

# Promoting and Defending Economic, Social and Cultural Rights



# Promoting and Defending Economic, Social and Cultural Rights: A Handbook

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**AMERICAN ASSOCIATION FOR THE  
ADVANCEMENT OF SCIENCE**

Washington, DC

## **HURIDOCS Cataloguing in Publication Data**

**TITLE:** Promoting and Defending Economic, Social and Cultural Rights: A Handbook

**PERSONAL AUTHOR:** McChesney, Allan

**CORPORATE AUTHORS:** American Association for the Advancement of Science (AAAS) Science and Human Rights Program; Human Rights Information and Documentation Systems, International (HURIDOCS)

**PLACE OF PUBLICATION:** Washington, DC

**PUBLISHER:** AAAS

**ADDRESS:** 1200 New York Avenue, NW, Washington, DC 20005, United States

**TELECOMMUNICATIONS:** tel: 1.202.326.6790; fax: 1.202.289.4950; e-mail: shrp@aaas.org

**DATE OF PUBLICATION:** 20000800

**PAGES:** xx, 198

**ISBN:** 0-87168-645-7

**LANGUAGE:** ENG

**STATISTICAL INFORMATION:** N

**INDEX:** Human rights / monitoring / economic, social and cultural rights

**FREE TEXT:** This practical handbok 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.

This report is a product of the AAAS Science and Human Rights Program, in co-operation with Human Rights Information and Documentation Systems, International. The AAAS Science and Human Rights Program operates under the oversight of the AAAS Committee on Scientific Freedom and Responsibility (CSFR). The CSFR, in accordance with its mandate and Association policy, supports publication of this report as a scientific contribution to human rights. The interpretations and conclusions are those of the author and do not purport to represent the views of the AAAS Board, the AAAS Council, the CSFR, or the members of the Association.

ISBN 0-87168-645-7

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1200 New York Avenue, NW  
Washington, DC 20005

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# Acknowledgments

This *Handbook* would not have been possible without the generous and willing assistance of a constellation of people around the world who believe in economic, social and cultural rights, and who gave generously of their time, knowledge and experience at every stage of the *Handbook's* development. There is not enough space to list everyone who contributed.

## The Project Team

Among the people whose contributions I would like to acknowledge by name are the project staff at AAAS and HURIDOCS, who in addition to reviewing and commenting on the Handbook as it progressed through various drafts, have organised and implemented the overall project of which it is a part. Project staff include Manuel Guzman and Bert Verstappen at HURIDOCS, and Audrey Chapman, Sage Russell, Stephen Hansen, Matthew Zimmerman and Eric Wallace in the Science and Human Rights Program at AAAS. At the 1993 World Conference on Human Rights, where I first heard her speak, Audrey Chapman was already setting the stage for the project that has nurtured this *Handbook*. Dr. Chapman invited me to join in project planning and implementation and has given inspiration and guidance at many important landmarks along the way.

Sage Russell has been an active, skilled and encouraging editor, who contributed considerably to the shape and spirit of the text. In countless instances throughout the volume, she has also contributed directly to its content. Matt Zimmerman, in addition to his fine work on the layout of the *Handbook*, co-authored Annex G dealing with the uses and perils of the Internet.

## The ESCR Project Advisory Committee

Both the *Handbook* and the project of which it is a part have benefitted greatly from the steady support and guidance of a distinguished international Advisory Committee, whose members share expertise in and a deep commitment to economic, social and cultural human rights. Advisory Committee members took a strong interest in the development of the *Handbook*, providing

helpful ideas, suggestions and encouragement, and reviewing and commenting on numerous drafts. Their names and professional affiliations are listed below.

- Supang Chantavanich, Director, Asian Research Centre for Migration, Chulalongkorn University, Bangkok, Thailand
- Rebecca Cook, Professor, Faculty of Law, University of Toronto, Toronto, Ontario, Canada
- Virginia Dandan, Professor, College of Fine Arts, University of the Philippines, Quezon City, the Philippines; Chair, UN Committee on Economic, Social and Cultural Rights
- Clarence Dias, President, International Center for Law in Development, New York, NY, United States
- Héctor Faúndez Ledesma, Director, Centre for Graduate Studies, Faculty of Law and Political Sciences, Central University of Venezuela, Caracas, Venezuela
- Tokunbo Ige, Legal Officer for Africa, International Commission of Jurists, Geneva, Switzerland
- Miloon Kothari, Convener, Housing and Land Rights Committee, Habitat International Coalition, Delhi, India
- Rolf Künnemann, Secretary General, FoodFirst Information and Action Network (FIAN), Heidelberg, Germany
- Janek Kuczkiwicz, Deputy Director, Department of Trade Union Rights, International Confederation of Free Trade Unions, Brussels, Belgium
- Carmel Shalev, Director, Unit for Health Rights and Ethics, Gertner Institute for Health Policy Research, Tel Hashomer, Israel; Member, UN Committee on the Elimination of All Forms of Discrimination Against Women
- Sigrun Skogly, Lecturer in Law, Department of Law, Lancaster University, Lancaster, United Kingdom

I wish to recognise the special contributions made by Sigrun Skogly and Miloon Kothari, who willingly reviewed drafts, answered questions and helped to locate important background materials. Miloon generously shared his considerable wisdom and knowledge gained as a longtime NGO advocate for housing rights before the

Committee on Economic, Social and Cultural Rights. Sigrun drew upon her experience as a university teacher and as an advocate on social and economic rights issues. For his early encouragement and advice on two elements I added to the *Handbook* to enhance its clarity and usefulness for grassroots NGOs, I wish also to thank Clarence Dias.

I would also like to acknowledge two individuals who are not formal members of the Advisory Committee, but who have made valuable contributions to the work of the Committee and to the Project that it oversees. Abdullahi An-Na'im, Charles Howard Candler Professor of Law at Emory Law School in Atlanta, Georgia, is a former Advisory Committee member who helped to shape the ESCR Project in its early stages. More recently, Professor Alicia Ely Yamin of the Joseph L. Mailman School of Public Health at Columbia University in New York, has participated actively in the work of the ESCR Advisory Committee in her capacity as member of the AAAS Committee that oversees the work of the Science and Human Rights Program.

### **Advisors from the CESC and Its Secretariat**

I appreciate the assistance provided by Alex Tikhonov, Kitty Arambulo and Paivikki Aaku of the Secretariat of the UN Committee on Economic, Social and Cultural Rights (CESC). I am especially indebted to Kitty Arambulo, who reviewed the sections dealing with the work of the Committee and was always ready to answer questions and clarify the sometimes mysterious workings of the United Nations human rights monitoring system. On the Committee itself, I wish to thank in particular Professor Virginia Bonoan-Dandan, its Chair, and Professor Paul Hunt. Paul Hunt reviewed the sections of the *Handbook* on the work of the CESC and offered many insightful and practical suggestions. Virginia Dandan, as a member of the Project's Advisory Committee since its inception, has been a valuable source of support to the Project because of her strong and steady belief in the value of what we are striving to accomplish. Virginia Dandan and Paul Hunt epitomise the openness of the Committee on Economic, Social and Cultural Rights to input from NGOs.

### **Other Valued Advisors from NGO, NGI and Academic Communities**

Finally, I would like to recognise the contributions of people from around the world who held the *Handbook* up to the light of

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.

Two Canadian reviewers who provided both advice and important resource documents were Bruce Porter of the Centre for Equality Rights in Accommodation (CERA) and Rob Robertson, Counsel for IDRC. Also at IDRC, I was grateful for the collegial support of its President, Maureen O'Neil and for the advice that David Brooks, Daniel Buckles and others gave respecting the relationships among economic, social and cultural rights, natural resource sharing and the environment. The opportunity to participate in an IDRC project on these questions and another on intellectual property and the protection of traditional knowledge (as part of the global Crucible Project) helped me to refine a number of perspectives for the *Handbook*. IDRC staff also aided my efforts to meet with lawyers and legal workers working with NGOs in Capetown, South Africa in July 1998. Their reflections on using law and community organising to promote economic, social and cultural rights were both informative and inspirational.

For their location and verification of documentation and illustrative examples of NGO work, I wish to recognise the kind assistance of personnel from the National Anti-Poverty Organization (NAPO) and CERA in Canada and the *Centro de Estudios Legales y Sociales* (CELS) in Argentina. At CELS, Juana Kweitel especially provided many timely details on NGO activities promoting implementation of economic and social rights at the international level and through national courts. Over the years of developing the *Handbook* (and previously) I learned many important things about UN procedures from Mona Rishmawi and other colleagues at the International

Commission of Jurists in Geneva. I learned much about pan-European economic and social rights issues from Nathalie Prouvez, also of the ICJ. Publications by Tom Kenny provided additional helpful detail and analysis on economic and social rights protections in Europe. I also benefitted from e-mail exchanges with him regarding the UN context. Others whose contributions were helpful at important stages included Geraldine Van Bueren, Director of the Programme on the International Rights of the Child at the University of London, Gerit-jan van Oven, Member of the Netherlands Parliament, and Marjolein Brouwer, formerly on staff at the UN in Geneva and more recently with NOVIB.

Excerpts from a draft of the *Handbook*, including the first NGO Checklist (in Annex F) and one of the fictional case scenarios (in Annex G) were used as training tools during two large NGO workshops at the Hague Appeal for Peace Conference, in May 1999. The occasion also permitted assessment of the practical merits of the material. I wish to thank three well-versed individuals who ably worked with me to facilitate small group discussions during the workshops: Bruce Abramson, Maria Green and Birgit Toebes. Additional thanks are owed to Bruce Abramson for a written commentary that he subsequently conveyed concerning the draft excerpts.

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.

Allan McChesney  
Ottawa, Canada

# 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.

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\*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



