



The Global Initiative for Economic, Social and Cultural Rights



2012 Annual Report



Advocates for economic, social and cultural human rights (ESC rights) have a lot to be proud of. More than any other area of human rights, these rights have advanced markedly over the past two decades. International human rights bodies are increasingly developing the content of these rights; legal advocates and social activists are working diligently to enforce these rights at national as well as international levels; and some of the largest and most influential human rights organizations in the world - organizations like Amnesty International which used to be solely focused on protecting civil and political rights - have begun to embrace the 'full spectrum of human rights,' recognizing that violations of ESC rights represent some of the worst human rights crises of our time. These have all been substantial transformations which have moved ESC rights from the margins toward the fore of the human rights movement.

» *Message from the Co-Executive Directors*

Yet, despite these advances, the reality for billions of people around the world is a continuing and systematic lack of access to basic rights, with devastating consequences day in and day out for the world's poor. The truth is that all of us today live in an era of unprecedented inequality, and of unprecedented levels of global poverty. Sadly, there remains a stark chasm between the standards which exist protecting ESC rights, and their actual enjoyment on the ground.

In order to find solutions aimed at closing the gap and to discuss unmet needs in the field, in late 2011 the GI-ESCR convened a small brain trust of experts, advocates and leaders working across





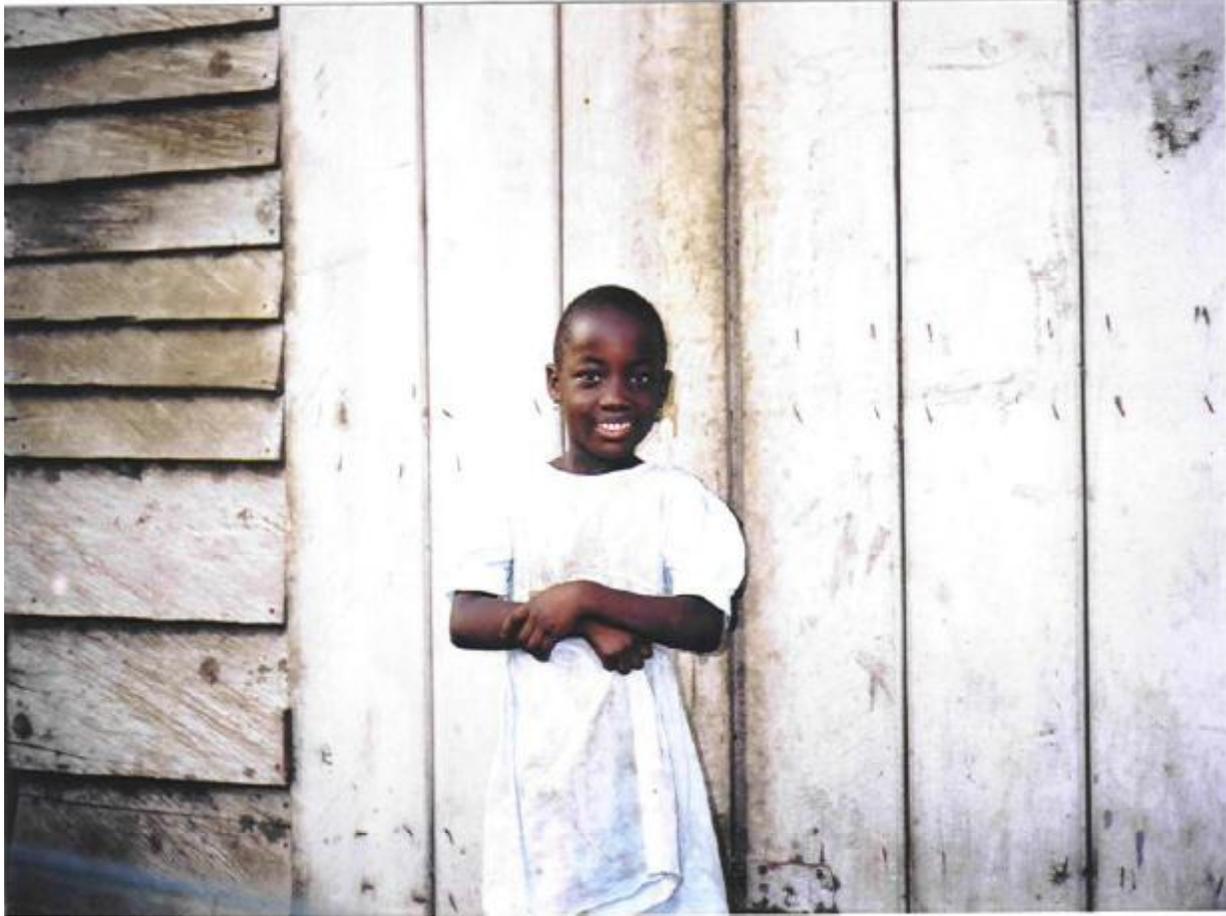
the human rights, development, women's rights and the environmental justice sector. This strategy meeting allowed us to think collectively about some of the most pressing challenges facing the global movement for ESC rights, as well as how the GI-ESCR as a new organization seeking to engage in new ways, can work in concert with our partners to help overcome those challenges. The activities carried out over the course of 2012, and reported here, reflect those discussions and have continued to deepen collaborations with our partners.

The meeting identified critical tasks for the ESC Rights movement, including: (1) building and deepening cross-sector alliances (particularly with respect to the development, women's rights, and the environmental sectors); (2) ensuring that poor and marginalized communities are well equipped with knowledge of their rights, and well positioned to claim them; (3) developing and sharing tools which demonstrate how ESC rights can be respected, protected and fulfilled in practice; and (4) braving new frontiers in standard-setting and enforcement. These are the threads that bind together our advocacy, and which set the stage for our achievements in 2012.

With these broader tasks in mind, in 2012 the GI-ESCR embarked upon its first full year of operations, and we are proud to say that we have achieved significant outcomes from our work - outcomes we see laying the foundation for transformative impact on the ground. These outcomes were realized across all three of our strategic priorities - namely strategic litigation and legal advocacy; advancing women's and ESC rights; and human rights and development. While details of this work are listed below under the respective strategic priorities, there is overlap as the GI-ESCR strives for work at the intersection of these priorities. The GI-ESCR also works to incorporate advocacy in the area of environmental rights within all three priorities, particularly when the environment has an impact on human dignity.

Results in the area of strategic litigation include the first ever recognition by the UN Human Rights Committee of extra-territorial obligations under the International Covenant on Civil





Girl living in the informal settlements of Accra, Ghana

and Political Rights (ICCPR) as well as the issuance of the first ever permanent injunction under the ICCPR preventing a threatened forced eviction and the first ever order for positive obligations related to connection of water services. These achievements have changed the landscape of ESC rights protection at the international level by using the principle of indivisibility of all human rights. These results are part of our continued efforts to ensure that those that violate housing rights - as well as the rights related to access to water and sanitation - are held accountable by the UN Human Rights Committee as violations under ICCPR. These successes before the UN Human Rights Committee have ensured that the principle of indivisibility of rights has real meaning and has expanded avenues for social rights enforcement under the ICCPR. A range of human rights advocates have already begun to use this expanded space for human rights accountability and remedies in their own respective advocacy, and we are proud to have helped pave the way.

In the area of women's ESC rights, the GI-ESCR has played a vital role in the advancement of women's land, housing and property rights at both international and regional levels. We believe that these rights are fundamental to improving women's lives and to ensuring gender equality, and they cut across many of the sectors we seek to engage through the GI-ESCR. Here, we have sought to create and strengthen a coherent set of progressive norms and standards which can be used by advocates to orchestrate change on behalf of women's rights to housing, land and other productive resources at various levels. In 2012, the GI-ESCR convened various panel discussions and strategic meetings on these issues, and engaged extensively with the United Nations Office of the High Commissioner for Human Rights (OHCHR) and UN-Women on these issues, including by

preparing a background paper on women's land rights for an Expert Group Meeting convened in 2012 by these two agencies which serves as the basis of a forthcoming UN Handbook. The GI-ESCR also stepped up advocacy efforts with the UN Human Rights Committee and the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) on these issues, including by facilitating access for grassroots women, with very positive results and strong Concluding Observations from both Committees on women's right related to housing, land and other productive resources.

In the area of human rights and development, we have continued to advocate for a post-2015 development paradigm that fully incorporates the human rights framework, and ESC rights in particular. For instance, working with the Landesa Center for Women's Land Rights, the GI-ESCR contributed to consultations around the post-2015 Millennium Development Goal agenda through publication of a paper on women and land rights. The paper pointed out that just as "discrimination against women and girls impairs progress in all other areas of development, gender inequality in secure rights to land and property impedes progress in achieving inclusive economic and social development, environmental sustainability, and peace and security - dimensions the UN System Task Team on the Post-2015 UN Development Agenda identified as requiring progress to build an equitable, secure, and sustainable world." The GI-ESCR also produced the first of its Briefing Papers on the human rights-based approach to development in the areas of water, participation, land, women migrant workers, and family planning. These papers not only discuss the rights-based approach with respect to these areas, but offer real world examples of how governments and other actors can best implement development plans within the human rights framework and the value of doing so.

Lastly, during 2012, the GI-ESCR also continued to carry forward the housing rights expertise that formally was housed at the Centre on Housing Rights and Evictions (COHRE). Work related to housing rights included drafting a paper on the legal and jurisprudential aspects of security of tenure for the Special Rapporteur on the right to adequate housing, participating in an Expert Group Meeting on security of tenure convened by the Special Rapporteur, moderating the Gender Assembly at UN Habitat's Sixth World Urban Forum, participating at the Gender Round Table at the World Urban Forum, and participating at the African Union - European Union Civil Society Human Rights Seminar. The GI-ESCR has also continued with the ongoing strategic litigation for which COHRE had been responsible, including cases before the UN Human Rights Committee and the Inter-American Commission on Human Rights.

We are also happy to report that we have ended the 2012 fiscal year on a sound financial footing which lays the foundation for organizational growth in 2013 and beyond. We look forward to the GI-ESCR's continued work and engagement with our partners worldwide to ensure that all of the gains we have achieved so far continue to move us toward the transformative impact we seek.

Mayra Gomez and Bret Thiele

Co-Executive Directors, The Global Initiative for Economic, Social and Cultural Rights



The vision of the Global Initiative is of a world where economic, social and cultural rights are fully respected, protected and fulfilled and on equal footing with civil and political rights, so that all people are able to live in dignity.

» *Message from the Board of Directors*

The Board of Directors for the Global Initiative for Economic, Social and Cultural Rights is very pleased with the progress made by the Global Initiative in its first full year. The activities described in this report are especially impressive considering that the organization is in its early stages of development.

Bret Thiele and Mayra Gomez are recognized leaders in the human rights community especially in the economic, social and cultural rights area. They bring a wealth of experience and dedication to the Global Initiative. Their expertise informs the GI-ESCR's work to the strategic areas where the GI-ESCR can make the highest impact contribution: strategic litigation, advancing women's rights and human rights and development.

This report shows significant accomplishments in all of these areas. However, there is a subset of strategic litigation that we highlight. Recognition of extra-territorial obligations is just coming to the forefront of human rights activism and the GI-ESCR has helped lead the way in a recent case regarding a German company doing business in Uganda.

Additionally, the work on women and economic, social and cultural rights, and in particular the rights related to access to, control over and use of land, is contributing significantly to a vitally important issue related to women's equality. The Global Initiative is working with its partners to strengthen and advance new international standards in this area, and in so doing we are ensuring that women have access to a vital resource which they can use to fundamentally improve their lives in terms of increased personal autonomy, food security and enjoyment of health.





As the Board of Directors we wish to note progress in governance as well. Keeping in mind that we are a fledgling organization we are pleased to report that we are building the foundation for sound governance.

We now have a Board of six members with gender and ethnic diversity, geographic diversity with each Director having a rich history in human rights and governance. Our backgrounds are described on the website.

The Board held one face-to-face meeting in late 2011 and has had others by phone conference. We are in regular contact with staff to review activities and strategies.

As a 501(C)3 non profit, we are able to move forward with fundraising with institutional partners as described in the included financial report. We are pleased to report that the GI is on sound financial footing for 2013. Through the generosity of our donors we hope to see an increase in our human rights impact by bringing new staff to our work. The board stands ready to move forward with fundraising when we can make a difference.

We believe that the Global Initiative for Economic, Social and Cultural Rights has become an important member of the human rights community. We look forward to continue doing our part to ease suffering and bring dignity to those for whom it is denied.

Meg Satterthwaite, New York City, NY (USA)

David Stamps, Minneapolis, MN (USA)

Paul J. Nelson, Pittsburgh, PA (USA)

Ellen Dorsey, Washington, DC (USA)

Opiata Odindo, Nairobi (Kenya)

Malavika Vartak, London (United Kingdom)

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





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Introduction

The Global Initiative for Economic, Social and Cultural ('GI-ESCR') seeks to advance the realization of economic, social and cultural (ESC) rights throughout the world, tackling the endemic problem of global poverty through a human rights lens. In doing so, however, we rely on the full spectrum of human rights and in particular civil and political rights such as the rights to participation and access to information. We believe this crisis -- wherein close to 2 billion people worldwide daily lack access to adequate nutrition, health care, education, housing, water and sanitation -- will only be overcome through the concerted efforts of human rights, women's rights, environmental and development organizations and agencies. The GI-ESCR seeks to play a catalyzing role in fostering these cross-sector collaborations on key issues.

Within that overarching framework, in 2012 we sought to carefully and thoughtfully build our portfolio of work around specific issues where we have both internal expertise and external partnerships. We also prioritized those projects we feel best position the GI-ESCR to establish its niche and demonstrate the important intersections of these various sectors, and grow over the coming five year period. In 2012, the GI-ESCR therefore worked to advance three strategic priority areas, namely: strategic litigation and legal advocacy; advancing women's and ESC rights; and human rights and development. Through these strategic areas, we have hoped to contribute to the advancement of ESC rights while at the same time showcasing our unique perspective and contributions as an organization.

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

1. Strategic Priority: Strategic Litigation and Legal Advocacy

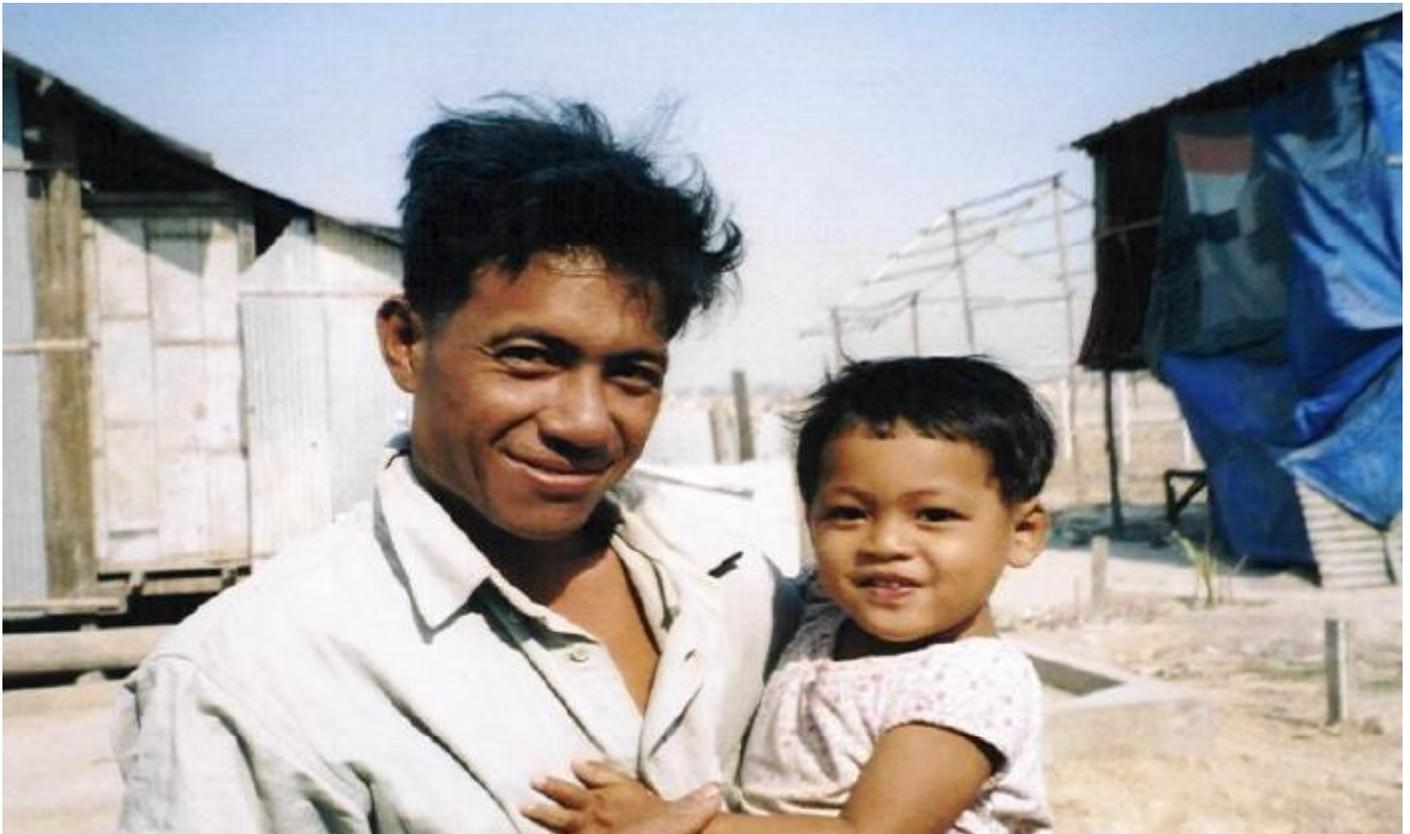
Strategic Litigation and Legal Advocacy

With human rights come concrete obligations, and if rights are to be meaningful, it is critical to ensure accountability and just remedies when rights are violated and obligations go unmet. The aim of the GI-ESCR's strategic litigation and legal advocacy is increasingly to move the justiciability of ESC rights from theory to practice. In order to do so, the Global Initiative will both engage in and support human rights lawyering at national, regional and international levels. Our philosophy in this regard is to continue to build a body of progressive jurisprudence that not only protects ESC rights in practice, but informs those rights from the perspective of marginalized communities. We must also advance new frontiers in ESC rights and continue to ensure that these rights are legally enforced, thereby ensuring the strength, coherence and continued relevance of the international human rights framework and the accountability of actors that violate human rights.

Because litigation and other forms of legal advocacy play an important role in protecting an individual's or a community's existing social and economic entitlements as well as improving those situations, and because litigation is often necessary to prevent, halt or remedy violations of ESC rights, it is critical not only to catalyze and intervene in legal cases but also to empower local actors to undertake legal action on their

own behalf. This strategy will not only ensure protection of rights for claimants, it will also create beneficial jurisprudence in the area of ESC rights at various levels which will have far-reaching structural impact. Enabling this work entails building the capacity of grassroots individuals, groups and communities, as well as of lawyers and other human rights advocates, to claim and enforce rights through legal advocacy, as well as creating resources and tools explaining how ESC rights can be claimed and enforced.

Goals of the GI-ESCR regarding strategic litigation and 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, the GI-ESCR seeks to achieve structural and transformative change by engaging in legal advocacy with the aims of: (1) demonstrating the justiciability of ESC rights; (2) achieving broad public-interest remedies; (3) expanding the scope of human rights protections; (4) expanding the scope of human rights mechanisms; and (5) furthering the accountability element of the human rights-based approach to development.



Family living in a resettlement community near Phnom Penh, Cambodia



Roma family facing forced eviction in Bourgas, Bulgaria

Preventing the Forced Eviction of Roma Community in Bulgaria

Working closely with its Bulgarian partner, Equal Opportunities Association Initiative, the GI-ESCR launched the case of Liliana Naidenova et al. v. Bulgaria before the UN Human Rights Committee in 2011. This case involves the Dobri Jeliazkov community in Sofia, Bulgaria; a Roma community that has existed for over seventy years and faced imminent forced eviction in July 2011 to make way for so-called 'development.' The impoverished Roma community was not consulted and was not provided alternative housing.

In its landmark decision, the UN Human Rights Committee issued a first ever permanent injunction aimed at preventing a forced eviction. The Committee ordered the authorities not to evict the community until they have agreed upon alternative housing. Earlier, the Human Rights Committee, under its Interim Measures procedure, issued its first ever temporary injunction to prevent a forced eviction. In 2012, it also used the Interim Measures procedure to order the reconnection of water supply which had been disconnected in an attempt to force the community to leave their homes, thereby issuing not only the first ever injunction related to water under the ICCPR but one enforcing positive legal obligations.

In its final decision on the merits, the Committee also stated that this decision applied to similar situations, thereby providing broader systemic impact across Bulgaria and elsewhere.

Promoting and Enforcing Extra-Territorial Human Rights Obligations

In 2012, the GI-ESCR continued its work on promoting and enforcing extra-territorial obligations [ETOs], a cutting edge issue within the field of human rights, and of special relevance to ESC rights in particular. This work included taking on a leadership role within the ETO

Consortium and helping devise the Consortium's Strategic Plan. In 2012, the GI-ESCR was elected by its peers to serve on the Steering Committee of the ETO Consortium. The GI-ESCR also provides leadership for the Consortium's International Financial Institutions and Development Cooperation Focal Group and provides its expertise on strategic litigation to Consortium members and others.

Ensuring Recognition of Extra-Territorial Obligations under the International Covenant on Civil and Political Rights

In April 2012 the GI-ESCR intervened with a Parallel Report to the Human Rights Committee regarding violations of Germany's extra-territorial obligation to ensure human rights by not regulating or holding accountable a German corporation complicit in forced evictions in Uganda.

The report covered the forced eviction of the villages of Kitemba, Luwunga, Kijunga and Kirymakole in the Mubende District of Uganda that were carried out in 2001 on behalf of the Neumann Kaffee Gruppe to make way for a coffee plantation. The Parallel Report concluded that Germany violated its extra-territorial obligations under the International Covenant on Civil and Political Rights to ensure human rights by failing to regulate Neumann Kaffee Gruppe and for failing adequately to investigate and appropriately sanction Neumann Kaffee Group for its complicity in the forced evictions. To date those evicted continue to live in extreme poverty due to their forced eviction and have been unable to realize their right to a remedy in either Uganda or Germany.

This initial report resulted in the issue of extra-territorial application of the Covenant being included in the List of Issues which defined the scope of Germany's periodic review. That List of Issues stated:

"Please comment on allegations that families forcibly evicted at gunpoint in August 2001 from their homes and lands in Naluwondwa-Madudu, Mubedne District, Uganda to make way for a large coffee plantation owned by Kaweri Coffee Plantation Ltd., a wholly-owned subsidiary of Neumann Kaffee Gruppe Hamburg continue to live in extreme poverty and explain what the State party has done to investigate the role and responsibility of Neumann Kaffee Gruppe."

The GI-ESCR followed up with another Parallel Report prepared for the October/November 2012 session of the Committee, which resulted in the recent Concluding Observation, which states:

"16. While welcoming measures taken by the State party to provide remedies against German companies acting abroad allegedly in contravention of relevant human rights standards, the Committee is concerned that such remedies may not be sufficient in all cases (art. 2, para. 2).

The State party is encouraged to set out clearly the expectation that all business enterprises domiciled in its territory and/or its jurisdiction respect human rights standards in accordance with the Covenant throughout their operations. It is also encouraged to take appropriate measures to strengthen the remedies provided to protect people who have been victims of activities of such business enterprises operating abroad."

This statement by the UN Human Rights Committee represents the clearest articulation of extra-territorial human rights obligations under the International Covenant on Civil and Political Rights to date, and also reinforces the principle of indivisibility. This outcome lays the foundation for future advocacy before the Committee, including opening up avenues of accountability and remedies under the Individual Complaint procedure.

RECOGNITION OF THE GI-ESCR:

"I just received a forward ... about the HR Committee's extension of extraterritorial obligations to Germany. I just wanted to write to say good work and congratulations! The Human Rights Clinic has also been working to broach extraterritorial obligations with regards to arms, and your work has certainly paved the path for us to push those issues."

- Laura Matson, Human Rights Litigation and International Legal Advocacy Clinic,
Student Director, University of Minnesota Law School

"Congratulations! This is great news for all of us. Already thinking about how to use it in Haiti...."

- Brian Concannon Jr., Esq., Director, Institute for Justice & Democracy in Haiti

"Great development on both extraterritoriality and business and human rights! Congratulations and thanks!"

- Jennifer M. Green, Associate Professor of Clinical Instruction, Director, Human Rights Litigation
International Advocacy Clinic, University of Minnesota Law School

Lamu Case: Defending ESC Rights, the Right to Development and the Environment in Kenya

In 2012, the GI-ESCR joined with the Center for International Environment Law (CIEL) to intervene as *amicus curiae* ("friend of the court") in support of a case lead by the Kenyan organization Centre for Minority Rights in Development (CEMIRIDE) and SAVE Lamu, a grassroots organization of those living in the Lamu coastal area. The case involves a large 'development' project in Lamu, Kenya that would result in the forcible eviction of several communities, destruction of sustainable agriculture and the environment, as well as a UNESCO World Heritage site.

The *amicus* intervention argues that the project would violate social rights, including the human rights to housing, water, sanitation, food, education, and health, as well as the right to development and environmental law. It also calls for the free, active and meaningful participation of the affected communities and their access to all relevant information. The *amicus* relies on international law in its own right as well as a means to interpret the Constitution of the Republic of Kenya. A decision on the merits of this case is currently pending.

Garissa Case: Seeking Remedies for Forced Eviction in Kenya

In 2012, the GI-ESCR intervened at the request of Haki Jamii, a Nairobi based NGO, in a recent forced eviction case in Kenya. Working closely with the affected community and Haki Jamii, the GI-ESCR took the lead in drafting an *amicus curiae* intervention aimed at informing the new Constitution of Kenya by bringing in international human rights standards as well as comparative law from South Africa. The *amicus curiae* brief was drafted by the GI-ESCR on behalf of the ESCR-Net Adjudication Working Group's Strategic Litigation Initiative and was joined by the Socio-Economic Rights Institute (SERI), the Community Law Centre (CLC), the Centre for Economic and Social Rights (CESR), the Centre for Equality Rights in Accommodation (CERA) and the Social Rights Advocacy Centre (SRAC) as well as Malcolm Langford, Co-Coordinator of the ESCR-Net Adjudication Working Group and Director of the Socio-Economic Rights Programme (Norwegian Centre for Human Rights, University of Oslo).

In a landmark ruling, the High Court relied on the *amicus* intervention and read international human rights standards into the understanding of the Constitution of Kenya and ordered that the forcibly evicted community be returned to their lands, have their homes rebuilt and be compensated for their losses. The court also awarded the victims 224.6 million Kenyan Shillings (about US\$ 2,660,000).

RECOGNITION OF THE GI-ESCR:

"We want to most sincerely thank you for the critical support we received which significantly influenced the decision. Your input was particularly invaluable because as you can see the Court relied heavily on the international covenants and international law principles especially with regard to what constitutes forced evictions, the need for restitution etc. We are working on enforcement and once we have finalized the preliminaries we shall get back to you."

-Odindo Opiata, Executive Director of Haki Jamii

Chixoy Dam Case: Holding the World Bank and Inter-American Development Bank Accountable for Human Rights Violations in Guatemala

The GI-ESCR together with Rights Action and the International Human Rights Clinic at Western New England University School of Law has filed a Petition before the Inter-American Commission on Human Rights in an attempt to hold the World Bank and Inter-American Development Bank (IDB) accountable for human rights violations that occurred during the construction of the Chixoy hydroelectric dam in Guatemala. This case involved the violent forced eviction of several Maya Achi villages, some through a series of brutal massacres, to make way for the construction of the Chixoy Dam in the 1980s. The case highlights the complicity of international financial institutions (IFIs), in particular the World Bank and the IDB, in the brutal removal of indigenous communities from their lands in Guatemala.

Attempting to hold IFIs accountable for human rights violations before regional human rights mechanisms is innovative from a legal point of view, but arguments in this case are grounded in the International Law Commission's Articles on Responsibility of International Organizations, as well as the recently adopted Maastricht Principles on Extra-Territorial Obligations. As the Petition argues, the World Bank and Inter-American Development Bank are made up of States, all of which have human rights obligations. These States should not be able to ignore, or indeed violate, these obligations simply by organizing themselves into international financial institutions or by using those institutions as agents to carry out policies or practices that violate their respective international human rights obligations.

The Petition is supported by a grassroots effort to hold the Banks accountable as well as to ensure that the Inter-American Commission exercises its authority to hold Member States of the OAS that sit on the decision-making bodies of the Banks accountable for human rights violations. The results of this case are currently pending but if successful this line of advocacy will have immense transformative change at the level of IFI accountability to human rights obligations.

Polochic Case: Defending the Rights of Q'eqchi' Maya Communities in Guatemala

In March 2011, twelve Q'eqchi' Maya communities were violently evicted from the lands where they lived as subsistence farmers in Panzós, Guatemala. Hundreds of anti-riot police, members of the Guatemalan Army, private security forces, and paramilitaries used heavy farm machinery and fire to destroy crops and houses. They left 750 poor families (about 3,000 persons) on the side of the highway, with no shelter, food or water, and without access to farm land. This wave of evictions came about in a struggle for land and natural resources among large landowners, companies dedicated to export monoculture, and Q'eqchi' farmers.

In coordination with the evicted communities, a group of six organizations from Guatemala and the United States filed a petition on their behalf against the State of Guatemala in the Inter-American Commission of Human Rights (IACHR). As a result, on 20 June 2011, the IACHR granted Precautionary Measures and asked the State to guarantee the human rights of the evicted persons. The Polochic Evictions Counteraction is an activist research team that formed at the time of the evictions and has been working since then as partners with the communities to analyze their situation and advance their goals at the local, national, and international levels.

The GI-ESCR has been working with Polochic Evictions Counteraction and community leaders to develop a plan of action to contribute to the campaign through legal advocacy and leveraging UN special procedures, with a particular focus of pushing the litigation before the IACHR. The GI-ESCR also provided “know your rights” training to the Polochic representatives who will now take this human rights information back to their communities. These actions have led to further advocacy activities on the Polochic case in 2013, including intervening as *amicus curiae* before the Inter-American Commission on Human Rights.

Enforcing Housing Rights and Rights to Water and Sanitation under the International Covenant on Civil and Political Rights

The GI-ESCR continued its work to bring meaning to the principle of indivisibility and interrelatedness of human rights by advocating for housing rights and rights to water and sanitation to be included within accountability mechanisms that focus on civil and political rights. The GI-ESCR submitted a Parallel Report to the UN Human Rights Committee during its follow up procedure on Israel. The Report addressed forced evictions and housing demolitions as well as denial of access to water and sanitation as violations of the International Covenant on Civil and Political Rights. This Report resulted in the Committee requiring Israel to expressly respond to several issues, including forced evictions and housing demolitions as collective punishment; availability of housing construction permits for Palestinians; ensuring equal access for Palestinians and Bedouins to adequate housing, agricultural land, water and sanitation; denial of Palestinians ability to construct wells; Bedouin’s right to ancestral land and access to water and sanitation; access to sufficient drinking water for residents of Gaza; and the effect of the blockade on Gaza on water, sanitation and livelihood.

Red Sea Dead Sea Water Conveyance Study Challenged before World Bank Inspection Panel

The GI-ESCR represented the Palestinian Farmers Union and the Palestinian Grassroots Anti-Apartheid Wall Campaign (Stop the Wall Campaign) by filing a Request for Inspection with the World Bank Inspection Panel. The Request for Inspection challenged the Red Sea Dead Sea Water Conveyance Study, which is examining the feasibility of a canal to divert water from the Red Sea into the Dead Sea. The aim of the project is to replenish water in the Dead Sea which has been shrinking for years.

This case illustrates the connection between human rights and environmental justice. The Request stated that the study fails adequately to take into account alternatives to the Red Sea Dead Sea conduit, including the alternative of rehabilitation of the Jordan River, much of which is currently diverted to Israel with the accompanying denial of access to water of Palestinians in the West Bank. Meaningful exploration of such alternatives is required by the World Bank’s own operational policies and procedures. The Jordan River alternative will also mitigate the environmental damage to the Dead Sea as well as along the Jordan River itself, and such mitigation is a priority consideration according to the World Bank’s own policies.

The Request also brought the human right of participation and the human rights to water and sanitation to the attention of the World Bank, arguing that Palestinian civil society has not been adequately consulted and that the project locks in ongoing violations by Israel of the human right to water and sanitation rather than contributing to ending those violations.

The World Bank Inspection Panel ultimately held that the Request brought legitimate concerns to the attention of the World Bank and resulted in increased participation of Palestinians affected by the project.

2. Strategic Priority: Advancing Women's ESC Rights

Advancing Women's ESC Rights

Today, women represent approximately 70 per cent of the 1.2 billion people living in poverty throughout the world. Inequality with respect to the enjoyment of economic, social and cultural (ESC) rights is a central fact of women's lives in every region of the world. Ongoing inequality in the sphere of ESC (ESC) rights contributes to the continuing subordination of women and makes them especially vulnerable to violence, exploitation and other forms of abuse.

While all of the activity streams within the work of the GI-ESCR incorporate a gender-sensitive perspective, we feel it is vital to include a targeted focus on advancing women's ESC rights. A particularly important issue in this area of work is ensuring women's access to, use of and control of land and other vital resources. Ensuring women's access to, use of and control over, land and property, is fundamental to improving women's lives and to ensuring gender equality. When women are able to enjoy their land and property rights, women are much better able to meet their material needs, and to provide for the wellbeing of their families. Land and property provide women with the basic productive assets and resources they need to improve the quality of their lives, and to weather some of life's most difficult challenges.

But, just as importantly if not more so, land and property rights go beyond addressing women's immediate material needs, and speak directly to what some have called women's 'strategic needs.' In other words, advancement of these rights advances the broader goal of gender equality. Experience shows that fulfillment of women's right to land and property has profoundly transformative effects, uplifting women's status and improving women's lives, making it an important focus for those concerned with women's equality and empowerment everywhere.

The GI-ESCR's work in this area encompasses several components which are key to advancing women's land and property rights in practice, as well as strengthening the normative framework protecting these rights, with a particular focus on Africa. To this aim, the project focuses specifically on utilizing various strategic spaces at international and regional levels to further these rights, namely the African Commission on Human and Peoples' Rights (ACHPR) and the human rights treaty bodies of the United Nations. The project also envisions continuing ongoing strategic discussions and partnerships between key actors and organizations working on these issues. Each of these activities will be carried out with African and other international partner organizations wherever possible.

Advocating for Women's Housing and Land Rights in Kenya before the UN Human Rights Committee

In July 2012, the GI-ESCR partnered with the Federation of Women Lawyers – Kenya (FIDA-Kenya) to draft a Parallel Report addressing Kenya's obligations under the International Covenant on Civil and Political Rights. The report addressed discrimination against women in the areas of housing as well as access to, control over and the use of land and other productive resources. The report was submitted to the Human Rights Committee in July and the GI-ESCR facilitated FIDA-Kenya's participation at the Human Rights Committee during its 105th session in Geneva.

The GI-ESCR facilitated the participation of FIDA-Kenya in both a formal meeting with the Human Rights Committee as well as an informal follow up meeting, and also meetings with individual Committee members. The issues brought to the attention of the Committee by the GI-ESCR and FIDA-Kenya resonated with the Committee and the government's delegation from Kenya was questioned repeatedly about discrimination against women and women's equal protection of the law. Specific issues included women's equal rights related to access to, control over and use of land; women's equal rights in the area of inheritance; and domestic violence and housing rights.

Responding to our interventions, the Committee in its Concluding Observations voiced its regret that the Law of Succession Act discriminates between the property interests of widows and widowers and that Kenya has yet to pass Matrimonial Property bill which would end that discrimination. Consequently, the Committee recommended that Kenya revise the Law on Succession Act to guarantee equality between men and women in the devolution and succession of property after death of a spouse and that it also enact legislation reforming its matrimonial property law. FIDA – Kenya is now using these international pronouncements in their domestic advocacy.

RECOGNITION OF THE GI-ESCR:

"We from FIDA Kenya were very grateful for the partnership with yourselves and for the close working relation and cooperation that was maintained prior to the review session and also while we were in Geneva ... We were encouraged by the fact that the Committee members relied on contributions from the Civil Society, given the issues where they sought our clarity and given also the questions that were then put to the Kenya delegation. Of course, that the issues were captured [in the Concluding Observations] means that it gives us even more material with which to continue to undertake our advocacy as well as plan future programming."

- Jane Serwanga, Deputy Director of FIDA Kenya

Women's Land and Property Rights and the Post-2015 Development Agenda

Together, the GI-ESCR and Landesa were invited by UNICEF and UN-Women to present a paper on Women's Land and Property Rights and the Post-2015 Development Agenda. The paper provided detailed information on the current state of women's rights to access, use of, and control over land and other resources. The paper pointed out that just as "discrimination against women and girls impairs progress in all other areas of development," gender inequality in secure rights to land and property impedes progress in achieving inclusive economic and social development, environmental sustainability, and peace and security – dimensions the UN System Task Team on the post-2015 UN Development Agenda identified as requiring progress to build an equitable, secure, and sustainable world.

This project has resulted in ongoing partnership with Landesa, aimed at inclusion of targets specifically related to women's land and property rights in the post-2015 development agenda.



Palestinian farmer in the Jordan Valley

Advocating for Women’s Land Rights at UN Expert Group Meeting

In June 2012, the GI-ESCR participated in an Expert Group Meeting on good practices and lessons learned in realizing women’s rights to productive resources, with a focus on land (held in Geneva, Switzerland). The EGM was convened by UN-Women and the UN Office of the High Commissioner for Human Rights (OHCHR). Because of its expertise in this area, the GI-ESCR was invited to prepare and present the main background paper for the meeting.

Approximately 40 participants attended the meeting, with experts from 15 different countries, covering all regions. A range of UN entities also participated: FAO, UNAIDS, UNCTAD, UNDP, UN-HABITAT, UNRWA, WFP, the Former Special Rapporteur on adequate housing and the Working Group on discrimination against women in law and practice. A key result will be the release of an OHCHR/UN-Women Handbook on the topic, scheduled for 2013.

Highlighting Women’s Land Rights and Women’s Economic Empowerment at AWID Forum

In April 2012, the GI-ESCR organized and hosted a panel discussion on Transforming Economic Power through Women’s Land Rights during the Association of Women’s Rights in Development (AWID) Forum in Istanbul, Turkey. The AWID International Forum on Women’s Rights and Development is both a conference and a call to action. It is the largest recurring event of its kind, and brings together thousands of women’s rights leaders and activists from around the world.

The panel, supported by Open Society Foundations and held in partnership with the International Land Coalition, the Uganda Land Alliance, Women and Law in Southern Africa – Malawi, and KELIN (Kenya Legal & Ethical Issues Network on HIV & AIDS), showcased lessons learned from on-the-ground struggles for women’s land and property rights, highlighting important pressure points for advocates. The panel drew out the specific country experiences of Uganda, Kenya and Sri Lanka to demonstrate how women’s land and property rights have been violated as a result of discriminatory customary practices, as well as the application of ‘gender blind’ land policies that in fact have a discriminatory impact.

GI-ESCR Article: Gender Dimensions of the Right to Adequate Housing from an International Perspective

In 2012, the journal *ESR Review: Economic and Social Rights in South Africa* published an article on *Gender dimensions of the right to adequate housing from an international perspective* by Mayra Gomez and Bret Thiele, Co-Executive Directors of the GI-ESCR for ESC Rights. The article examines how women’s housing and land rights are crucial for the advancement of women’s economic and social status, and how international human rights law and mechanisms can be used for the eradication of gender-based discrimination and the substantive human rights to adequate housing and access to, control over and use of land and other productive resources.

Leadership on Women’s Land, Housing and Property Rights at the 2012 World Urban Forum (WUF)

The World Urban Forum is the major meeting put on every two years by UN Habitat and brings together thousands of persons from diverse backgrounds having an interest in improving human living conditions around the world. The theme of the 2012 Forum was The Urban Future (Naples, Italy, 2-6 September).

The GI-ESCR actively participated in several events, and was invited by UN-Habitat to serve as the Master of Ceremonies for the Gender Assembly, as well as to make a presentation during the Gender Round Table. The Gender Assembly brought together UN Habitat partners to discuss progress and challenges on the implementation of the Gender Equality Action Plan as well as to inform the recently established Advisory Group on Gender Issues. While at the WUF, the GI-ESCR also participated on two additional panels: one addressing the human right to sanitation, the other focusing on security of tenure.

Annual Strategic Meeting: Women’s Land and Property Rights in Africa

The GI-ESCR convened a Strategic Meeting to Advance Women’s Land and Property Rights in Africa in February 2012. For this meeting, over 40 key national and international advocates working in the area of women’s land and property rights, as well as key donors, were brought together to examine what is needed to make inroads for women’s land and property rights in Africa over the next 1-2 years. A follow-up meeting will be held in early 2013 to measure results of the 2012 plan of action and to further refine collaborative efforts.

CEDAW General Recommendation on Rural Women and Women’s Land Rights

Together with its partner IWRAW-AP (International Women’s Rights Action Watch – Asia & Pacific), and with the support of Open Society Foundations, the GI-ESCR worked to convene a thematic briefing with the CEDAW Committee during its upcoming February 2013 session to discuss the importance of women’s land and housing rights and how the Committee might reflect these rights within the context of its upcoming General Recommendation on the Rights of Rural Women. The GI-ESCR is also working closely with its partners, including the International Land Coalition (ILC), in these efforts.

Additional ICCPR and CEDAW Advocacy

The GI-ESCR also prepared Parallel Reports to Human Rights Committee and the CEDAW Committee. These included Togo (CEDAW), Equatorial Guinea (CEDAW), Central African Republic (CEDAW), Comoros (CEDAW), and Cote d'Ivoire (Human Rights Committee). All Reports continued to push for the explicit recognition of women's land and housing rights under the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

For Comoros, the Parallel Report expressed concern over situations where customary/religious law or traditional practice discriminate against women in matters related to land, property and/or inheritance and in particular the application of Islamic law in the Comoros. The Parallel Report also raised concern in relation to the absence of land registry and the impact on women. The Committee in its Concluding Observations expressed concern that "the absence of a land registry and the customs and traditions of the matrilineal system prevent rural women from using their ownership of land and other property to access financial credit and capital." The CEDAW Committee also instructed the Government to ensure rural women's access to fertile land and to "Take measures to address the root causes, including irregularities in the registration of land and the customs of the matrilineal system, which prevent rural women from accessing land, property and credit and capital."

On Equatorial Guinea, the Global Initiative's Parallel Report asked that the Committee reiterate its previous call for the State Party to accelerate the process of law reform to remove inconsistencies between civil law and customary law. In its Concluding Observations, the CEDAW Committee expressed concern over customs and traditional practices which prevent women from inheriting or acquiring ownership of land and other property and from accessing financial credit and capital, and asked the Government to address these practices.

On Togo, the Parallel Report from the Global Initiative asked the Committee to ask that the Government of Togo withdraw as a matter of urgency all discriminatory provisions from the Personal and Family Code and introduce measures to address negative customs and traditional practices, especially in rural areas, which affect full enjoyment of women's land and property rights. The CEDAW Committee in its Concluding Observations instructed the Government to "revise the draft Personal and Family Code along with the Bill on Customary Marriages with the view to eliminate possible inconsistencies and overlapping between them and ensuring that they... guarantee equal inheritance and succession rights to women."

While the Global Initiative also prepared and submitted Parallel Reports for the reviews of Cote d'Ivoire and Central African Republic, in the end these were postponed by the Committees due to delays in State Party reporting. Nonetheless, the willingness of both Committees to address these issues is a welcome indication that these avenues can be utilized successfully to claim, enforce and advance women's rights to land, housing and property in the future.

African Commission Advocacy and Women's Land Rights

In 2012, the GI-ESCR also partnered with Initiative for Gender Equality in Development - Africa (IGED-Africa) to advocate on behalf of women's land and property rights before the African Commission on Human and Peoples' Rights. This work has in particular resulted in a strong partnership and collaboration with Commissioner Soyata Maiga (Mali), the Special Rapporteur on the Rights of Women in Africa. With the support of Commissioner Maiga, the GI-ESCR and IGED-Africa are currently working towards a resolution of the ACHPR on the Women's Land and Property Rights in Africa, which would represent an important new standard for the continent.



Children living the informal settlements of Banjul, the Gambia

The GI-ESCR and IGED-Africa are also currently working to develop a resource tool on how to engage with and utilize the ACHPR for advocacy aimed at organizations working on women's property and inheritance rights in Africa. This resource tool should be available in June/July of 2013.

Sri Lanka: Defending Women's Land Rights

Through a project funded by ActionAid and with the help of a local consultant, in 2012 the GI-ESCR prepared a Briefing Paper containing a summary of the women & land related issues raised by the CEDAW Committee in their Concluding Observations based on the Sri Lanka State Report and the Parallel Report on land rights. Briefing papers were printed in English, Sinhala and Tamil, with 200 copies of briefing papers in each language printed and disseminated at the workshops/ discussions and also for general advocacy purposes. The GI-ESCR also convened a meeting with journalists and partners on 5 March 2012, the aim of which was to educate journalists about the CEDAW process and women's land rights in the country. Journalists were urged to write articles and other features in the newspapers on women and land rights. International Women's Day (IWD) advocacy on land rights in the print media was discussed. Journalists from the Sinhala, Tamil and English media were present, and the discussion was conducted in all three languages. Three English and one Tamil journalist wrote articles in their national newspapers on the issues that came up at the discussion. One such article appeared in the Daily Mirror on 6 March 2012, entitled "State Land for Women Also." The Daily Mirror is the largest selling independent English daily in Sri Lanka, with a circulation of around 30,000 copies and a readership of about 150,000.

An advertisement campaign to coincide with IWD was decided on in collaboration with other organizations which form part of lobby group formed to advocate on behalf of land rights of women (The partners in the action included: ActionAid International, CARE International,

Estate Community Development Mission, The Global Initiative for Economic, Social and Cultural Rights, Law & Society Trust, Muslim Women’s Research and Action Forum, Oxfam Australia, Praja Abhilaasha Network, and the Women & Media Collective). It was a collaborative effort and wording for the advertisements was decided in collaboration with other organizations. CARE, Oxfam and Law & Society Trust, a civil society organization also contributed monetarily to the printing of the ads. Ten adverts were placed in prominent newspapers in all three media on and around 7 March to coincide with IWD celebrations.

3. Strategic Priority: Human Rights and Development

Human Rights and Development

Even where the political will exists to uphold human rights, many State authorities and development practitioners do not have the technical expertise they need to translate human rights standards into day-to-day policy and practice. ESC rights highlight this gap dramatically: the traditional human rights approach (characterized by ‘naming and shaming,’ and documentation of violations) simply falls short when it comes to creating the tools necessary for the practical realization of rights like housing, water and sanitation, and health care. To advance, we must also recognize and overcome this obstacle, creating new tools which allow us to easily translate rights on paper into rights in reality. This means that we need to document what works, and we need to make those solutions far more accessible. Resources demonstrating how ESC rights can and have successfully been implemented – including fulfilled – in practice (highlighting key obstacles to implementation and how these may be overcome) serve as invaluable tools which complement more traditional documentation of violations.

Furthermore, engaging the development community in the ESC rights conversation is a critical aspect of the GI-ESCR’s work. Here, a golden opportunity looms on the horizon, because we are currently in the midst of global discussion and debates regarding the post-2015 MDG agenda. The 2015 deadline for meeting the Millennium Development Goals (MDGs) is fast approaching. The MDGs represent the first-ever global framework and partnership for development, and World Bank and UN reports on progress indicate that the MDGs have been instrumental in focusing donors and governments on a set of priority actions. However, while there has been progress in some areas, reports also indicate that there are still enduring pockets of poverty for some regions and for marginalized populations in particular. For example, in countries like Brazil, Thailand, Lithuania, and Kuwait, which are excelling at meeting their MDG targets, vulnerable communities including indigenous peoples, women, and racial and ethnic minorities, continue to lag behind.

The GI-ESCR works with global networks of human rights and development organizations to ensure that ESC rights permeate the development agenda, and to ensure that practitioners are well informed on rights based approaches to development and the specific relevance of ESC rights. We seek to use this position to help bridge the gap between these complementary sectors so that together they can have real and meaningful impact on the development framework, including the post-2015 MDG framework.

GI-ESCR Briefing Papers on the Human Rights Based Approach to Development

In partnership with the Graduate School of Public and International Affairs at the University of Pittsburgh, the GI-ESCR worked to produce the first of its Briefing Papers on the human rights-based approach to development in the areas of water, participation, land, women migrant workers, and family planning. These papers provide a detailed examination of the human rights-based approach to development

in their respective areas, including sources of international norms. Importantly, they also offer real world examples of how governments and other policy-makers can best implement development plans within the human rights framework and thereby achieve real-world sustainable human development. This first round of briefing papers will be released in 2013.

Highlighting the Human Rights Based Approach to Development at InterAction Forum 2012

The annual InterAction Forum is one of the largest gatherings of international development and humanitarian professionals in the United States. During the 2012 Forum, the GI-ESCR was invited to provide a perspective from the human rights community on a panel entitled *Rights-Based Approaches in Practice: Evidence of Realized Potential*. Concrete examples of the efficacy of the human rights based approach to development were examined and a call for deeper collaboration between the human rights, and in particular ESC rights, community and the development sector was made, including for a more robust, concerted and focused push to include human rights at the core of any post-2015 development framework.

This workshop focused on the conceptual and practical aspects of rights-based approaches to development, and highlighted how these approaches serve to strengthen and improve development outcomes. To begin, this panel addresses the meaning of rights-based approaches, and explores avenues for deepened cross-sector collaboration between the human rights and development communities, with a spotlight on the achievement of ESC rights. Additionally, this session presented the generally positive results of two independent evaluations of rights-based program effectiveness. This new evidence from the field supports the case in favor of rights-based approaches to development for donors, practitioners and advocates.

Joining the Urgent Call to Action on the Human Rights to Water and Sanitation

The GI-ESCR joined WASH United and twenty-one other organization to urgently call on States to renew previous commitments to the human rights to safe drinking water and sanitation in the outcome document of the Rio+20 United Nations Conference on Sustainable Development. The outcome document of the Rio+20 Conference will shape the future direction of development at all levels. It should be uncontested that access to safe drinking water and sanitation is a fundamental pre-condition for overall sustainable development.

During the third round of 'informal-informal' negotiations of the Rio+20 outcome document, the GI-ESCR called upon States to reaffirm the political consensus that has already been achieved on the human rights to water, and contributed to successfully getting the following language into the outcome document:

"We recognize that water is at the core of sustainable development as it is closely linked to a number of key global challenges. We therefore reiterate the importance of integrating water in sustainable development and underline the critical importance of water and sanitation within the three dimensions of sustainable development ... We reaffirm our commitments regarding the human right to safe drinking water and sanitation, to be progressively realized for our populations with full respect for national sovereignty. We also highlight our commitment to the 2005- 2015 International Decade for Action, 'Water for Life'."

Informing the United Nations Expert Group Meeting on Security of Tenure

At the request of the Special Rapporteur, the GI-ESCR prepared a Research Paper on the legal and jurisprudential aspects of security of tenure under international and comparative law and presented the paper at an Expert Group Meeting on Security of Tenure convened by

the UN Special Rapporteur on the Right to Adequate Housing. The paper and the meeting resulted in influencing the Special Rapporteur's thinking on security of tenure and informed the process of developing guidelines to assist governments and other policy-makers in implementing security of tenure at the national and local levels.

According to the GI-ESCR's Research Paper: "Differing forms of security of tenure across the continuum of tenure types provide varying degrees of security, with this variance often correlated to property or socio-economic status. Guidelines on security of tenure should address this issue of non-discrimination on account of property or other status. Specifically, how can States ensure that all members of society, regardless of property or socio-economic status, enjoy security of tenure on the basis of non-discrimination and equal protection of the law? The solution may require a paradigm shift from correlating security of tenure with a property rights regime to grounding security of tenure solidly in the human rights framework." The Paper goes on to suggest how security of tenure grounded in the human rights framework might look in practice.

This recommendation has been highlighted by the Special Rapporteur who is now in the process of developing the guidelines on security of tenure.

Supporting the United Nations Guidelines on Extreme Poverty

The GI-ESCR was asked to provide information to the Special Rapporteur on Extreme Poverty and Human Rights regarding the development of guidelines on extreme poverty. The GI-ESCR commented on the right to adequate housing as well as the right to active, free, and meaningful participation. The Guidelines will now be used by governments and other policy-makers as they seek to eradicate extreme poverty.

RECOGNITION OF THE GI-ESCR:

"Many thanks!!! This assistance is highly appreciated."

- Magdalena Sepúlveda Carmona, UN Special Rapporteur on Extreme Poverty and Human Rights

African Union – European Union Civil Society Human Rights Seminar

The GI-ESCR participated in the African Union – European Union Civil Society Human Rights Seminar in late 2011, including follow up by helping draft in early 2012 the Seminar's recommendations on the right to adequate housing. These recommendations will be used to advocate for implementation of the right to adequate housing by the African Union and the European Union, including within the context of international development assistance. The recommendations were also aimed at national governments, the business sector, and UN agencies.

UN Habitat and the Human Rights-Based Approach to Development

While at the World Urban Forum, the GI-ESCR was asked to provide input into UN Habitat's efforts of meaningfully incorporating the rights-based approach into its development agenda. The GI-ESCR provided UN Habitat with a more detailed understanding of the rights-based approach as well as example of how to implement such an approach across the work of UN Habitat.

World Bank Reform

The GI-ESCR, as a member of the World Bank and Human Rights Affinity Group, contributed to an intervention to the World Bank in the context of developing new operational procedures on resettlement.

Land Tenure in Kenya: Recommendations on Informal Settlements

The GI-ESCR provided input into the Special Report of the Kenya Informal Settlements Improvement Project (KISIP) titled Considerations in Land Tenure in Informal Settlements in Kenya. The GI-ESCR provided content on the international framework related to the right to adequate housing and ensured that all of the content of the report was consistent with that framework.

Rights-based Approach to Adequate Housing: Swedish Human Rights Forum

The GI-ESCR convened a panel discussion on the human rights-based approach to the provision of adequate housing. In attendance were thirty representatives of housing providers and municipal authorities from throughout Sweden who learned the content of the human right to adequate housing as well as strategies for implementing that right, including eradicating homelessness.

4. Partnerships and Networks

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

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

5. Financial Report

2012 Unaudited Financial Statement %Grant Funds Expended 2013 Pursuant to Grant Agreement

Grant:	OSP (CSW)	OSP (AWID)	OSP (CEDAW)**	NRC	FIAN	Anonymous F\$	Anonymous 2\$	Carry Over from 2011	Individual Contributions	Total Income including from multi- year grants 3,66,500
Income by Grant Received:	24,990	17,550	25,000	5,850	645	210,000	75,000	7,168	297	
TOTAL Expenses	25,159	17,613	4,896	5,850	645	127,050	15,000	7,168	297	Total Expenses 203,678
Remaining Unspent Balance by Grant (at end of Year) reflects multi-year grant carryover amounts	(169)	(63)	20,104**	0	0	82,950*	60,000*	0	0	Total Unspent Balance for Allocation in 2013 163,822



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