Promoting and Defending Economic, Social and Cultural Rights

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AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

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This practical handbook is for NGOs and others active in civil society who want to prevent or stop violations of economic, social and cultural rights and promote fulfilment of these rights at the national and international levels.

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their own experience in civil society and provided candid reactions and recommendations. This Handbook is written for NGOs, and it attempts to present a picture of reality as actually experienced by NGOs, rather than an idealised image of how the system is supposed to work. The volume is able to take a different approach than would be appropriate in an official UN document.

NGO focus groups in Canada and the Philippines met to discuss the draft Handbook and individual reviewers in South Africa contributed critiques and insights as well. A full day focus group, which produced many recommendations for the Handbook, was held in Ottawa in September 1998, at the headquarters of the International Development Research Centre (IDRC). To ensure a diversity of perspectives, I invited individuals from NGOs and institutions focused on both international and national social development issues as well as human rights. I wish to reiterate my thanks to the many participants, as well as to those who co-operated with project colleagues during the related review processes in South Africa and the Philippines.

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Over the past couple of years, several colleagues have been participating in writing other kinds of manuals focused on economic, social and cultural rights. Through discussions with these colleagues, I have made a conscious effort to try to ensure that there would be a minimum of overlap in our varied efforts. Though I have not had an opportunity to see the various draft publications, it appears that each of the other pending resources will be very worthwhile in its own right, serving core purposes different from those of the current Handbook.

Support for the Handbook

This Handbook would not have been possible without the generosity of the Ford Foundation, the governments of Denmark and the Netherlands, the John D. and Catherine T. MacArthur Foundation, and the Joyce Mertz-Gilmore Foundation. We are grateful to them for their financial and moral support of the ESCR Project, and their patience during the time it took to turn the Handbook from an idea into a reality.
Dedication

For a guidebook, it seems inappropriate to insert a special page to announce a dedication from the author; yet a dedication is warranted. I wish to dedicate the *Handbook* to those who have held fast to the idea that our shared responsibility for the basic needs and rights of others does not stop at our individual or national doorsteps. Among those who taught me such lessons by their words and actions were the late Walter S. Tarnopolsky, a renowned law professor, Justice of Appeal, member of the UN Human Rights Committee and mentor to many. As always, important lessons on using one’s opportunities to fulfil community and global responsibilities continue to be imparted by my father, Robert D. McChesney, my mother, Isabelle Orton McChesney, and admired members of our extended (and extensive) families.

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**Foreword**

**Overview**

This *Handbook* was produced by the AAAS/HURIDOCS Economic, Social and Cultural Rights Violations Project (ESCR Project). The ESCR Project began in 1996, with the goal of developing tools, methods and resources to help non-governmental organisations (NGOs) to identify, monitor, and document violations of these important, but often neglected, human rights.

In everyday language, monitoring means observing, collecting information, keeping track of changes, and reporting on particular kinds of activities. For example, an NGO might want to keep track of the number of girls enrolled in primary or secondary school in a given area, compared to the enrolment of boys, as well as whether these numbers increase or decrease over time. By tools, we mean various practical aids or devices that can be used in monitoring. This *Handbook* is a tool for monitoring because it provides practical guidance on how to keep track of human rights activities and progress.

The *Thesaurus of Economic, Social and Cultural Rights*, described below, is also a monitoring tool.

By methods, we are referring to the approach or process by which monitoring takes place: that is, the actual steps that an NGO follows in keeping track of an activity. An NGO could collect information on a particular topic by interviewing people, sending out questionnaires, reading and cutting out newspaper articles, examining government records and reports, or counting the number of times people engage in an activity during a certain period of time: for example, how many women (or men) collect water at a given well during a 24-hour period.

By resources, we mean useful information or other assistance. This *Handbook* contains a wealth of resource information. It lists many names and addresses of governmental and non-governmental organisations that promote, protect and defend economic, social and cultural human rights, as well as books and articles on the subject and useful website addresses. Resource information is scattered throughout the text, and appears in concentrated form in the Annexes at the back of the book.

*Note that the *Handbook* uses British English spelling, in keeping with common United Nations practice.*
The Thesaurus of Economic, Social and Cultural Rights

The Handbook is not the first tool to be developed by the ESCR Project. That honour belongs to a book entitled The Thesaurus of Economic, Social and Cultural Rights: Terminology and Potential Violations. The Thesaurus is a kind of catalogue of ESC rights, following the order of the rights as they are listed in the International Covenant on Economic, Social and Cultural Rights (ICESCR or the Covenant). It organises, classifies and presents the entries on rights and violations in a logical and systematic fashion. The initial categories are very broad; the entries for the rights and corresponding violations within these categories become increasingly specific and detailed at each succeeding level. In addition to serving as a monitoring tool, the Thesaurus is an educational resource, illustrating the range of actions and omissions that come under the general heading of ESC rights and violations. A typical reader is likely to learn that actions or events that he or she may never have considered a human right or rights violation may very well fall within these categories. The Thesaurus currently exists in two versions, as a printed book, and as an application on the World Wide Web, at http://shr.aaas.org/ethesaurus.

The Internet version of the Thesaurus, called the “e-Thesaurus”, contains many documents on economic, social and cultural rights that are “linked” (connected electronically) to the website. There are currently approximately 150 documents in its database, and the number continues to grow. The documents are primarily legal documents, produced by various branches of the United Nations, as well as by regional bodies such as the Organization of American States (OAS) and the Organisation of African Unity (OAU).

The Handbook and the Thesaurus are companion resources. Although each one is self-contained and can be used independently of the other, the information in each makes the other one easier to use and understand. The Handbook explains in clear, everyday language the basic concepts presented in the Thesaurus, while the on-line version of the Thesaurus contains links to most of the resource materials from international human rights law that appear in the Handbook, including treaties, declarations, and other documents that are important in interpreting and understanding economic, social and cultural rights. One example of such a document is the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (described in Chapter 7). This feature of the Thesaurus will make it easy for readers who can connect to the World Wide Web to find many of the resources referred to in the Handbook. The quickest way to locate a particular item may be to search the document database of the Thesaurus.
A Word on the World Wide Web and Technology in General

The Handbook and the Thesaurus were developed to take advantage of the capabilities of the World Wide Web, in view of the increasing number of NGOs from all over the world with access to this technology—a number that will continue to grow as time passes. At the same time, we realise that access to the Internet is not evenly distributed throughout the world, or within an individual country. For a variety of reasons, many NGOs will not gain access to this technology for a long time. Keeping this reality in mind, we have used a dual strategy. To make the resources produced by the ESCR Project as widely available as possible, we are producing them in both print and Internet versions. The Internet version will be housed on the AAAS ESCR website, at http://shr.aaas.org/escr. It will be updated regularly as new material becomes available. The print version will also be updated periodically.

A Note for Lawyers

Because the Handbook was written for NGOs, rather than lawyers, it often uses non-technical language to describe the legal concepts in the field of human rights. We have tried hard to present the legal concepts accurately, but our emphasis has been on clarity and accessibility of the information, rather than on comprehensive technical accuracy. Lawyers using the Handbook should be aware of this.

The Handbook’s Creators

The Handbook was written by Allan McChesney, a Canadian human rights lawyer, advocate and training specialist, who has for many years conducted human rights work for the United Nations, regional intergovernmental organisations, government agencies, community-based groups, and national and international non-governmental organisations. It was produced by the Science and Human Rights Program of the American Association for the Advancement of Science (AAAS) and HURIDOCS (Human Rights Information and Documentation Systems, International), two NGOs with a long history of developing, disseminating and providing training in methods for monitoring and documenting human rights abuses.
A Comment on the Resource Listings

Resource information on economic, social and cultural rights is widely scattered and can be hard to find. One of the purposes of the Handbook is to assemble in one place useful resource and contact information on these rights. Doing so, however, entails certain risks. The first is that the information is, by its very nature, ephemeral. Addresses and phone numbers; website information; and names, titles and organisational affiliations of knowledgeable individuals are always changing. Existing information becomes outdated and new information is added all the time. Although we have double-checked the resource information, some of it will be out of date as soon as the Handbook is published. A second caveat is that we make no claim to completeness for the resource information that is included. Such a claim would be impossible. The field of economic, social and cultural rights is large and it continues to grow. It cannot all be captured between the covers of one book.

The resource information, incomplete and changeable though it is, does illustrate the range and types of materials and data available, however. Even if a particular listing does not give the searcher a definitive answer to his or her question, it provides a place to begin looking for it. It can start the reader down a trail that will ultimately lead to the answer, and reveal unexpected and productive new paths along the way.

Throughout this Handbook, and most notably in Chapter 12, we ask for readers’ help in adding to the resource listings and making suggestions to improve future editions. Your ideas and insights will help to ensure that this Handbook truly meets the needs of its primary audience—NGOs around the world that are engaged in making economic, social and cultural human rights a reality for everyone. We look forward to hearing from you.

Sage Russell
AAAS Science and Human Rights Program