The Global Initiative
for Economic, Social and Cultural Rights

Economic, Social and Cultural Rights

at the 29th session of the Human Rights Council

June 2015

The 29th session of the Human Rights Council dealt with ESC and related rights issues such as: ***education, extreme poverty and human rights, women's economic and social rights, cultural rights, climate change, health and business and human rights***.

Women's rights

The June session of the Human Rights Council is known for its high number of initiatives on women's rights.

The annual resolution on the elimination of discrimination against women, was adopted by consensus (A/HRC/RES/29/4). The resolution calls upon States to promote the equal and full access, participation and contribution of women and girls in all aspects of life, and reject any discriminatory practice and gender stereotypes and urges States to ensure that women have equal access to all economic, financial and social services and benefits.

Some important elements of the preambular text which reflect the vigorous debates that continue to characterise discussions on women's rights in the Council include:

- Recognizing that the full, equal and effective participation of women of all ages and in all spheres of life, on an equal basis with men, is essential for the full and complete economic, political, social and cultural development of a country ……;
- Reaffirming that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;
- Recognizing that respect for cultural and religious diversity and of cultural rights and freedom of religion for all enhances pluralism and contributes to advancing the application and enjoyment of human rights;

- Reiterating that, to secure equal enjoyment by women of all human rights in all aspects of life, discriminatory, repressive and violent practices against them should be eliminated, regardless of their origin, including those occasions where culture and religion are misused or misinterpreted; …

In the operative paragraphs, the following are notable, particularly on ESC rights:

- Urges States to take all appropriate measures to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- Calls upon States to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations, and to guarantee women's equality in law and in practice in family life, in accordance with their respective international obligations and commitments by, inter alia:

  (a) Recognizing the equality of all family members before the law;

  (b) Opposing all forms of marriage that constitute a violation of women's and girls' rights, well-being and dignity;

  (c) Ensuring that men and women have the same right freely to choose a spouse, to enter into marriage only with their free and full consent and the same rights and responsibilities during marriage and at its dissolution;

  (d) Ensuring the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property;

  (e) Ensuring the same rights and responsibilities with regard to guardianship, wardship, trusteeship and the adoption of children; …
- Urges States to ensure that women, have equal access to all economic, financial, fiscal and social services and benefits without discrimination, including those that head a family;
- Calls upon States to promote the rights of women and girls and to support their empowerment by adopting, as appropriate, a coherent set of gender-responsive policies directed at cultural and family life;
- Notes with appreciation the intention of the Working Group to focus its next report on the issue of discrimination against women in law and in practice in health and safety,

The ***Working Group on Discrimination against women in law and practice*** submitted its annual report (A/HRC29/40) to the Council focusing on discrimination

against women and girls in cultural and family life. This is an important report as it takes a very thorough and robust approach to this controversial area of rights which has been the subject to a number of resolutions and initiatives seeking to roll back women's rights.

The report discusses the cultural construction of gender which determines the role of women and girls within the family, including in marriage. The report notes: '*While gender stereotypes pervade all aspects of human existence, women's rights are at particular risk in the family, which is a locus for the perpetuation of traditional values. The family is a product of patriarchal culture and a vital institution for upholding the patriarchy*.'

The Working Group analyses the impact of culture and religion on the enjoyment of equal rights by women and girls in society and the family noting that it: '*is concerned about the considerable increase in laws and public policies developed to protect culture and religion that threaten the universally established standards on the rights of women*.' Further it notes: '*Women who do not conform to the gender stereotypes that predominate in some cultures and those who openly contest them, including within their own cultural or religious communities, are particularly vulnerable to discrimination,*

violence and criminalization.'

The report also redefines 'family' by applying a gender perspective which is inclusive of a diversity of family forms. It insists the principle of women's right to equality apply in all forms of family law, secular family law systems, State-enforced religious family law systems and plural systems. After recalling the obligation of States to combat discrimination against women in cultural and family life, the Working Group makes very useful recommendations, including some relevant to women's ESC rights:

- 'Recognize and enshrine, in their constitutions and laws, the right to equality, which should apply in all areas of life and have primacy over all religious, customary and indigenous laws, norms, codes and rules, with no possibility of exemption, waiver or circumvention.'

- Reject any cultural or religious practice that violates human rights and the principle of equality or prevents the establishment of an egalitarian society free of gender-based discrimination;
- Eliminate all laws or practices that restrict the rights and opportunities of widows or divorced women, but not widowers or divorced men, to remarry, work, have guardianship or custody of their children, and own the family home, assets and land;
- Repeal all laws that support the patriarchal oppression of women in families, such as laws that exclude marital rape from the crime of rape, laws that grant pardon to rapists who marry their victims and laws that criminalize adultery;
- Respect, protect, fulfil and promote the right to gender equality in the family in the various types of legal system – secular family law systems, State-enforced religious family law systems and plural legal systems. The adoption of a family code or personal status laws free of any reference to culture or religion is encouraged;
- In countries where several legal systems coexist, establish and implement national mechanisms to ensure the effective implementation of guarantees of equality and non-discrimination between men and women in all areas and at all levels, offering women, especially rural and indigenous women, the possibility of removing themselves from the arbitral authority and jurisdiction of customary institutions. Bring parallel customary, religious and indigenous law systems into line with international human rights law, particularly in respect of gender equality, while acknowledging the importance of the wealth and diversity of culture and traditions. Grant women the right to appeal, in State courts, decisions of religious, customary or indigenous authorities, whether formal or informal, that have violated their right to equality;
- Ensure that women are free to participate in economic activities outside the house or village, without the supervision of male relatives;
- Ensure that women, on an equal footing with men, and girls, on an equal footing with boys, have the right to at least half the family property and inheritance in the event of divorce or widowhood. Facilitate the invalidation of any waiver of these rights obtained from a woman as a result of pressure from her family or community;
- Recognize women as heads of family on an equal basis with men so that they may enjoy the same financial or social benefits;….

Violence Against Women

The Special Rapporteur on Violence Against Women, Ms Rashida Manjoo, presented her final report (A/HRC/29/27) to the Council before ending her term in the mandate. Her report provides an overview of the standards, implementing mechanisms and

jurisprudence regarding violence against women in the African, European and Inter-American regional human rights systems. She offers guidance for the international human rights system to consider when addressing the normative gap. She also advocates that the UN system adopts a legally binding framework on violence against women and girls.

Further, the annual resolution on violence against women was adopted by consensus (A/HRC/RES/29/14) at this session. The detailed and comprehensive resolution deals with domestic violence and calls on States to support initiatives aimed at promoting gender equality and at preventing, responding to, and protecting women and girls from domestic violence and to take effective action to prevent domestic violence, including by publicly condemning, addressing and penalising perpetrators. In terms of ESC rights, it emphasises the importance of access to adequate housing and emergency shelters, access to comprehensive sexual and reproductive health services and the promotion of such rights, and access to justice for victims of domestic violence.

Extreme Poverty and Human Rights

Mr Philip Alston, Special Rapporteur on extreme poverty and human rights presented his annual report (A/HRC/29/31) to the Human Rights Council on 22 June 2015. His report focuses on extreme inequality and human rights. It cites some of the startling statistics about income inequality and the dramatic trend to greater inequality not only in income but in wealth, access to education, health, housing and so on. The report calls for the revitalisation of the fundamental human rights principle of equality and the insertion of ESC rights and questions of resources and redistribution, at the centre of human rights debates. It also clearly articulates the link between equality and economic and political power and how discrimination is frequently at the source of inequality. The Special Rapporteur outlines an agenda for the future to tackle inequality: rejecting extreme inequality; committing to reduce extreme inequality; prioritising ESC rights; implementing social protection floors; reforming fiscal policies to reduce inequality; revitalising the equality norm; and putting questions of resources and redistribution into the human rights equation.

In his statement to the Council, the Special Rapporteur summarised his report and issued a strong challenge to States and other stakeholders to redouble efforts to tackle extreme inequality. He

warned that '*the Council needs to do more than just adopt fine words*' and should start by acknowledging '*the huge gap between the rhetorical embrace of economic and social rights in this Council and elsewhere and the reality on the ground.*' He asked States to consider the resistance to rights language and approaches in international financial institutions such as the World Bank, IMF and the OECD: '*in the work of the leading international organizations focusing on poverty elimination, development, economic growth, and sustainability, recognition of the importance of both sets of human rights is either marginalized or entirely absent.*'

He said the Council cannot work in isolation and must engage with other international agencies and institutions that operate in the economic sphere. He noted that International NGOs must also take responsibility for the de-prioritisation of ESC rights and challenged them to refocus their work to ensure that ESCR received equal attention to CP rights. He said:

"I call on the Council to recognize explicitly that there are limits to the levels of inequality that can be considered to be compatible with respect for human rights. I call for it to encourage States to make formal commitments to reducing extreme inequality. I urge the implementation of fiscal policies aimed specifically at reducing inequality. I call for human rights bodies generally to give new life to aspects of the commitment to equality in human rights law. And I urge both inter-governmental bodies and non-governmental organizations to put questions of resources and redistribution back into the human rights equation, in which they are currently ignored or marginalized."

In the Interactive Dialogue with the Special Rapporteur, States were generally very supportive of Mr Alston's message, particularly South and Central American States. Many States reiterated the Special Rapporteur's call for equal priority to be given to ESC rights. A number of States emphasised inequality between States and the need for greater fairness in the international financial and trade systems. Many States also highlighted the importance of women's rights in eliminating inequality and improving the enjoyment of ESC rights.

The Global Initiative for Economic, Social and Cultural Rights made an Oral Statement during the Interactive Dialogue reiterating the Special Rapporteur's call for greater priority to be given to ESC rights.

Right to Education

The Special Rapporteur on the right to Education, Mr Kishore Singh, presented to the Human Rights Council his report (A/HRC/29/30) on 'Protecting the right to education against commercialization,' in which he warns of the negative impacts of privatisation on the fundamental principles and norms underpinning the right to education. He alerts States that: '*the commercialization of education and its unfettered liberalization, open to operators for lucrative purposes or objectives, is contrary to international human rights law.*' The Special Rapporteur reaffirms that education is an inalienable right of every person and not a

privilege of the rich and advantaged and he sets out recommendations for monitoring private providers in education, in particular through a framework of regulations that includes requirements for private providers to respect the right to education and measures to hold them accountable.

He notes that alternative schools for linguistic, cultural or religious groups which are consistent with the right to education under ICESCR have an important role to play in maintaining diversity and protecting minorities. Similarly non-profit community or philanthropic schools can play a meaningful complementary role in education provision. However, Mr Singh strongly condemns for-profit education which he says '*is contrary to the concept of education as a public good.'* He cites numerous examples of national legislation prohibiting profit-making by educational institutions and also stresses regulations to control school fees.The Special Rapporteur goes on to discuss regulatory frameworks for governing private education providers (prescriptive, prohibitive and punitive regulations) and oversight and monitoring mechanisms. He concludes by noting the significance of this issue in the post-2015 development agenda and notes with concern the 2014 report on assessing progress in Africa towards the MDGs 'which contains a recommendation to speed up private sector investment in education' which he describes as undermining the right to education.During the Interactive Dialogue with the Special Rapporteur, more than 40 States took the floor. France, Chile, Paraguay, Israel, Venezuela, Cuba, Bolivia and Tunisia all strongly supported the Special Rapporteur's report. Whilst many States insisted on a role for private actors in delivering education, none disputed that such actors should be monitored and regulated. Many States supported the notion that education is a public good and most agreed that the State should have the primary responsibility with respect to education. Some States emphasised a role for public-private partnerships and some noted national debates about State funding of private schools.

The Global Initiative for Economic, Social and Cultural Rights made a joint Oral Statement together with the Right to Education Project congratulating Mr Singh on his report and urging States to ensure that the involvement of private providers in education

only supplements and does not supplant public education, to increase investment in public education and to regulate and monitor private providers.

Also at this session the Council adopted without a vote a resolution on the right to education (A/HRC/RES/29/7). The resolution was proposed by Portugal and a core group of States and supported by approximately 70 co-sponsors. The resolution took note of the Special Rapporteur's report and highlighted concerns about the negative impact of conflict and crises on the right to education and of attacks on students, teachers, schools and universities. It also referred to the post-2015 development agenda but otherwise largely made high level generalised statements about the right to education.

Of significance for the issue of the role of private actors in education, the resolution recognised that education is a public good and urged States to take measures such as:

- Putting in place a regulatory framework guided by international human rights obligations for education providers that establishes, inter alia, minimum norms and standards for the creation and operation of educational institutions;
- Expanding educational opportunities for all without discrimination,…by, inter alia, recognizing the significant importance of public investment in education;
- Monitoring private education providers and holding accountable those whose practices have a negative impact on the enjoyment of the right to education;
- Supporting research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education;….

The GIESCR, together with eight other civil society organisations, issued a press release regarding the resolution.

Right to Health

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr Dainius Pūras, presented his first report (HRC/29/33) to the Human Rights Council since his appointment in June 2014. The report does not address a specific theme but reports on the Special Rapporteur's activities to date, provides an overview of the work of the mandate since 2003 and identifies the main themes and priorities for the future.

In terms of overarching themes he identifies the following areas: processes within health systems and in particular access to information, participation and accountability mechanisms; application of a gender perspective to the right to health with a special focus on sexual and reproductive health and rights; applying a life-cycle approach and in particular the needs of children and adolescents, those in vulnerable situations, and persons with disabilities; continue the work on access to medicines; and the Sustainable Development Goals.

The Special Rapporteur will prioritise a 'policy approach' which focuses on health policies including the analysis of processes and outcomes of policies as they are formulated and implemented. He will also examine the 'implementation gap' between policies and their effective implementation, which he notes is frequently due to '*prevailing attitudes*' rather than financial constraints. The report notes that 'retrogressive tendencies' and selective approaches to human rights effect most detrimentally those groups who are excluded and discriminated against which thus reinforces cycles of poverty, inequality, social exclusion and violence.

The report then considers power asymmetries and unbalanced approaches to right to health policies. Using the Ebola epidemic in West Africa as an example of the detrimental effects of inequalities on the right to health, he raises the issue of the responsibility and social accountability of key actors, including pharmaceutical companies and the need for strong leadership on global health challenges. He also highlights undue restrictions on civil and political rights which undermine the enjoyment of the right to health and the crucial role that civil society can play in promoting the right to health.

The priority themes that the Special Rapporteur is considering are:

- global health in the post-2015 agenda;
- right to health and public policy - he advocates for a public health approach which prioritises primary care and health promotion;
- mental health and emotional well-being;
- life-cycle approach to the right to health;
- right to health of persons with disabilities;
- violence as a major obstacle for the realisation of the right to health; and
- the role of stakeholders (active and informed participation of civil society actors, empowerment of health service users, role of doctors and health professionals, role of private companies).

Human rights and Climate Change

A resolution on human rights and climate change (A/HRC/RES/29/15) was put forward by Bangladesh and the Philippines and adopted without a vote at this session.

The resolution includes a decision to hold a panel discussion at the 31st session of the Human Rights Council (March 2016) on the adverse impact of climate change on States' efforts to progressively realise the right to health. It also requests the OHCHR to prepare a report on this topic to inform the panel discussion. Importantly, the resolution states that the OHCHR should consult with all relevant stakeholders including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change (UNFCCC).

The European Union made an explanation of vote where it reiterated its belief '*that it is important to encourage the consideration of human rights principles in the work of the UNFCCC, but the Council must not provide an alternative forum for work being undertaken on addressing climate change in the UNFCCC framework*.' This is a view held by other Western and other Group States as well. The EU also emphasised the importance of the Paris meeting in December this year for achieving a robust agreement that will strengthen an international efforts to tackle climate change.

Also submitted to this Council session was the report (A/HRC/29/19) of the OHCHR on the full day panel discussion on human rights and climate change which took place at the 28th session in March 2015.

Business and Human Rights

Mr Michael Addo, Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises, presented the Working Group's annual report to the Human Rights Council at this session (A/HRC/29/28). The report makes the case for an '*emerging convergence of current practice and initiatives*' on the UN Guiding Principles on Business and Human Rights (GPs) and emphasises the importance of integrating the GPs into the UN work and processes that interface with business, focusing specifically on trade, investment and financial institutions. Whilst acknowledging support for the GPs from UN agencies, the Working Group notes that they '*have been slow in integrating them into key frameworks*' and encourages the UN to '*use its unique status to drive coherence of governance frameworks aimed at managing adverse impacts of economic activity and supporting sustainable development*.' It stresses the need to improve policy coherence across the UN, and surveys some opportunities in this regard.

In relation to investment, the report looks at: work on State-investor agreements and the Principles for Responsible Contracts (A/HRC/17/31/Add.3); the UN Conference on Trade and Development (UNCTAD) and initiatives on human rights at the World Investment Forum; the inter-agency roundtable on corporate social responsibility jointly organised by UNCTAD, ILO and OECD; the need for more research on the impacts of international investment agreements and dispute resolution regimes on human rights and for greater consideration of the GPs in that context; transparency in investment arbitration and opportunities to build on the work of the Working Group on Arbitration and Conciliation of the UN Commission on International Trade Law (UNCITRAL) for instance the rules on transparency in treaty-based investor-State arbitration[1] and the UN Convention on Transparency.[2]

UNITED NATIONS
UNCTAD

[1] Came into effect on 1 April 2014
[2] A/CN.9/812, opened for signature on 17 March 2015

In relation to trade the report discusses the need to translate the GPs into multilateral trade frameworks and specifically the WTO. Again policy coherence was stressed across trade and human rights and specifically the inclusion and consistent interpretation of ILO and human rights protections in free trade agreements. The report also notes the progress in integrating the GPs into public procurement agreements and processes but encourages the development of greater practical guidance and greater attention be given to the GPs by the WTO and UNCITRAL in their work on public procurement.

The Working Group also commented on financial institutions and specifically the World Bank and the current opportunities for integrating the GPs via the Bank's current Safeguards review. The report is critical of the Bank's failure to incorporate human rights and the GPs and says the Bank '*risks falling behind standard-development that has taken place in the context of private finance*.'

In the financial institutions space, the report also discusses the UNEP Inquiry into the design of a sustainable financial system[3] and the Sustainable Stock Exchanges Initiative of UNCTAD, the Global Compact and the UNEP Finance Initiative.[4]

The report devotes a section to assessing the sustainable development processes and their initiatives on human rights and the GPs and opportunities for greater engagement and integration. It critiques the draft Sustainable Development Goals highlighting the failure to reference the GPs, despite the significant and increasing role of the private sector in the design and implementation of the SDGs. The absence of any accountability mechanisms (including consultation processes and remedy) regarding adverse impacts of business are also identified as a significant omission. The reports says companies should be required to 'actively consider human rights' and that Goal 17 on revitalising partnerships should specifically require public-private partnerships to avoid adverse human rights impacts. They encourage initiatives that assess and report on how partnerships with the private sector could be made more accountable and consistent with the GPs. Similar points are made in relation to the Financing for Development process.

Looking beyond the post-2015 framework, the report underlines the important role to be played by UNEP in scaling up action on the GPs, through promoting and assisting with National Action Plans and through the UNEP Extractive Industries for Sustainable

[3] UNEP Inquiry website: www.unep.org/inquiry/.
[4] See http://www.sseinitiative.org

Development Initiative. Other areas for greater engagement include regional fora and small and medium-sized enterprises.

The report includes Addenda reporting on the African Regional Forum on Business and Human Rights (A/HRC/29/28/Add.2) and on 'Identifying emerging approaches and lessons learned in corporate respect for human rights: reflections from discussions held at the 2014 Forum on Business and Human Rights' (A/HRC/29/28/Add.3).

During the Interactive Dialogue with the Working Group many States made comments but few were of much significance or originality. Of interest were comments by: Pakistan, that extra-territorial accountability remains a key challenge for the GPs; South Africa, that voluntary CSR initiatives should not be the norm; and the US, that it was concerned that this issue is also being addressed by the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (IGWG), and this will polarise the issue. Many States noted that there are still a vast majority of businesses that are unaware of the GPs, others noted the very significant gap in implementation of pillar 3 of the GPs on remedy and quite a number mentioned their National Action Plans and encouraged work in this area.

Interestingly, despite the fact that the first session of the IGWG was to be held only one week after the Human Rights Council, little was said publicly about that process. It was however a topic of much bilateral discussion in the hallways of Palais des Nations during the Council session. Further information about the first meeting of the IGWG in July 2015 can be found here and here.

Also presented at this Council session on the issue of business and human rights:

- a report summarising the discussions at the Annual UN Forum on Business and Human Rights (A/HRC/29/29);
- a Progress report of OHCHR on legal options and practical measures to improve access to remedy for victims of business-related human rights abuses (A/HRC/29/39); and
- a Summary of discussions of the Forum on Business and Human Rights, prepared by the Chair, Mo Ibrahim (A/HRC/FBHR/2014/3).

Special Procedures Communications report

The Communications Report (A/HRC/29/50) provides information about Communications (including urgent appeals, letters of allegations and other letters) sent by Special Procedures mandate holders of the Human Rights Council, between 1 December 2014 and 28 February 2015 and replies received between 1 February and 30 April 2015. It does not report on all complaints received by Special Procedures mandate holders.

As in the past, the majority of Communications still relate to civil and political rights violations and mandates. Again the Human Rights Defenders mandate sent the greatest number of Communications (54) and not far behind were the mandates on Freedom of Expression (40), Peaceful Assembly (38) and Freedom from Torture (37).

The highest number of Communications sent by an ESCR mandate was 17 sent by Health, followed by Toxic Waste (6) and Housing (6). The two women's rights mandates sent a reasonable number of communications: Violence Against Women, 11 and the Working Group of Discrimination Against Women in Law and Practice with nine. Given the frequency with which we hear of violations relating to business, it is a little surprising that only three were sent by the Working Group on business and human rights.

However, as some Special Procedures mandate holders have pointed out, the number of Communications sent is not necessarily a measure of the importance of the right or the impact of the Communications. Sometimes fewer, more thorough Communications with substantial follow-up is more impactful than more Communications with no follow-up.

To give a flavour of the kinds of ESCR issues emerging from Communications here is a sample of Communications:

- Toxic Waste - Against India and Denmark in relation to ship breaking. The transboundary movement of toxic waste by a ship formerly registered in Denmark and currently registered in the Bahamas.
- Right to Adequate Housing - Against France relating to evictions of Roma.
- Right to Water - Two Communications against the US relating to the Detroit water disconnections and related housing foreclosures and evictions.
- Business and human rights - Against Kenya regarding lead pollution and poisoning of local community by privately operated lead smelter.
- Right to Health - Several Communications relating to lack of health care in prison and prison conditions. These Communications usually are combined with complaints regarding Arbitrary Detention, Freedom of Expression & Assembly.
- Right to Housing / Extreme Poverty and human rights / Migrants - Against the Netherlands regarding emergency assistance to homeless irregular migrants.
- Right to Adequate Housing - Against Egypt regarding forced evictions.
- Business and human rights / Right to Food / Toxic Waste - Thailand alleging a large number of attacks, arrests, harassment and killings of environment and land activists working on a range of issues.

- Cultural Rights - Against the Netherlands regarding the placement on the Dutch National Inventory of Intangible Cultural Heritage, of the Dutch tradition of Sinterklass and Black Pete.
- Business and human rights / Human Rights Defenders / Freedom of Assembly / Indigenous Peoples - Against Nicaragua regarding the harassment and arrest of human rights defenders peacefully protesting the construction of a water canal being undertaken by a Chinese corporation.
- Extreme poverty and human rights / Right to Food - Against Guatemala regarding a reduction in the minimum wage.

Other initiatives of note

- ***Special Rapporteur on minority issues - report on Roma***

  The Special Rapporteur on minority issues presented her report to the Council on the human rights situation of Roma people worldwide, with a particular focus on the phenomenon of anti-Gypsyism (A/HRC/29/24).

- ***Special Rapporteur on Eritrea - forced evictions***

  A report by the Special Rapporteur on Eritrea on forced evictions and housing demolitions in Eritrea (A/HRC/29/41).

- ***Resolution on protection of the family*** (A/HRC/RES/29/22)

  A resolution on protection of the family which specifically focused on '***The contribution of the family to the realization of the right to an adequate standard of living for its members particularly through its role in poverty eradication and achieving sustainable development'*** was adopted by vote with 29 States supporting the resolution, 14 voting no and 4 abstaining. It appears this resolution is becoming an annual resolution this year proposed by Bangladesh, Belarus, China, Cote d'Ivoire, Egypt, El Salvador, Mauritania, Morocco, Qatar, Russian Federation, Saudi Arabia and Tunisia.

  Rights groups have raised strong concerns about the content and motivations of the resolution both last year and this. In particular they are concerned about a very restrictive definition of 'the family,' the failure to recognise that diverse forms of family exist and that the family can be the site of transmission of both positive and negative values and of negative stereotyping and abuse. See Pooja Patel's paper on this year's draft resolution on the protection of the family for an excellent analysis of the human rights concerns.

  For instance the resolution states:

> reaffirms that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State;
>
> Recognizes that the family, while respect for the rights of its members is ensured, is a strong force for social cohesion and integration, intergenerational solidarity and social development, and that the family plays a crucial role in the preservation of cultural identity, traditions, morals, heritage and the values system of society;

Four UN Special Procedures mandate holders wrote a strongly worded letter to the President of the Human Rights Council on the day of voting on the resolution critiquing the draft resolution. They raised concerns about the resolution's insufficient weight given to the importance of ensuring equality within the family between women and men and between girls and boys, the lack of acknowledgement of diverse and non-traditional family forms and the limited language on the protection against violence and exploitation within the family.

The final version of the resolution which was adopted was an improvement on the draft. For instance many of the concerns of human rights groups regarding women's rights, were partly allayed by a number of paragraphs which emphasise equality between men and women, women-headed households, unrecognised women's work in the home, shared parenting of children and policies that assist women's participation in the paid workforce:

> Urges Member States to create a conducive environment to strengthen and support all families, recognizing that equality between women and men and respect for all the human rights and fundamental freedoms of all family members are essential to family well-being and to society at large, noting the importance of reconciliation of work and family life and recognizing the principle of shared parental responsibility for the upbringing and development of the child;
>
> Stresses that equality between women and men, women's equal participation in employment and shared parental responsibility are essential elements of a policy on the family;
>
> Regrets that women's social and economic contributions to the welfare of the family and the social significance of maternity and paternity continue to be inadequately addressed and that women continue on many occasions to bear a disproportionate share of household responsibilities and the care of children, the sick and elderly, and in this regard emphasizes the need to consistently address such imbalances and to ensure that maternity, motherhood, parenting and the role of women in procreation is not a basis for discrimination nor for restricting the full participation of women in society;

Notes that single-headed households, child-headed households and intergenerational households are particularly vulnerable to poverty and social exclusion;

Resolves to pay particular attention to family units headed by women and children, while bearing in mind that a considerable proportion of households worldwide are headed by women and many other households are dependent on female income, and that female-maintained households are very often among the poorest because of wage discrimination, occupational segregation patterns in the labour market and other gender- based barriers.

What was not well addressed by the resolution and continues to be a topic of strong diverging opinion amongst States is the rights of LGBTI persons within families. Chile, Uruguay, Ireland and France proposed an amendment to the resolution to recognise that diverse forms of the family exist and to reinforce human rights principles of equality and non-discrimination. However that amendment was not successful. Saudi Arabia and Pakistan put forward an amendment which was also unsuccessful, to define marriage as between a man and a women. For these reasons all Western and Other Group State voted against the resolution and the Latin American group States (Mexico, Argentina, Brazil) abstained.

Finally the resolution requests the OHCHR to prepare a report for the March 2016 session of the Council '*on the impact of the implementation by States of their obligations under relevant provisions of international human rights law with regard to the protection of the family, on the contribution of families in realizing the right to an adequate standard of living for their members, particularly through their role in poverty eradication and in achieving sustainable development, while giving due consideration to the status of the family in the developments related to the ongoing work on the future sustainable development goals and the post-2015 development agenda.*'

- ***New mandate holders***

There were a smaller number of new mandate holders appointed at this session. Of relevance to ESC rights, was the appointment of Ms Dubravka Simonović from Croatia as the Special Rapporteur on Violence Against Women.

At the September session of the Council (30th) the next Special Rapporteur on Cultural Rights will be appointed.

- ***Special Rapporteur on Migrants - report on European migration crisis***

  The Special Rapporteur on Migrants presented his report on the EU migration crisis and thousands of deaths in the Mediterranean sea and commented on EU policy proposals to deal with the crisis (A/HRC/29/36). The report considers the EU policies for border control, addresses persistent human rights concerns and examines the long-term feasibility of the EU's overall migration policy and the application of the EU's founding values and regional human rights standards in relation to integration and diversity.

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