to be addressed and for the regulation of education providers. In light of the hostile environment to independent research of low fee private schools, efforts also successfully sought for the inclusion of a new clause supporting independent assessments of schools.

For more information, please see:

[\*Landmark UN resolution urges States to monitor and regulate private education providers\*](#)

- **UN Committee on Economic, Social and Cultural Rights releases new General Comment**

As noted above, the Committee's new [General Comment on "State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities"](#) was released in June. GI-ESCR successfully advocated for the consideration of privatisation in the General Comment, which contains two detailed paragraphs on the issue. GI-ESCR contributed two articles to the [Oxford Human Rights Hub](#), reflecting on how and what the new General Comment adds to the debate on privatisation of social services. [The first piece](#), *What Regulations Must States Put in Place when Private Actors are Involved in the Delivery of Essential Services?* considered what regulatory conditions must be met where private actors deliver social services, while [the second](#), *Can States Entirely Privatised the Delivery of Essential Services?* explored the question of whether States are permitted to privatise essential services at all.

- **UN Committee on Economic, Social and Cultural Rights issues findings on Pakistan**

In June, the Committee released its [Concluding Observations on Pakistan](#) after reviewing the State's report. The Concluding Observations raise concerns on low-fee private schools, reflecting research submitted in [a report to the Committee](#) by the Pakistan Coalition for Education, with the support of GI-ESCR. Concerns included a failure by Pakistan to conduct a human rights assessment prior to privatisation, poor quality, a lack of regulation, and discriminatory impacts.

GI-ESCR continues to update a list of Concluding Observations addressing private actors in education.

## Global mobilisation

- **Eurodad International Conference 2017**

In June, GI-ESCR attended Eurodad's International Conference in The Hague. With ActionAid, GI-ESCR held the side event, "Role of private sector as public service provider: the case of education."

- **Sao Paulo strategic litigation conference**

In April, GI-ESCR attended a strategic litigation conference in Sao Paulo, co-convened by the Open Society Justice Initiative, the Open Society Foundation's Education Support Program and the OSF Latin America Program. The focus was on discussions of the [study](#) "The Impacts of Strategic Litigation on Equal Access to Quality Education in Brazil, India and South Africa." The event took place from 4-6 April 2017. GI-ESCR also held a workshop on the human rights guiding principles.

- **Privatisation in Education and Human Rights Consortium**

GI-ESCR participated to organise and attended the 3<sup>rd</sup> meeting of the Privatisation in Education and Human Rights Consortium in September. This was an occasion for the Consortium to develop a new two-year strategic plan, and improve its governance.

- **Human rights training in Zimbabwe**

In May, GI-ESCR designed and conducted for Amnesty International Netherlands's [HURICAP](#) programme a human rights training on economic, social and cultural rights advocacy for civil society organisations in Zimbabwe.

- **Assessing the impacts of privatisation on girls' and women's right to education**

The 7<sup>th</sup> edition of BUWA, a publication by Open Society for Southern Africa, which was launched in July, was dubbed [Transformative Education: the Africa we need by 2030](#). It focused on interrogating which policy, governance and programming is required for education to play an effective role in achieving social justice. GI-ESCR contributed *the dangers of corporate power to the realisation of girls' right to education* to this edition. This article presents findings of human rights organisations and academics on the impacts of privatisation on girls' and women's right to education. It addresses the question of how corporatised education can result in discrimination and restrict education for the vulnerable and economically disadvantaged, looking at the impact this has on girls and women.

### **Exploring the connection with other essential social services**

GI-ESCR has explored privatisation in other social services, beginning with health. Background research has been conducted, preparing for a project with the University of Essex Human Rights Clinic which started in October. The project focuses on developing a human rights analysis framework for the impact of private actors in health care delivery.

GI-ESCR was invited in May by Oxfam-GB (Great Britain) to contribute to a project on development aid funding to private actors in health, Oxfam-GB has begun a two-year project on the commercialisation of development assistance in health which GI-ESCR is supporting by sharing its experience in education and technical human rights experts.

### **Monitoring, awareness and movement building in the Francophone area**

On 27 March, the French development aid Minister Jean-Marie le Guen made a [landmark statement](#) against commercialisation of education at the launch of the UNDP (United Nations Development Programme) annual Human Development Report. This is a major advancement in the advocacy work concerning privatisation and commercialisation of education in the francophone world, and the result of the campaigning work done by the Francophone Network against privatisation of education of which GI-ESCR is part of the steering committee. This major development will be the foundation of the networks' advocacy in the following months, which will call for its application in all of France's development cooperation's entities, notably its development finance institution, PROPARCO, towards which advocacy against its support to Bridge International Academies has been intensified during the last months.

For more information, please see:

[\*France commits to act against commercialisation of education in international cooperation\*](#)

In 2017, GI-ESCR also secured funding from the *Fondation pour l'Égalité des Chances en Afrique*, a Belgian philanthropic organisation to start a project on the privatisation and commercialisation of education in Mauritania. The project will focus on working with local partners to assess the impact of the growing involvement of private actors in education in Mauritania, including through the selling of the land of public schools to commercial actors, on children's rights.



Photo credit: United Nations Photo, Ariel View of Monrovia, Liberia





Photo credit: United Nations in Geneva, Human Rights

## 5. Additional United Nations Advocacy

As this report has shown, a significant part of the work of GI-ESCR involves advocacy with the key international human rights mechanisms based in Geneva: the UN Human Rights Treaty Bodies; the UN Human Rights Council; and the UN Special Procedures mandate holders. Our advocacy is often thematic, such as efforts to advance women’s economic, social and cultural rights. However, we also undertake advocacy for two broader objectives:

- To support and strengthen the UN human rights mechanisms themselves, with an emphasis on accessibility for civil society advocating for ESC rights; and,
- To advance the recognition and understanding of economic, social and cultural rights across the human rights mechanisms.

An important part of our work towards these two objectives is found in our regular publications to the ESC rights community on the work of the human rights mechanisms as it relates to ESC rights. In order to increase the visibility of ESC rights and ensure ESC rights advocates have access to current information about the ESC rights work of the human rights mechanisms, we publish an ‘Update’ on the ESC rights-related reports, events, meetings and developments after each session of the Committee on Economic, Social and Cultural Rights (CESCR) and of the Human Rights Council. See for example:

[\*Update from Geneva: Committee on Economic, Social and Cultural Rights\*](#) (March, 2017)

Another significant part of this work is providing assistance to NGO colleagues wishing to engage with the human rights mechanisms on ESC rights issues, including those coming to Geneva to undertake their own direct advocacy. Frequently colleagues get in contact with GI-ESCR to ask for assistance in navigating the system, in connecting with people working within the system on particular issues, with amplifying their advocacy message or information about engaging with particular mechanisms. For example, we provided considerable assistance to the NGO delegation that came to Geneva for the review of Australia by CESCR. GI-ESCR also provided advice to NGO colleagues from Venezuela wishing to advocate on the right to food and right to health issues, in the international human rights system.

### **Treaty bodies**

Strong, independent and effective human rights treaty bodies are essential for the advancement of economic, social and cultural rights at the international level. With this in mind, GI-ESCR sought to increase the visibility of the treaty bodies' work on ESC rights, to improve the accessibility of their procedures for rights advocates and rights holders, to improve the membership selection processes and to counter the persistent efforts by some States to undermine the treaty bodies.

### **'Treaty body Strengthening'**

GI-ESCR has continued to participate in initiatives relating to the on-going process known as 'Treaty body strengthening.' This is a political process initiated in the General Assembly which will culminate in the '2020 review' of the treaty body system. It is being driven both by States who genuinely want to achieve a strong and effective treaty body system, and by those States who want to achieve the opposite. GI-ESCR has participated in the 'NGO Platform on Treaty Body Strengthening' (coordinated by [the International Service for Human Rights](#), ISHR) which is working towards an NGO response to the 2020 review of treaty bodies. GI-ESCR attended the Geneva meeting of the [Geneva Academy Project on Treaty Body Strengthening](#), as an NGO representative and presented a paper at a consultation with States, UN agencies and civil society in Geneva, hosted by ISHR. The paper, on '2020 review – What do we want to achieve and how?,' addressed the crucial importance of the treaty bodies' function as independent monitoring mechanisms, their specialist expertise and openness to civil society. We also addressed the treaty body system's deficiencies such as: non-reporting States, non-compliance and lack of implementation; incoherence and inconsistencies across treaty bodies; and the ad hoc and unsustainable growth of the system. Finally, GI-ESCR stressed the importance of the strengthening process involving civil society.

### **TB-Net**

GI-ESCR became a member of a new NGO group called the '[NGO Network on UN Treaty Bodies](#)' ('TB-Net'). TB-Net is a small group of NGOs who have specific expertise on, and work in close partnership with, the treaty bodies. It aims to work together on issues affecting all treaty bodies, particularly in relation to procedures and methods of work, civil society engagement and elections and membership, and to promote a view of the treaty bodies as one system.

GI-ESCR worked with TB-Net on 2 main initiatives that we have identified for joint work:

- Enhancing the quality, independence and diversity of treaty body membership, through improving nominations and elections processes. This includes a focus on gender diversity on treaty bodies, which is an issue that GI-ESCR has worked on for a number of years. We held an event in November on this topic which was very well-attended and interactive. This collaborative TB-Net project will continue to engage with States, the UN Office of the High Commissioner for Human Rights (OHCHR), the treaty bodies and civil society, towards developing concrete proposals to improve the nominations and elections processes.

For more information, please see:

[Geneva Event: Promoting Quality, Independence and Diversity of Treaty Body membership](#)

- The importance of procedures for follow-up of treaty body Concluding Observations and Views and suggestions for improving and harmonising those procedures. GI-ESCR jointly hosted a retreat for treaty body members on ‘follow-up’ which was also very successful with active participation by Committee members from each of the treaty bodies (except the Committee on Migrant Workers). Each of the TB-Net members is continuing to engage with individual Committees on this topic and promoting greater uniformity in the approach to follow-up.

### **CESCR Working Methods and Communications Procedure**

The possibility of international accountability for violations of economic, social and cultural rights became a reality in 2013 when the Optional-Protocol to the ICESCR (OP-ICESCR) came into force. The Communications Procedure of CESCR is in its early stages of development and GI-ESCR has followed this process closely, by collating information about the cases before the Committee, assisting NGO colleagues seeking to interact with the Communications procedure and advocating with the Secretariat and Committee members for transparent, civil society-friendly and effective practices.

The Committee has been diligently working to establish the working methods and procedures, including the innovative ‘Guidance on 3<sup>rd</sup> Party Interventions.’ GI-ESCR, together with its partners from the ESCR-Net Strategic Litigation Working Group, engaged with the Committee and to advocate for working methods that increase transparency and visibility of the work of the Committee and embed spaces for civil society input.

GI-ESCR also assisted ESCR-Net to organise an event in Geneva with members of CESCR and hosted by Portugal, to launch a Commentary on the OP-ICESCR.

In December 2017, GI-ESCR published an Update on CESCR Communications Procedure entitled *[‘A slow but solid start for the international accountability mechanism for economic, social and cultural rights.’](#)* GI-ESCR also participated in an annual workshop of advocates litigating with the human rights treaty bodies to discuss common issues and challenges and new developments and innovations from across the treaty body system.

### **CESCR elections and membership**

Further to the work with TB-Net on membership and elections, GI-ESCR focused on CESCR elections which took place in April 2018. In the lead up to those elections we worked to ensure strong nominations and encourage a more transparent and rigorous process. GI-ESCR disseminated information about the up-coming elections and nominations deadline, canvassed potential candidates and encouraged States to nominate strong candidates, in accordance with the principles of quality, independence and diversity.

In order to ensure a strong working relationship between Committee members and civil society, GI-ESCR organised a meeting in early 2017 at which civil society could present their work to the new members of the Committee and discuss topics of common interest. The new members, the Secretariat and the civil society participants all expressed their appreciation for the organisation of the meeting.

### **Day of General Discussion – Business activities and economic, social and cultural rights**

As noted earlier in this report, the Committee held its Day of Discussion on ESC rights in the context of business activities to discuss its draft General Comment on this topic. GI-ESCR was heavily involved in preparations for this Day of Discussion, both in relation to the programme and speakers and in relation to co-ordination between civil society participants on interventions and issues to be discussed. GI-ESCR attended a number of preparatory meetings, including discussions with Committee members about the bigger picture on business and human rights, including the political discussions in the context of the Human Rights Council. GI-ESCR also made an Oral Intervention during the Day of Discussion. Subsequently GI-ESCR published a [blog](#) describing the Day of Discussion and key issues addressed.

### **UN Human Rights Council**

GI-ESCR’s work with the Human Rights Council aims to raise the profile of ESC rights in the work of the Council and advance ESC rights recognition and development. As well as our more in-depth thematic work on climate change; the right to education; the right to adequate housing; and women’s economic, social and cultural rights, in 2017 we engaged in advocacy on ESC rights resolutions, held side events, made oral statements, supported ESC rights mandates and engaged in dialogues and meetings related to ESC rights.

For example, GI-ESCR followed the Portuguese annual resolution on economic, social and cultural rights at the March session of the Human Rights Council, which focused on the linkages between ESC rights and the SDGs framework. We made proposals to strengthen the text and to underline the importance of a human rights-based approach to the SDGs. The adopted resolution is available [HERE](#).

GI-ESCR also undertook advocacy to strengthen the text and to promote greater participation in the negotiations by States and other interested stakeholders, with respect to the resolution on the right to work. For example, we pushed for greater recognition of women's unpaid work and Importance of social protection and investments in care infrastructure, to ensure equality with respect to the right to work. The adopted resolution is available [HERE](#).

- **ESC rights and the SDGs**

GI-ESCR continued to work on the links between ESC rights and the SDGs and to advocate for the UN human rights mechanisms to engage with the SDGs processes and press States to implement and monitor the SDGs in accordance with human rights. We have been working with Chile and partner NGOs in relation to this and advocating for them to lead action in the Human Rights Council on this topic. At the March session Chile made a Joint Statement on this topic and announced the beginning of a new initiative on the SDGs and human rights which we continue to be involved in.

In line with this interest and activity, GI-ESCR has been continuing to work with other NGOs to encourage the Human Rights Council to more directly address the link between the two frameworks. GI-ESCR was invited to speak, as the only civil society speaker, at a private retreat on human rights and the 2030 Agenda, hosted by Chile and Denmark. GI-ESCR also gave a presentation on this topic to the Geneva Academy of International Humanitarian Law and Human Rights training course.

- **Extreme poverty mandate**

GI-ESCR followed the mandate of the Special Rapporteur on extreme poverty and human rights, including his report to the Council at the June session which focused on universal basic income. GI-ESCR co-sponsored and chaired [a side event](#) with the Special Rapporteur and Prof. Sandra Liebenberg from CESCR, which considered the vital role of civil society in the realisation of ESC rights. The Ambassador of Chile gave an introductory presentation. The Special Rapporteur's country visits to China and Saudi Arabia were discussed as examples of the negative impact of restrictions on civil society participation in government policy-making on ESC rights and in the work of the Special Procedures. The side event was well attended by many States and civil society and was a useful precursor to the Special Rapporteur's subsequent report on the importance of the indivisibility of rights for the eradication of extreme poverty.

### **Right to adequate housing project**

GI-ESCR's new project on the right to adequate housing got underway this year. Throughout 2017 we continued to develop the project and consult closely with partners, including the Special Rapporteur on the right to adequate housing, CESCR members, State supporters and housing rights advocates.

During the March session of the Human Rights Council, when the Special Rapporteur on the right to adequate housing presented her report, GI-ESCR made an [Oral Statement](#) to the Council supporting the Rapporteur's report and analysis on the financialisation of housing and we publicised the Dialogue and the Special Rapporteur's message.

GI-ESCR attended an Expert Consultation in Geneva hosted by the Special Rapporteur on the right to adequate housing, on the topic of the right to adequate housing and persons with disabilities. The Consultation was intended to inform the subsequent report of the Special Rapporteur, which was submitted to the General Assembly in September 2017. GI-ESCR also organised a meeting between the Special Rapporteur on the Right to Adequate Housing and the World Health Organisation team working on housing as a social determinant of health.

In order to build the capacity of housing rights advocates to engage in the international human rights system and to provide the platform for housing rights advocates to exchange information and practices, we decided to develop a workshop for housing rights advocates. Therefore, together with the [Friedrich Ebert Stiftung](#), we commenced the design and preparation of a housing rights advocates workshop to be held in Geneva in 2018.

## **Climate Change and Human Rights**

GI-ESCR continued to work to advance the understanding of climate change and human rights through advocacy in the Human Rights Council, the treaty bodies and with the Special procedures mandate holders. We followed initiatives in the Human Rights Council, such as side events on climate change and the Council panel discussion on climate change and the rights of the child. We also engaged with the Special Rapporteur on the environment and human rights in relation to his work on biodiversity and human rights and the future of the mandate.

At the June session of the Council, we followed the resolution on climate change and human rights, this year focusing on climate-induced migration and displacement across international borders. GI-ESCR also co-sponsored and chaired a side event on *[‘Climate induced movement of people – ensuring a human rights based approach’](#)* involving the Ambassador of Fiji, GI-ESCR and representatives of IOM (International Organization for Migration), OHCHR and Franciscans International. There was a lively discussion regarding the crucial overlap between the Paris Agreement framework, the process for a Global Compact on migration and the human rights framework. The topic was particularly important because it aligned with the topic of the resolution and offered an opportunity to build support for the efforts of the Ambassador of Fiji, who was the Chief Negotiator for the COP23, to promote human rights in the context of the UNFCCC (United Nations Framework Convention on Climate Change).

GI-ESCR also co-sponsored a side event on climate change and children’s rights which discussed the report of the OHCHR and the work of the Committee on the Rights of the Child on climate change and children’s rights.

For more information, please see:

[\*\*\*Human Rights Council Side Event: Impact of Climate Change on the Rights of the Child\*\*\*](#)

As part of a new strategy to increase CESCR’s focus in this area, GI-ESCR organised a small informal meeting between Committee members and NGOs working on climate change and human rights. The meeting has prompted work on climate change in relation to a number of countries coming up for review before CESCR and also ideas for meetings and events.

As a follow-up to this small meeting, GI-ESCR organised another meeting with Committee members during which we identified how NGOs can be most helpful to Committee members, what sort of information was most useful, what broad strategy should be employed and what climate change topics were most urgent or most strategic at this point in time.

In September, together with our NGO partners such as [CIEL](#) (Center for International Environmental Law) and [Franciscans International](#), we held a Briefing for CESCR members on the topic of how to address climate change in CESCR’s State reporting process. The idea was to move beyond the discussion of how climate change impacts ESC rights, and to provide members with suggestions about specifically how they can raise climate change with different countries being reviewed. The Briefing was very well attended and the members were very interested and engaged on the topic.

## **Submissions on Australia, Germany and Argentina**

For the review of Australia by CESCR, GI-ESCR submitted [a Parallel Report](#) addressing Australia’s contribution to climate change and its serious impacts on ESC rights. The Committee took up the issue during the Dialogue with the Australian delegation and made recommendations which emphasised Australia’s weak Paris Agreement target and that its current policy settings are not conducive to meeting the global ‘well below 2 degrees’ target, nor to avoiding serious ESC rights harms induced by climate change.

The work on climate change was also important as it has advanced the jurisprudence on climate change and human rights and laid a foundation for raising climate change issues in respect of the reviews of other countries.

For more information, please see:

[\*\*\*Climate change and corporate accountability brought to CESCR’s attention during review of Australia\*\*\*](#)

In partnership with CIEL and local NGOs, GI-ESCR submitted parallel reports on Germany and Argentina. They addressed the States' obligations under the ICESCR with respect to climate change in their respective contexts. For [Argentina](#), we highlighted the exploitation of gas and oil in the *Vaca Muerta* formation in Patagonia which will lead to the export of huge additional carbon emissions and which is negatively impacting the rights of the indigenous and local peoples in the region. On [Germany](#), we underlined the importance of a managed phase-out of coal and the targeting of climate finance to adaptation activities.

The Lists of Issues adopted by the Committee for these countries both asked the State questions about climate change similar to those proposed by us. We will now look forward to seeing the States' replies and to advocating for the Committee to raise questions of climate change in the Dialogue with the States and in the Concluding Observations.

For more information, please see:

[\*UN Spotlight on Impacts of Argentina's Vaca Muerta Fracking Project on Indigenous Rights and Climate Change\*](#)

[\*Committee on Economic, Social and Cultural Rights addresses climate change\*](#)

[\*CESCR: Climate Change rises to violation of International Covenant on Economic, Social and Cultural Rights\*](#)



Photo credit: GI-ESCR, Guiding Principles Consultation

## 6. Partnerships and Networks

GI-ESCR is proud to actively participate in several networks, including:

- Bringing Human Rights Home: ESC Rights Working Group
- ESCR-Net Adjudication Working Group, and Steering Committee
- ESCR-Net Social Movement Working Group
- ESCR-Net Strategic Litigation Initiative
- ESCR-Net Women and ESC Rights Working Group, and Steering Committee
- ETO Consortium World Bank/IMF Focal Point Working Group
- Extra-Territorial Obligations Consortium
- Geneva Climate Change Consultation Group
- Geneva Gender Network
- Geneva Group of Friends of ESCR
- NGO Treaty Body Strengthening Group
- Privatization in Education and Human Rights Consortium
- U.S. Human Rights Network
- World Bank and Human Rights Affinity Group

# 7. Financial Report

2017 Unaudited Financial Statement					
<i>items in blue represent funds/grants carried over from 2016</i>					
Grant:	Anon 3 (General Support) ROLLOVER	Anon 3 (General Support)	Anon ED 2 ROLLOVER	Anon ED 2	PERI 5
<b>Income by Grant Received:</b>	69,114.00	324,661.27	24,454.54	143,753.29	164,881.00
<b>Incoming Reserves</b>					
<b>Staff costs</b>					
Salaries	49,506.16	135,873.48	10,050.00	59,414.74	116,877
Taxes	10,014.18	38,455.69			
Health Insurance		11,686.29		3,694.97	
<b>Project Costs</b>					
Travel & Meetings	2,100.00	6,856.18		10,683.38	35,897.80
Communications	1,175.24		10,328.31	6,896.91	1,764.71
<b>Partnerships</b>					
JPA costs		49,163.74			
Consortium Coord & Partners				3,000.00	1,020.00
<b>USA Office Support / Overhead</b>					
Rent	552.00	276.00		828.00	
Utilities					
Office Supplies	104.02	405.80	37.94	59.50	134.33
Wire Transfer & Bank Fees	291.00	401.00	285.00	437.00	398
Other (postage, etc.)					
Audit		1,990.00			
Liability Insurance	531.51	497.20			
<b>GVA Office</b>					
GVA office	5,228.62				
<b>NBO Office</b>					
NBO Office				5,417.47	8,788.75
<b>TOTAL Expenses</b>	69,502.73	245,605.38	20,701.25	90,431.97	164,881.00
<b>Total Reserves</b>					
<b>Remaining Unspent Balance</b>	-388.73	79,055.89	3,753.29	53,321.32	0.00
<b>Notes</b>					
Status of grant	closed		closed		closed
	<i>overpend deducted from Anon 3</i>	<i>unspent balance rolled over into 2018</i>	<i>unspent balance rolled over into ED 2</i>	<i>unspent balance rolled over into 2015</i>	



PERI 6	PERI 7	RRI	Consortium Coordinator	FECA	Reserves
57,935.00	39,945.00	9,998.50	10,804.50	64,766.93	At beginning of 2017: 19,394.13
					9,833
41,036.00					
7,500.00				6,162.43	
1,000.00				80.71	
		10,000.00			
			6,787.00	13,861.26	
90.08					
16.00	16.00		45.00	80.00	
5,482.10					
2,300.00				39.95	
57,424.18	16.00	10,000.00	6,832.00	20,224.35	
					29,227.27
510.82	39,929.00	-1.50	3,972.50	44,542.58	
closed		closed			
	<i>unused balance rolled over into 2018</i>		<i>unused balance rolled over into 2018</i>	<i>unused balance rolled over into 2018</i>	



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