



NEW YORK, NY

20 - 24 March – Conference A

27 - 31 March – Conference B

nmun.org/nmun_ny.html

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS BACKGROUND GUIDE 2016

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NATIONAL MODEL UNITED NATIONS





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Dear Delegates,

Welcome to the 2016 National Model United Nations Conference in New York (NMUN•NY)! We are pleased to introduce you to our committee, the Committee on Economic, Social and Cultural Rights (CESCR). This year's staff is: Directors David Godoy (Conference A) and Dieyun Song (Conference B). David completed his B.A. in Political Science in 2015 and works at the Secretary of International and Federal Relations of Fortaleza in Brazil. This will be his fourth year on staff, and he is excited to return to NMUN•NY. Dieyun received her B.A. in Management and Economic Crime Prevention and Investigations in 2015. She currently works as a graduate assistant and a Residence Hall Director while pursuing her M.A. in History at Lynchburg College, and is looking forward to her third year on NMUN•NY staff.

The topics under discussion for CESCR are:

- I. Addressing Workers' Rights for Sustainable Economic Growth
- II. Preserving Cultural Rights of Ethnic Minorities
- III. Protecting Economic, Social and Cultural Rights for Refugees

CESCR plays a critical role in the UN system by assessing and reviewing the implementation of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) by its States Parties. CESCR reviews reports from States Parties concerning their development in the implementation of the ICESCR, and the committee publishes reports with recommendations related to the Covenant. CESCR traditionally serves in its role as an expert body undertaking normative work. For the purposes of NMUN•NY 2016, corresponding with the educational mission of the conference, CESCR has the ability to make programmatic and policy decisions on issues within the mandate of CESCR and in line with the overall function of the organization. Furthermore, while the Committee is traditionally composed of independent experts, for the purposes of NMUN•NY 2016, delegates will represent their respective Member States to CESCR.

We hope you will find this Background Guide useful as an introduction to the topics for this committee. At the same time, please go above and beyond and research the topics before the conference to understand your country's positions. We highly encourage you to explore your Member State's policies in-depth, as well as use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the conference, each delegation will submit a [position paper](#). Please take note of the [NMUN policies](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct, dress code, sexual harassment, and the awards philosophy and evaluation method. Adherence to these guidelines is mandatory.

Please note that CESCR is a report-writing committee, and will thus produce a report, rather than resolutions, in its work at the conference. Information about report writing can be found in the [Delegate Preparation Guide](#).

The [NMUN Rules of Procedure](#) are available to download from the NMUN website. This document includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. It is thus an essential instrument in preparing for the conference, and a reference during committee.

If you have any questions concerning your preparation for the committee or the conference itself, feel free to contact the Under-Secretaries-General for the ECOSOC Department, Dinah Douglas (Conference A) and Lauren Shaw (Conference B). You can reach either USG by contacting them at: usg.ecosoc@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the conference!

Sincerely,

Conference A

David Godoy, *Director*

Conference B

Dieyun Song, *Director*

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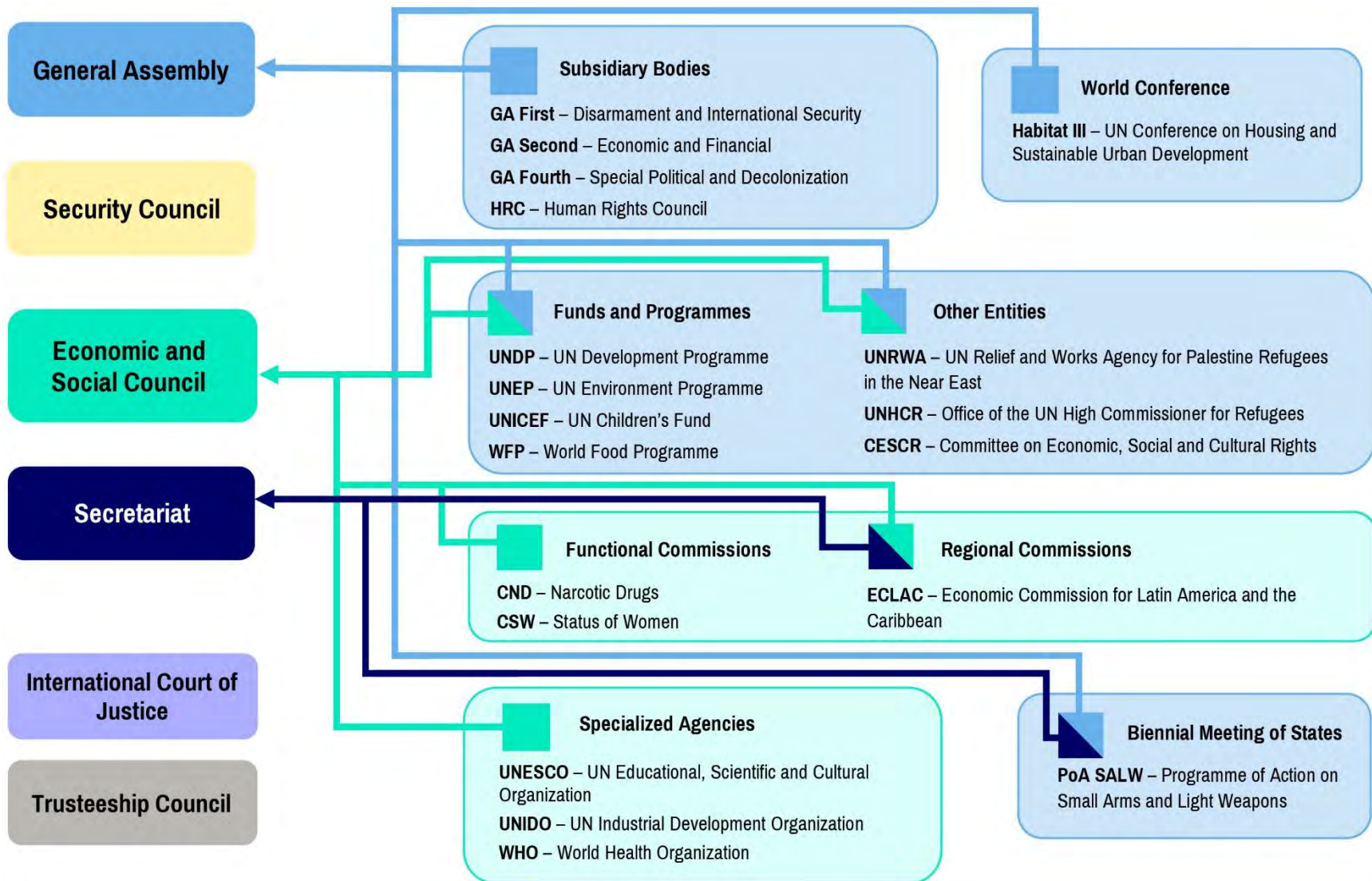


Abbreviations

ACHPR	African Charter on Human and Peoples' Rights
ACHR	American Convention on Human Rights
ADRDM	American Declaration on the Rights and Duties of Man
BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
CSO	Civil society organization
DRD	Declaration on the Right to Development
ECHR	European Convention on Human Rights
ECOSOC	Economic and Social Council
ESC	Economic, social and cultural
EU	European Union
ExCom	Executive Committee
GA	General Assembly
GDP	Gross domestic product
IACHR	Inter-American Commission on Human Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDB	Inter-American Development Bank
IDPs	Internally displaced persons
IGO	Intergovernmental organization
ILO	International Labour Organization
IMF	International Monetary Fund
LDCs	Least developed countries
MDGs	Millennium Development Goals
MPI	Migration Policy Institute
MRG	Minority Rights Group International
NGO	Non-governmental organization
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
Rio+20	United Nations Conference on Sustainable Development
RSD	Refugee Status Determination
RST	Refugee Services Toolkit
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNDM	United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
UNESCO	United Nations Educational, Scientific and Cultural Rights
UNHCR	United Nations High Commissioner for Refugees
UNPFII	United Nations Permanent Forum on Indigenous Issues
VAW	Violence against women
WTO	World Trade Organization

United Nations System at NMUN·NY

This diagram illustrates the UN System simulated at NMUN·NY. It shows where each committee “sits” within the system, to help understand the reportage and relationships between the entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN System.



Committee Overview

“Everyone, as a member of the society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”¹

Introduction

Article 22 of the *Universal Declaration of Human Rights* (UDHR) (1948) states that every individual shall enjoy equal economic, social, and cultural (ESC) rights.² To create an enjoyable environment in which every individual in the society can practice his or her ESC rights, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1976) was adopted by the United Nations (UN) General Assembly (GA) in resolution 2200 (XXI) on 16 December 1966, and entered into force on 3 January 1976.³ The Covenant outlines all people’s equal ability to enjoy their ESC rights and emphasizes all States Parties’ responsibility to protect individuals’ rights under the Covenant.⁴ To implement the Covenant and to monitor the progress more effectively, GA resolution 2200 (XXI) assigned the UN Economic and Social Council (ECOSOC) the responsibility to collect and organize comments and recommendations to the Covenant submitted by States Parties, specialized agencies, and subsidiary organs.⁵ A Sessional Working Group on the Implementation of the *International Covenant on Economic, Social and Cultural Rights* (1976) was established to assist ECOSOC with considerations of the reports as it indicated in ECOSOC decision 1978/10 and resolution 1988 (LX).⁶ On 28 May 1985, ECOSOC resolution 1985/17 decided to modify the Working Group to create the Committee on Economic, Social and Cultural Rights (CESCR).⁷ The working methods and administrative arrangement are introduced in Council resolution 1979/43 and decision 1981/158.⁸ In 2008, CESCR gained the ability to consider both inter-state complaints and individual persons’ claims if their ESC rights are violated from the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (2008), which officially entered into force on 5 May 2013.⁹

The **Committee on Economic, Social and Cultural Rights** (CESCR) is a UN entity that serves to monitor States Parties to the *International Covenant on Economic, Social and Cultural Rights*. CESCR is composed of 18 independent experts on human rights.

CESCR traditionally serves in its role as an expert body undertaking normative work. For the purposes of NMUN·NY 2016, corresponding with the educational mission of the conference, CESCR has the ability to make programmatic and policy decisions on issues within the mandate of CESCR and in line with the overall function of the organization. Furthermore, while the Committee is traditionally composed of independent experts, for the purposes of NMUN·NY 2016, delegates will represent their respective Member States to CESCR.

The Committee examines States Parties reports, comments, and recommendations regarding the implementation and revision to the Covenant and organizes reports and provides recommendations related to the Covenant to ECOSOC.¹⁰ As an expert body of ECOSOC, CESCR provides a forum where ESC rights experts from different geographical regions can collaborate and improve individuals’ rights under the Covenant.¹¹ The Committee carries

¹ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

² Ibid.

³ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

⁴ Ibid.

⁵ UN ECOSOC, *Review of the composition, organization and administrative arrangements of the Sessional Working group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1985/17)*, 1985.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ UN CESCR, *Monitoring the economic, social and cultural rights*.

¹⁰ Ibid.

¹¹ Ibid.

out the monitoring function that the Covenant assigned to the Council, which improves ECOSOC's working efficiency.¹²

Topics covered by the Committee include all the ESC rights highlighted in the Covenant, such as gender equality, education equality, the right to work and adequate standard of living, the right to physical and mental health, and the right to social security.¹³ Entering the post-2015 era and moving forward with the Sustainable Development Goals (SDGs), the Committee bears important duties to protecting individuals' ESC rights to empower sustainable development for all.

Governance, Structure and Membership

Governance

CESCR's secretariat consists of one Chairperson, three Vice-Chairpersons, and a Rapporteur.¹⁴ The Chairperson is in charge of nominating the pre-session working group members, as well as inviting States Parties' questions and comments during the consideration of reports.¹⁵ All secretariat positions of the Committee are elected by Committee members with consideration regarding the comprehensive and equal representation of all geographical regions.¹⁶ The current Chairperson of CESCR is Waleed Sadi from Jordan.¹⁷ The three Vice-Chairpersons are Aslan Abashidze from the Russian Federation, Mikel Mancisidor De La Fuente from Spain, and Renato Zerbini Ribeiro Leão from Brazil.¹⁸ Ariranga Govindasamy Pillay from Mauritius currently serves as the Rapporteur.¹⁹ The current membership will expire on 31 December 2016.²⁰ CESCR receives essential staff and facilities for its basic functioning and effective performance from the UN Secretary-General.²¹ Committee members' travel and subsistence expenses are provided by UN resources.²²

Structure

CESCR is an expert body that operates under its autonomous governance and budget under the auspices of ECOSOC, with members serving in a personal capacity instead of representing their country of nationality.²³ The Committee meets twice each year for a period of up to three weeks in Geneva.²⁴ The Committee examines reports submitted by States Parties under Article 16 of the Covenant.²⁵ To improve the efficiency of the Committee, a pre-session working group, which consists of five members appointed by the Chairperson, will meet five days before the annual meeting to discuss and identify the major items of the upcoming dialogue, which will be organized as a "list of issues."²⁶ States Parties' reports include each state's progress on ESC rights and also their replies to the list of issues.²⁷ The Committee usually examines State Parties reports by cluster of articles of the Covenant, which is divided as articles 1 to 5, 6 to 9, 10 to 12, and 13 to 15, and gives special consideration to the replies to the list of issues.²⁸ A draft set of "Concluding Observations" will be prepared by the rapporteur with the secretariat's assistance during the final stage of the consideration of the reports.²⁹ The structure of the Concluding Observations

¹² UN CESCR, *Monitoring the economic, social and cultural rights*.

¹³ UN CESCR, *List of Issues*.

¹⁴ UN ECOSOC, *Methods of work of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1979/43)*, 1979.

¹⁵ UN CESCR, *Working Methods*.

¹⁶ UN ECOSOC, *Methods of work of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1979/43)*, 1979.

¹⁷ UN CESCR, *Membership*.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ UN ECOSOC, *Review of the composition, organization and administrative arrangements of the Sessional Working group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1985/17)*, 1985.

²² *Ibid.*

²³ UN ECOSOC, *Subsidiary bodies of ECOSOC*.

²⁴ UN CESCR, *Monitoring the economic, social and cultural rights*.

²⁵ UN ECOSOC, *Methods of work of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1979/43)*, 1979.

²⁶ UN CESCR, *Working Methods*.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

includes sections of introduction, positive aspects, principal subjects of concern, and suggestions and recommendations.³⁰ When the Concluding Observations on the reports of State Parties are formally adopted by the Committee, the Concluding Observations will be publically listed in the Committee's annual report, along with State Parties' comments on the Observations, if available.³¹

Membership

CESCR consists of 18 human rights experts from different geographical areas and varying aspects of legal and social systems.³² Out of the total seats available, 15 are assigned equally to each geographic region, and the other three seats are distributed based on the number of new States Parties to the Covenant in the regions.³³ States Parties may nominate candidates to CESCR via secret ballot, through which ECOSOC Member States elect Committee members.³⁴ Elected members serve the Committee for a term of four years with the eligibility to be re-elected upon nomination.³⁵ To maintain a balanced distribution of membership among all geographical regions, half of the membership of CESCR is renewed every two years.³⁶

Mandate, Functions and Powers

ECOSOC resolution 1985/17 of 28 May 1985 provides the mandate of CESCR.³⁷ The Committee has the monitoring function over ECOSOC's fulfillment of its responsibilities assigned in Article 21 and 22 of the Covenant.³⁸ The responsibilities include submitting reports on initiatives taken and progress achieved in the implementation of the Covenant to ECOSOC, as well as making recommendations or providing assistance to the Council when obstacles against the fulfillment of the Covenant arise.³⁹ CESCR can make suggestions and recommendations to States Parties and special agencies that do work related to the Covenant.⁴⁰

The *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, adopted by the GA in 2008, allows the Committee to receive and examine complaints of individual persons from States Parties if their ESC rights under the Covenant are violated and the state in question has ratified the Optional Protocol.⁴¹ The committee may also consider inquires if a State Party believes that another State Party is not fulfilling its responsibilities under the Covenant.⁴² States Parties may inform the States Parties of concern that their obligations under the Covenant are not fulfilled, and also inform the Committee of the matter through written communications.⁴³ If all domestic resources and remedies are exhausted and the issues still are unresolved after six months, the written concern is brought up to the attention of the State Party of concern, then the Committee will conduct closed meetings for the purpose of examining the communications and ask for relevant information from the States Parties concerned.⁴⁴ Upon the completion of the Committee's examination, a report will be written by CESCR to either confine the reports of the States Parties concerned if it does not violate the Covenant or to express the Committee's concerns and provide further guidelines for future improvement if the concern is valid.⁴⁵

³⁰ UN CESCR, *Working Methods*.

³¹ Ibid.

³² UN ECOSOC, *Review of the composition, organization and administrative arrangements of the Sessional Working group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1985/17)*, 1985.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ UN CESCR, *Monitoring the economic, social and cultural rights*.

³⁸ UN ECOSOC, *Review of the composition, organization and administrative arrangements of the Sessional Working group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1985/17)*, 1985.

³⁹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

⁴⁰ UN ECOSOC, *Review of the composition, organization and administrative arrangements of the Sessional Working group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1985/17)*, 1985.

⁴¹ UN General Assembly, *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (A/RES/63/117)*, 2008.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

Additionally, CESCR also has the ability to publish its provisions to the Covenant in its “General Comments” documents.⁴⁶ For instance, the Committee wrote General Comment No. 21 (E/C.12/GC/21) on Article 15, “right of everyone to take part in cultural life,” on 21 December 2009, which highlighted the newly arisen challenges in the progress of the implementation of the Article and made recommendations on all actors’ obligations and responsibilities during the next step.⁴⁷

Recent Sessions and Current Priorities

54th Session

CESCR’s 54th session took place in Geneva from 23 February to 6 March in 2015.⁴⁸ The list of issues discussed included gender equality, workers’ rights, the right to an adequate standard of living, equal access to education, and equal cultural rights for all.⁴⁹ Items regarding the general provisions of the Covenant, such as establishing effective measurements taken in the monitoring process by States Parties; clarifying the steps to help refugees and asylum seekers with access to employment opportunities; and seeking more information on previous actions were also discussed in the session.⁵⁰ The session adopted on 20 March 2015 the following concluding observations: C.12/GMB/CO/1, submitted by Gambia; C.12/PRY/CO/4, submitted by Paraguay; and C/12/TJK/CO/2-3, submitted by Tajikistan.⁵¹ The Committee highlighted and praised States Parties’ positive actions, such as Paraguay’s adoption of its National Plan for Human Rights for Education; the Gambian government’s effective legislative actions on its Labor Act of 2007; and Tajikistan’s implementation of its Policy Framework for Transition to a New General Education System.⁵² Regarding issues related to workers’ rights, the Committee urged States Parties to take specific measures and legislative actions to establish national non-discriminative standards for all workers.⁵³ In addition, the Committee also urged States Parties to intensify their actions and commitment to establishing education infrastructures and providing equal access to school for all.⁵⁴

55th Session

CESCR’s most recent session was held from 1-19 June 2015 in Geneva, and adopted concluding observations and recommendations on reports of Chile, Kyrgyzstan, Ireland, Mongolia, Venezuela, Thailand and Uganda.⁵⁵ As the 50th anniversary of ICESCR and the *International Covenant on Civil and Political Rights* (1966) approaches in 2016, James Heenan, the chief of groups in Focus Section, Human Rights Treaties Division of Office of the High Commissioner for Human Rights (OHCHR), addressed the significance of implementing the Optional Protocol and empowering individuals to protect their human rights under the Covenant.⁵⁶ OHCHR emphasized the milestone the Optional Protocol has been in the international human rights system, which provides individuals a channel to seek justice.⁵⁷

⁴⁶ UN CESCR, *Monitoring the economic, social and cultural rights*.

⁴⁷ UN ECOSOC, *General comment no. 21, Rights of everyone to take part in cultural life (art. 15, para. 1(a), of the International Covenant of Economic, Social and Cultural Rights) (E/C.12/GC/21)*, 2009.

⁴⁸ UN CESCR, *Sessions for CESCR- International Covenant on Economic, Social and Cultural Rights*.

⁴⁹ UN ECOSOC, *Committee on Economic, Social and Cultural Rights: List of issues in relation to the fourth periodic report of Paraguay (E/C.12/PRY/Q/4)*, 2014.

⁵⁰ UN ECOSOC, *Committee on Economic, Social and Cultural Rights: List of issues in relation to the fourth periodic report of Gambia (E/C.12/GMB/Q/1)*, 2014; UN ECOSOC, *Committee on Economic, Social and Cultural Rights: List of issues in relation to the combined second and third periodic reports of Tajikistan (E/C.12/TJK/Q/2-3)*, 2014.

⁵¹ UN CESCR, *International Covenant on Economic, Social and Cultural Rights: 54 Session (23 Feb 2015 – 06 Mar 2015)*.

⁵² UN ECOSOC, *Committee on Economic, Social and Cultural Rights: Concluding observations on the fourth periodic report of Paraguay (E/C.12/PRY/CO/4)*, 2015; UN ECOSOC, *Committee on Economic, Social and Cultural Rights: Concluding observations on the fourth periodic report of Gambia (E/C.12/GMB/CO/1)*, 2015; UN ECOSOC, *Committee on Economic, Social and Cultural Rights: Concluding observations on the combined second and third periodic reports of Tajikistan (E/C.12/TJK/CO/2-3)*, 2015.

⁵³ UN ECOSOC, *Committee on Economic, Social and Cultural Rights: Concluding observations on the fourth periodic report of Paraguay (E/C.12/PRY/CO/4)*, 2015; UN ECOSOC, *Committee on Economic, Social and Cultural Rights: Concluding observations on the fourth periodic report of Gambia (E/C.12/GMB/CO/1)*, 2015.

⁵⁴ *Ibid.*

⁵⁵ UN CESCR, *Committee on Economic, Social and Cultural Rights concludes fifty-fifth session*.

⁵⁶ UN OHCHR, *Opening Address by James Heenan, Chief, Groups in Focus Section, Human Rights Treaties Division OHCHR*, 2015.

⁵⁷ *Ibid.*



Article Seven of ICESCR, which highlights the right to just and favorable conditions of work, was the centerpiece of the general discussion.⁵⁸ States Parties discussed fair wages, workers' decent living conditions, working environment safety, equal opportunity for employment and promotion, and workers' leisure time.⁵⁹ Multiple actors, including States Parties, international organizations, and civil society organizations (CSOs), were actively involved in the discussion, and a draft General Comment was written and will be read during the 56th session in September 2015.⁶⁰

Conclusion

The existence of the Committee is a recognition of the significance of individuals' ESC rights given by the Covenant. States Parties' Observations and CESCR's General Comments provide expertise and also first-hand experience and knowledge to ECOSOC for it to better fulfill its responsibilities placed upon by the Covenant. However, the Committee faces many challenges and obstacles to fulfill its mandate. The current Chairperson of CESCR, Waleed Sadi, expressed regret towards some delegations' absence during discussions, which prevented the session from reaching a more fruitful outcome.⁶¹ States Parties' lack of commitment to submit reports has always been an impediment to engaging all representatives in active discussions, as well.⁶² As the Committee tries to hold all States Parties accountable, issues such as global climate change, terrorism, and poverty create challenging obstacles for CESCR to advance its work. Facing both internal and external challenges, CESCR should rise up and above and collaborate more effectively with the UN system and civil society in order to fulfill its responsibilities.

⁵⁸ UNOG, *Committee on economic, social and cultural rights discusses draft general comment on the right to just and favourable conditions of work*, 2015.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ UN CESCR, *Committee on Economic, Social and Cultural Rights concludes fifty-fifth session*, 2015.

⁶² UN CESCR, *List of Issues*.



Annotated Bibliography

International Network for Economic, Social & Cultural Rights. (n.d.). *ESCR-Net* [Website]. Retrieved 22 July 2015 from: <https://www.escr-net.org/>

Civil society plays a vital role in addressing and improving individuals' economic, social, and cultural rights. ESCR-Net connects over 270 civil society organizations in the world and focuses on topics such as economic policy formulation, gender equality, and strategy development. ESCR-Net is one of the valued partners of CESCR and delegates may find studying ESCR-Net's works helpful in understanding the committee's field of work and priorities.

United Nations, Economic and Social Council. (1979). *Methods of work of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1979/43)*, [Resolution]. Retrieved 18 August 2015 from: <http://undocs.org/E/RES/1979/43>

This resolution introduced the working methods of the Committee on a detailed level. Delegates will be able to gain a clear understanding of the process of how the committee examines States Parties' reports and drafts the Concluding Observations. Since CESCR is a report-writing committee, it is essential for delegates to understand the methods of work of the Committee in order to engage in effective and efficient negotiation.

United Nations, Economic and Social Council. (1985). *Review of the Composition, Organization and Administrative Arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/RES/1985/17)* [Resolution]. Retrieved 22 July 2015 from: <http://undocs.org/E/RES/1985/17>

Serving as the founding document of the committee, this resolution is a valuable resource for delegates to get familiar with CESCR. This resolution provides detailed information on CESCR's membership, elections, powers and functions, and working methods. Delegates may find it useful to gain more knowledge on the history and nature of the committee through this document.

United Nations, General Assembly, Twenty-first session. (1966). *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*. Adopted on the report of the Third Committee (A/6546). Retrieved 9 September 2015 from: [http://undocs.org/A/RES/2200\(XXI\)](http://undocs.org/A/RES/2200(XXI))

ICESCR can be viewed as the soul of the Committee. The Covenant highlights the important economic, social and cultural rights that every individual should be equally enjoy and practice under States Parties' effective fulfillment of their obligations, which is also outlined in the document. Reading and studying the Covenant, especially Part IV, will be helpful for delegates to understand the Committee's role in the implementation process and also other UN system's responsibilities.

United Nations, Office of the High Commissioner for Human Rights. (n.d.). *Committee on Economic, Social and Cultural Rights* [Website]. Retrieved 22 July 2015 from: <http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>

The committee website of CESCR is a first-hand research resource for delegates. Delegates may find useful and updated information on committee priorities, recent session information, and key documents that are relevant to the work of CESCR. The section with each state's recent reports is a great place for delegates to understand their assigned Member State's positions.

United Nations, Office of the High Commissioner for Human Rights. (n.d.). *CESCR – International Covenant on Economic, Social and Cultural Rights, 55 Session (01 Jun 2015 – 19 Jun 2015)* [Website]. Retrieved 18 August 2015 from: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=967&Lang=en

There is no better way to study States Parties' and the Committee's current priorities than studying the documents processed and adopted during the most recent session. This page provides the opening statement of the session, each country's report, list of issues, and concluding observations. Through studying the Committee's recommendations and States Parties' comments, delegates will be able to understand each State Party's current progress on the implementation of the Covenant and what are the possible solutions.

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I. Addressing Workers' Rights for Sustainable Economic Growth

Introduction

Workers and the labor force directly contribute to and drive economic growth.⁶³ Protecting workers' rights provides foundations for individuals to actively and productively participate in the labor market, which in turn boosts investments and economic growth.⁶⁴ According to the United Nations (UN) *Universal Declaration of Human Rights* (UDHR) (1948), all members of the global community have the right to work and to decent working conditions.⁶⁵ Both domestic and migrant workers should have safe work conditions, equal wages, appropriate leisure time, and social security protection from their employers and governments, without any discrimination against their race, gender, religion, social orientation, physical or mental ability, or nationality.⁶⁶ The right to work is one of the essential and basic economic, social and cultural (ESC) rights of every individual under the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966), which provides the mandate that the UN Committee on Economic, Social and Cultural Rights (CESCR) fulfills.⁶⁷ However, in the Committee's work to protect workers' rights, numerous challenges and obstacles often arise.⁶⁸ Different and conflicting national social security systems, violence against women, social norms and stereotypes, a lack of willingness to cooperate, economic inequality, and many other factors make the protection of workers' rights difficult to enforce.⁶⁹ Bearing in mind the previous international and regional treaties and frameworks, CESCR, along with States Parties, should seek channels for collaboration among governments and international organizations in order to promote sustainable economic growth through addressing workers' rights.

International and Regional Framework

Workers' rights have been emphasized and highlighted as significant in several existing international and regional documents. Articles 23 and 26 of the UDHR highlight all individuals' equal rights to employment, equal pay, and decent working condition without any type of discrimination.⁷⁰ In the ICESCR, the Article 7 emphasizes everyone's equal right to work and also notes that appropriate working length and personal time-off should also be applied.⁷¹ It is worth noting that the UDHR is a UN General Assembly (GA) resolution, which is not legally binding to Member States, whereas the ICESCR is binding for ratifying States Parties, which means States Parties have legal obligations to fulfill their responsibilities given by the Covenant.⁷² The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) (1979) also requires States Parties to take all possible initiatives and measures to ensure women's equal rights to work, such as free choice of profession, job security, equal remuneration, and right to social security.⁷³ In 1990, the GA adopted *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW), which is the first international legally binding document that highlights migrant workers' rights, and which states that migrant workers shall not be discriminated against in any form and their human rights and right to work must be respected.⁷⁴ The ICRMW did not enter into force until 1 July 2003, and many ratifying states indicated reservations on their implementations of the Convention during the 13-year gap.⁷⁵ To further implement ICRMW, all ratifying States Parties need to fully commit to their legal obligations.

Shortly after the Millennium Summit in September 2000, the Millennium Development Goals (MDGs) were established, marking a new global partnership to advance international development.⁷⁶ Target B of MDG 1

⁶³ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development* (A/RES/70/1), 2015.

⁶⁴ Ibid.

⁶⁵ UN General Assembly, *Universal Declaration of Human Rights* (A/RES/217 A (III)), 1948.

⁶⁶ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights* (A/RES/2200 (XXI)), 1966.

⁶⁷ Ibid.

⁶⁸ Hafner-Burton, *Making Human Rights a Reality*, 2013.

⁶⁹ Ibid.

⁷⁰ UN General Assembly, *Universal Declaration of Human Rights* (A/RES/217 A (III)), 1948.

⁷¹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights* (A/RES/2200 (XXI)), 1966.

⁷² Ibid.

⁷³ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women* (A/RES/34/180), 1979.

⁷⁴ UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (A/RES/45/158), 1990.

⁷⁵ UN Treaty Collection, *Chapter IV Human Rights*.

⁷⁶ UN We Can End Poverty, *Background*.

emphasized productive and full employment and decent jobs for all.⁷⁷ After Member States' hard work and collaboration for over a decade, the percentage of workers living in extreme poverty has significantly decreased; Eastern Asia experienced the largest drop, down to 3% from 68%, and developing regions are expecting a decrease from 52% in 1991 to 11% by the end of 2015.⁷⁸ Additionally, 48% of the workforce is middle class and above in 2015, compared to 18% in 1991.⁷⁹ However, setting aside the progress made, by 2015, only Eastern Asia reached the target, and nearly 40% of the regions only have made poor progress thus far.⁸⁰ Approximately 45% of the global workforce is working under vulnerable conditions.⁸¹ According to the statistics, it is apparent that more initiatives and cooperation are needed from States Parties to improve the current situation.

Upon the expiration of the MDGs at the end of 2015, the UN will move forward with a new global partnership and strategic plan known as the Sustainable Development Goals (SDGs).⁸² The SDGs were formally adopted by the UN on 25 September 2015 during the UN Sustainable Development Summit in New York City, New York.⁸³ SDG 8, which focuses on “promot[ing] sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all,” reemphasizes the significance of workers' rights and also further highlights the link between effective employment and sustainable economic growth.⁸⁴ Goal 8 also asks for least developed countries (LDCs) to have at least 7% gross domestic product (GDP) growth per annum, and all Member States to effectively utilize diversification, technological innovation and development-centered policies to sustain high levels of economic growth and job creation.⁸⁵ Furthermore, SDG 5, to “achieve gender equality and empower all women and girls,” also emphasizes the vitality of women workers' equal rights in the workplace.⁸⁶

To further implement the protection of workers' rights, regional organizations have also taken notable initiative. One important document is the *Charter of Rights for Migrant Workers in Southern Africa* (1978), the first regional document focusing on the rights of migrant workers.⁸⁷ The Charter recognizes the complex issues raised by the mixture of migration and employment and emphasizes migrant workers' equal rights to domestic workers of association, movement and residence, and rights to a decent standard of living.⁸⁸ As globalization influences more and more Member States, the population of migrant workers will increase, which requires more attention to protect their equal rights in order to further achieve sustainable economic growth.⁸⁹

Role of the International System

The Committee's most recent General Comment on the issue of workers' rights was a result of its 52nd session in May 2009.⁹⁰ All forms of discrimination against different groups of workers, including migrants and their families, youth labor, and workers that need accommodations, are prohibited by the Committee.⁹¹ General Comment No. 20 of CESCR emphasizes States Parties' obligation to establish legal platforms and appropriate measures to protect individuals from unequal treatment and policies in the workplace.⁹² The Committee also highlighted all States Parties' obligation to establish and adopt effective measures, indicators, and legislative mechanisms in the process of eliminating discriminations against all people in the workplace.⁹³

⁷⁷ UN We Can End Poverty, *Goal 1: Eradicate Extreme Poverty & Hunger*.

⁷⁸ UN DESA, *The Millennium Development Goals Report 2015*, 2015, p. 18.

⁷⁹ *Ibid.*

⁸⁰ UN DESA, *Millennium Development Goals: 2015 Progress Chart*, 2015, p. 2.

⁸¹ UN DESA, *The Millennium Development Goals Report 2015*, 2015, p. 19.

⁸² UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

⁸³ UN DESA, *United Nations Sustainable Development Summit*.

⁸⁴ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015, p. 14.

⁸⁵ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

⁸⁶ *Ibid.*, p. 14.

⁸⁷ UN General Assembly, *Charter of Rights for Migrant Workers in Southern Africa (A/RES/33/162)*, 1978.

⁸⁸ *Ibid.*

⁸⁹ Cholewinski, *Protecting Migrant Workers in a Globalized World*, *Migration Policy Institute*, 2005.

⁹⁰ UN CESCR, *General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2., para. 2, of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/GC/20)*, 2009.

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

During CESCR's most recent 55th session in June 2015, workers' rights was the major priority of discussion, and the Committee wrote the first draft of the General Comment on Article 7 of the Covenant.⁹⁴ During the session, States Parties engaged in discussions about establishing and providing authoritative guidance for States Parties to fulfill their responsibilities under the Covenant and to measure their progress.⁹⁵ Based on CESCR's previous experience and knowledge, States Parties made observations and comments on the right to fair and satisfactory work conditions of special groups, including female, youth, and elder workers, disabled workers, migrant workers, and those who do not have access to secure work, wages, and welfare, to improve the current guidelines.⁹⁶ Core States Parties obligations, such as establishing an authoritative and effective national legal framework that guarantees individuals exercise of their rights without discrimination, adopting a inclusive national platform on workplace security and wellbeing, defining and establishing appropriate protocol for sexual harassment at work, were also recommended.⁹⁷ To use more accurate measurements, such as the rights of migrant workers, youth employment, and accommodations in the workplace to implement the rights given to individuals under Article 7 and for States Parties to prepare more comprehensive reports, the Committee recommended all States Parties to increase their collaborations with international organizations, especially the International Labour Organization (ILO).⁹⁸

CESCR reports to the UN Economic and Social Council (ECOSOC) annually, and ECOSOC provides reports on the Committee's work to the GA.⁹⁹ In ECOSOC resolution 2014/5, on the topic of "promoting empowerment of people in achieving poverty eradication, social integration and full employment and decent work for all," the Council recognized the essential role of social dialogue in the promotion of access to decent work for everyone, as well as the *International Labour Organization Declaration of Fundamental Principles and Rights at Work* (1998).¹⁰⁰ The Declaration advocates and address four principles, which are "freedom of association and the effective recognition of the right to collective bargaining," "the elimination of forced or compulsory labour," "the abolition of child labour," and "the elimination of discrimination in the respect of employment and occupation."¹⁰¹ The Council also highlighted productive and full employment as the central objective that drives investments and economic growth in national macroeconomic policies.¹⁰² The GA also has recently discussed the rights of workers; during the 68th session of the GA in 2013, the body adopted resolution 68/137 on the topic of "violence against women migrant workers," which reaffirmed female migrant workers' significant and increasing participation in global economic growth and urged all governments to intensify national and international cooperation to eliminate violence against female migrant workers.¹⁰³

The ILO is the first specialized agency under the UN with expertise on workers' rights and productive employment.¹⁰⁴ The purpose of the ILO is to protect the rights and to serve the needs of all workers by providing an avenue of dialogues on setting labor standards, creating programs, and developing policies among governments, employers and workers.¹⁰⁵ The International Labour Conference is hosted by the ILO every June in Geneva, during which Member States' representatives, including government officials, workers, and employers, gather together and establish and adopt international labor standards.¹⁰⁶ During the most recent session of the ILO in June 2015, the body recognized the positive impact small and medium-sized enterprises make in sustainable economic growth, and highlighted the important roles that productive employment and protection of workers' rights play to drive entrepreneurs' growth.¹⁰⁷ In another adopted resolution on the topic of labor protection, the organization worked

⁹⁴ UN CESCR, *General Discussion on the Draft General Comment on Article 7 of the International Covenant on Economic, Social and Cultural Rights: Right to just and favourable conditions of work*, 2015.

⁹⁵ Ibid.

⁹⁶ Ibid., pp. 11-13.

⁹⁷ UN CESCR, *General Discussion on the Draft General Comment on Article 7 of the International Covenant on Economic, Social and Cultural Rights: Right to just and favourable conditions of work (E/C.12/54/R.2)*, 2015, p. 17.

⁹⁸ Ibid., p. 18.

⁹⁹ UN CESCR, *Monitoring the economic, social and cultural rights*.

¹⁰⁰ UN ECOSOC, *Promoting empowerment of people in achieving poverty eradication, social integration and full employment and decent work for all (E/RES/2014/5)*, 2014, p. 5.

¹⁰¹ ILO, *About the Declaration*.

¹⁰² UN ECOSOC, *Promoting empowerment of people in achieving poverty eradication, social integration and full employment and decent work for all (E/RES/2014/5)*, 2014, p. 5.

¹⁰³ UN General Assembly, *Violence against women migrant workers (A/RES/68/137)*, 2013, pp. 3, 5.

¹⁰⁴ ILO, *Origins and history*.

¹⁰⁵ ILO, *How the ILO works*.

¹⁰⁶ ILO, *International Labour Conference*.

¹⁰⁷ ILO, *Resolution concerning small and medium-sized enterprises and decent and productive employment creation*, 2015.

to provide protection to all workers, establishing standards and levels of protection, and ensuring governments, employers', and workers' compliance with laws and agreements as the current priorities.¹⁰⁸ Furthermore, the ILO also provides advisory services in data collection and consultation for Member States.¹⁰⁹

The UN system, governments, and intergovernmental organizations (IGOs) have significant impact on society due to their policymaking functions and large working scales. However, civil society organizations (CSOs) contribute a significant amount in addressing workers' rights for sustainable economic growth, as they can reallocate resources and can directly implement the policies in the society.¹¹⁰ For instance, the Migration Policy Institute (MPI) is a CSO located in Washington, D.C., that provides statistics and analysis of migration policies on a national and international level.¹¹¹ The Migrants, Migration and Development Program of MPI conducts policy research in different regions and makes recommendations on improving the labor market and protecting migrant workers' rights to regional organs.¹¹² MPI also launches programs, such as the Labor Markets Initiative, which showcases comprehensive policy-focused reviews of the U.S. labor market and supports knowledge and information-sharing in the field of employment.¹¹³ In addition, the Worker Institute, an independent research center affiliated with Cornell University, conducts research and launch initiatives to promote creative thinking and effective solutions in the labor market.¹¹⁴ Its "labor, environment and sustainable development" initiative advocates for workers' rights and, at the same time, promotes sustainable economic growth by holding trainings, providing guidance to unions and education college students labor-environment related knowledge to help people understand what role can workers play in sustainable economic growth.¹¹⁵ Additionally, the Worker Institute focuses on educating workers about the important role they play in a sustainable economy and how to apply green and decent jobs in their day-to-day operations.¹¹⁶ The significance of the Worker Institute's research and advocacy is that it helps enhance the alliance among workers' rights, sustainable economy growth, and green and decent jobs.¹¹⁷

Workers' Rights

CESCR addresses workers' rights through the lens of the ICESCR, which recognizes all individuals' equal rights to enjoy a "just and favorable" work condition, which should include remuneration, safety, equality and appropriate limitation of working time.¹¹⁸ According to the Covenant, all workers, regardless of gender, should receive fair and equal wages equivalent to their work.¹¹⁹ Additionally, employers should ensure the safety and health of all workers' job tasks and work environment in general.¹²⁰ The Covenant also stipulates that workers' and their family members' living conditions should be decent.¹²¹ Employees should have equal access to position advancement through a fair process that involves considerations of the employee's job performance and seniority solely.¹²² To protect workers' personal health, appropriate rest, vacation and limited length of work time should be provided, as well.¹²³

Green and Decent Jobs

SDG 8 emphasizes global resource efficiency and reducing environmental degradation during economic growth, and, at the same time, encourages the implementation of development-oriented policies that drive decent job creation and sustainable entrepreneurship.¹²⁴ Green jobs, which are jobs with low environmental impact, were recognized as an important tool to achieve sustainable development during the UN Conference on Sustainable

¹⁰⁸ ILO, *Resolution concerning the recurrent discussion on social protection (labour protection)*, 2015.

¹⁰⁹ ILO, *Statistic and databases*.

¹¹⁰ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

¹¹¹ MPI, *Mission*.

¹¹² MPI, *Migrants, Migration, and Development*.

¹¹³ MPI, *Initiatives*.

¹¹⁴ Cornell University Worker Institute, *About the Worker Institute*.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ Cornell University, *Labor, Environment and Sustainable Development*.

¹¹⁸ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966, Art. 7.

¹¹⁹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

Development (Rio+20).¹²⁵ Green jobs contribute to the building of low-carbon sustainable societies as well as the response to the global climate challenge.¹²⁶ Environmental-focused job creation, which would require green investment and economic policy reformations, can not only diversify the job market but also contribute to technological innovations.¹²⁷ Green and decent jobs refers to employment opportunities that have appropriate salaries, working conditions, and social protections, as well as contributing to sustainable economic growth.¹²⁸ Creating green and decent jobs is a vital and necessary step in approaching sustainable economic growth, because creating sustainable jobs drives the establishment and growth of a sustainable economy.¹²⁹

Migrant Workers

According to ICRMW, the term migrant worker is defined as “any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country.”¹³⁰ Because of globalization, climate challenges, armed conflicts, and economic inequalities, there are approximately 232 million migrant workers around the world.¹³¹ Migrant workers are great assets to both their country of destination and origin.¹³² The countries of destination benefit from the value that migrant workers produce and the skills they bring, while their native countries can also gain benefits from migrant workers’ remittances, which consist of large amounts of foreign income, and the new skills the workers obtain while they are abroad.¹³³ Under Article Two, Paragraph Two of the Covenant, all people should be able to enjoy and practice all rights listed in the Covenant without any discrimination against their native country or ethnic origin.¹³⁴ However, it is worth noting that Paragraph Three of Article Two does allow developing States Parties to adjust the level of protection of migrants’ economic rights due to domestic economic status and social policies, which creates loopholes and challenges to holding all States Parties accountable on the topic of migrant workers.¹³⁵

Due to different national policies and social development, labor migrations bring up a series of complex issues, such as international cooperation, different governance and legal systems, and migrant workers’ protection.¹³⁶ Although several international treaties exist in relation to this topic, such as The *Charter of Rights for Migrant Workers in Southern Africa* and the ICRMW, implementation has significant challenges.¹³⁷ There are many migrant workers who are undocumented, and even those documented migrant workers are still the most excluded and vulnerable group from basic social protections.¹³⁸ The country of destination may require a long period of time before it provides migrant workers social security coverage and rights protections, which leaves a period of time in which migrant workers cannot enjoy the same rights as others and makes it extremely challenging for temporary migrants to claim the benefits that they deserve.¹³⁹ The *International Labour Organization Multilateral Framework on Labour Migration* (2006) identified that insufficiently developed social security schemes in countries of origin, governments’ insufficient administrative capacity, and the lacking willingness to conclude agreements between certain countries are the major obstacles in terms of migrant workers’ protection.¹⁴⁰ To overcome the major challenges, ILO made recommendations in its Social Protection Floors Recommendation, No. 202, which includes the promotion of ILO standards; establishing agreements that coordinate multiple countries’ social security schemes; the support of unilateral measures; the promotion of temporary migrant workers’ inclusion in the social security coverage; the creation of national social security floors; and looking for community-based mechanisms to protect

¹²⁵ UNEP and ILO, *Achieving sustainable development by transforming economics through Green and Decent Jobs*, 2015.

¹²⁶ ILO, *Green Jobs*.

¹²⁷ UNEP and ILO, *Achieving sustainable development by transforming economics through Green and Decent Jobs*, 2015.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/RES/45/158)*, 1990, Art. 38.

¹³¹ ILO, *Labour migration*.

¹³² *Ibid.*

¹³³ ILO, *Labour migration*; UNDP, *Towards Human Resilience: Sustaining MDG Progress in an Age of Economic Uncertainty*, p. 124.

¹³⁴ UN OHCHR, *International Covenant on Economic, Social and Cultural Rights*.

¹³⁵ *Ibid.*

¹³⁶ ILO, *Labour migration*.

¹³⁷ ILO, *Social protection for migrant workers*.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

migrant workers' rights.¹⁴¹ Target 8 of SDG 8 highlights the role of workers' rights protection, especially employees who are non-nationals and female workers, in the improvement of decent working conditions and the further promotion of sustainable economic growth.¹⁴²

Gender Equality in the Workplace

Contributing to nearly half of the global labor force, women workers also make significant contributions to economic growth.¹⁴³ Unfortunately, however, according to the ILO, only about 50% of the female population participated in the workforce in 2015, compared to 52% in 1995, due to the ongoing discrimination against women and barriers to advancement in the workplace.¹⁴⁴ Conversely, men's participation in the labor market was 77% in 2015.¹⁴⁵ Of those who have jobs, 41% of female workers do not have 14 weeks or more of maternity leave, and globally women's average wage is only 77% of that of men.¹⁴⁶ There are several factors that contribute to gender inequality in the workplace. First, social stereotypes contribute significantly on societal perceptions of women's roles.¹⁴⁷ For instance, women carry more family responsibilities than men in some societies, and in the European Union (EU), women spend 15 more hours per week on average on family care responsibilities than men.¹⁴⁸ This social norm limits women's access to full-time employment opportunities and creates barriers in women's equal participation and rights in the labor market.¹⁴⁹ In addition, no Member State is immune to violence against women (VAW), and about 35% of the women workers who experience difficulties accessing decent work are VAW victims.¹⁵⁰ Forced labor is a product of VAW, as well, which can prevent women from receiving decent work and dignity in the workforce.¹⁵¹ To advance the progress of achieving gender equality in the workplace, ILO suggests a few strategies, including raising awareness of gender equality, incorporate fair wages into national legislation, advocating objective work performance evaluation, and taking assessment to monitor the progress.¹⁵²

The previous international frameworks on gender equality, such as CEDAW and the *Beijing Platform for Action* (BPA) (1995), show agreements reached and progress achieved in the international community; however, it is the implementation of the frameworks and policies in Member States that is challenging and difficult.¹⁵³ Hence, to effectively incorporate women workers in the transition to sustainable economy, SDG 8 specially highlights the importance of migrant women workers' empowerment and decent work conditions for women in sustainable economic growth.¹⁵⁴ SDG 5, to "achieve gender equality and empower all women and girls," emphasizes the determination to end gender inequality and, at the same time, also the importance to empower women with economic, social and cultural resources to be able to engage in decision-making proactively and effectively.¹⁵⁵ International collaborations on establishing effective mechanisms, increasing social dialogues, and effectively utilizing CSO resources are crucial to empowering women workers in the labor market.¹⁵⁶

Conclusion

Workers' rights have been an ongoing topic of CESCR's sessions. With the collaboration among States Parties and the knowledge and expertise that Committee members bring on this topic, great progress on addressing workers' ESC rights has been made since the establishment of CESCR. However, no Member State has fully and effectively

¹⁴¹ ILO, Social protection for migrant workers.

¹⁴² UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

¹⁴³ ILO, *ILO: Progress on gender equality at work remains inadequate*, 2015.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² ILO, *Equal Pay: An Introductory Guide*, pp. 73-77.

¹⁵³ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*, 1979; UN Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, 1995; UN DESA, *Achieving Gender Equality, Women's Empowerment and Strengthening Development Cooperation*, 2010.

¹⁵⁴ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

¹⁵⁵ *Ibid.*, p. 14.

¹⁵⁶ UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.



implemented the Covenant thus far, and the gap between the SDG targets and the current situation is still significant. States Parties should not only continue previous efforts, but also go above and beyond and engage in proactive dialogues and policy reformation to make sure that the rights of every individual participating in the labor market are not violated. Moving forward, States Parties should consider the creation of effective mechanisms that could further implement the existing frameworks, as well as the development of international standards and measurements of workers' rights. Workers are significant to the health of the economy, and ensuring the protection of all workers' rights is the first step of a healthy and growing economy. To have more effective and successful implementation of SDGs than that of MDGs, States Parties must intensify their commitments to the global partnership and responsibility. Utilizing all resources available and having all actors engaging in the process is key to addressing workers' rights for sustainable economic growth.

Further Research

In delegates' further research of the topic, it is important to understand that although "workers' rights" and "sustainable economic growth" could be considered separately, the relationship between these goals should be considered as one topic. Protecting workers' rights is part of the promotion of sustainable growth. Delegates should consider the following questions: What is your specific country's domestic policy on laborers' legal rights? Do the policies apply to different groups, such as women, migrant workers, youth, and individuals with disability, differently? If so, why, and how can the gaps be closed? What are the obstacles that States Parties face in creating green and decent jobs? Why do challenges to protecting workers' rights exist and what can the Committee do to help States Parties overcome them? What are the lessons learned from the MDGs, and what can the Committee do to hold States Parties more accountable in the implementation of the SDGs?



Annotated Bibliography

Cornell University, Worker Institute. (n.d.). *Labor, Environment and Sustainable Development* [Website]. Retrieved 19 September 2015 from: <https://www.ilr.cornell.edu/worker-institute/initiatives/labor-environment-and-sustainable-development>

Civil society organizations are a vital player in both protecting workers' legal rights and promoting sustainable economic growth. The Worker Institute at Cornell University is a pioneer in the field of engaging the labor force in the transition to green economy. There is a list of the previous research the organization has done, which covers topics such as workers' rights, combating climate change, and green and decent jobs, from which delegates may gain a third-party perspective on the issue.

International Labour Organization. (n.d.). *Issues at Work* [Website]. Retrieved 22 July 2015 from: <http://www.ilo.org/newyork/issues-at-work/lang--en/index.htm>

As the expert agency on workers' rights, the International Labour Organization (ILO) has expertise and broad experience in protecting the equal rights of laborers. This webpage includes subtopics such as rights in the workplace, gender and equality, green economy, and decent work, that may help delegates with their research and the study of workers' rights. Additionally, studying international organizations' work in the fields of workers' rights and sustainable economic growth can also broaden delegates' vision when forming positions and strategies.

International Labour Organization. (n.d.). *Statistics and databases* [Website]. Retrieved 24 August 2015 from: <http://www.ilo.org/global/statistics-and-databases/lang--en/index.htm>

The ILO has great expertise in data collection and analysis, especially related to the labor force. There are several databases of ILO that cover statistics and analysis about national employment between genders, international labor standards, national social security, and so on. Numbers are one of the most direct ways to measure the efficiency of the past actions and to monitor the progress States Parties have made. Delegates may find insightful and interesting statistics and analysis from this source that will assist with their research.

United Nations, Committee on Economic, Social and Cultural Rights. (2009). *General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2., para. 2, of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/GC/20)* [Report]. Retrieved 10 September 2015 from: <http://undocs.org/E/C.12/GC/20>

As one of the most relevant documents the Committee has produced on the topic of enhancing inclusive protection of all individuals' ESC rights, this General Comment is a primary source for delegates to understand the Committee's position on the issue. This document introduces the current situations of the implementation of Article Two, Paragraph Two of the Covenant, which is followed by the obligations of States Parties and prohibited actions both by governments and individuals. Delegates may find it a useful source in order to study the working method of the Committee and also the current major challenges States Parties experience in the promotion of the Covenant.

United Nations, Committee on Economic, Social and Cultural Rights. (2015). *Right to Just and Favourable Conditions of Work (Article 7 of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/54/R.2)* [Draft]. Retrieved 22 July 2015 from: http://www.ohchr.org/Documents/HRBodies/CESCR/Discussions/2015/DraftGCArt7_en.doc

This draft includes general discussion information on several important aspects of workers' rights, including safe and healthy working conditions, gender equality in the work place, equal promotion and employment opportunities, reasonable limitation of working hours, and so on. Delegates may understand what workers' rights include and what current challenges Member States are facing to protect equal rights for all. This draft is also a great example for delegates to understand what the committee report should include and some potential topics that should be discussed during the conference.

United Nations, Committee on Economic, Social and Cultural Rights. (2015). *General Discussion on the Draft General Comment on Article 7 of the International Covenant on Economic, Social and Cultural Rights: Right to just*



and favourable conditions of work (E/C.12/54/R.2) [Report]. Retrieved 23 August 2015 from: http://www.ohchr.org/Documents/HRBodies/CESCR/Discussions/2015/DraftGCART7_en.doc

As the most recent General Comment produced by the Committee, this report outlines areas of improvement of the Covenant and also current challenges States Parties face in the implementation of Article Seven. Delegates can find detailed information on the Committee's recommendations on a more effective monitoring system and process of the Covenant in the document. It is important to keep in mind that the General Comment is drafted by the Committee as a whole, rather than the States Parties' reports, which only represent individual state's opinions. This report could serve as a great resource for delegates to study CESCR's current priorities and opinions on the provision of workers' rights in the Covenant.

United Nations, Department of Economic and Social Affairs. (2015). *The Millennium Development Goals Report 2015*. Retrieved 22 July 2015 from:

[http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf)

This report begins with a detailed review of the Millennium Development Goals (MDGs) and each goal's target and the gap between progress and the set expectations of the Goals. Following is the individual analysis of the progress of achieving each goal. Delegates may find this source helpful in explaining the current measurements of the MDGs and where the UN and Member States stand in the fight of ending poverty and strengthening workers' rights. Having a clear sense of how well the MDGs are currently accomplished is essential for delegates to formulate further strategies to move forward with the Sustainable Development Goals (SDGs).

United Nations Environment Programme & International Labour Organization. (2015). *Achieving sustainable development by transforming economics through Green and Decent Jobs* [Report]. Retrieved 19 September 2015 from: http://www.un.org/en/ecosoc/integration/2015/pdf/side_event_unep_ilo_green_jobs.pdf

This concise and yet comprehensive report provided by the environmental expert, UNEP, and labor force expert, ILO, of the UN, can serve as a starting point of delegates' studies on the linkage between workers' rights and their importance in sustainable economic growth. By reading the report, delegates will have a better understanding on the role of Rio+20, the SDGs, and further policy reforms needed to implement SDGs. Delegates should find this source useful in connecting green job creations, sustainable economy, and advocating workers' rights.

United Nations, General Assembly, Sixty-eighth session. (2013). *Violence against women migrant workers (A/RES/68/137)* [Resolution]. Retrieved 24 August 2015 from: <http://undocs.org/A/RES/68/137>

Combining two of the major topics of workers' rights, gender equality and migrant workers, this resolution is a prime resource for delegates to obtain more knowledge in these two areas. The document highlights the progress made by the international community and also the gaps remaining in its preamble section. Constructive proposals regarding policy reformation and legal system establishment are included in the operative clauses. Delegates can use this resolution as a starting point of their research and solution proposals on the topic of women migrant workers.

United Nations, General Assembly, Seventieth session. (2015). *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*. Retrieved 2 November 2015 from: <http://undocs.org/A/RES/70/1>

As the expiration of MDGs is quickly approaching, the UN has adopted the next global partnership. The Sustainable Development Goals will be the core guidance of the UN and all Member States in their development-related policymaking and work. Goal 8 of the SDGs is specifically focused on workers' rights and achieving sustainable economic growth by the year of 2030. Through studying the targets set by the UN, delegates will obtain a clear understanding on what measurements the UN uses in terms of monitoring development goals. Also, studying the goals set may inspire delegates on the research of subtopics and future action proposals.

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II. Preserving Cultural Rights of Ethnic Minorities

Introduction

In the past, cultural rights have not always been extensively discussed within the international community.¹⁵⁷ However, this began to change in 1990, when the issue was more fully recognized by the United Nations (UN) as a human rights concern.¹⁵⁸ In recent years, attention to cultural rights has been increasing internationally; however, much remains to be done to consider the cultural rights for ethnic minorities, as a great number of minority groups suffer from discrimination, exclusion from society, and the deterioration of their cultural identity.¹⁵⁹ One of the most important documents with regards to economic, social and cultural rights (ESC) is the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966), monitored by the UN Committee on Economic, Social and Cultural Rights (CESCR).¹⁶⁰

The definition of culture has been debated, with several different definitions; however, the UN Educational, Scientific and Cultural Organization (UNESCO) defines it as a set of values, beliefs, customs, morals, knowledge, institutions, and commodities acquired by members of a society.¹⁶¹ Culture includes beliefs, traditions, values, and practices that are attached to all aspects of an individual's personal life.¹⁶² Culture is manifested in a variety of forms and integrated in the lifestyle.¹⁶³ Daily life, social participation, and culture are linked with personal identity, and are thus necessary for the survival of minorities.¹⁶⁴ Language is also embedded in cultural life and is a significant element for the growth of individual identity.¹⁶⁵ UNESCO also has defined sub-culture as the culture of a minority group that lives within a predominant culture.¹⁶⁶ Additionally, under the right to culture includes the right to land, resource, and family.¹⁶⁷

Minority groups live in many different situations worldwide.¹⁶⁸ In some locations, minority groups live together and are more unified, while others are live amongst the predominant population.¹⁶⁹ Some minority groups have a strong sense of self-identity, while other groups experience this to a lesser degree.¹⁷⁰ Some minority groups are recognized by the Member State in which they live, while others are not recognized and are considered part of the predominant group.¹⁷¹ Due to these and other factors, there is currently no major worldwide accepted definition of minority.¹⁷² Typically within the UN system, minority groups are considered to be groups that have a different ethnicity, religion, and language from the predominant group of a Member State.¹⁷³ While many Member States recognize some of its minority groups, there are others that do not recognize ethnic and/or minority groups.¹⁷⁴ The Minority Rights Group International (MRG), a non-governmental organization (NGO) with consultative status with the UN Economic and Social Council (ECOSOC), states that these minority groups, especially the ones that suffer exclusion and discrimination, should be able to self-identify as they wish and still participate in political, social, and economic life.¹⁷⁵ There are some Member States that still hesitate to recognize the collective rights of their minority ethnic population, withholding their rights to participate fully and without persecution in political activities.¹⁷⁶ Ethnic

¹⁵⁷ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 3.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*, p. 5.

¹⁶⁰ UN CESCR, *Committee on Economic, Social and Cultural Rights*, 2015.

¹⁶¹ UNESCO, *Learning to Live Together*, 2015.

¹⁶² MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 83.

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ Meyjes, *Language and Universalization: A 'Linguistic Ecology' Reading of Bahá'í Writ*, 1999.

¹⁶⁶ UNESCO, *Learning to Live Together*, 2015.

¹⁶⁷ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 83.

¹⁶⁸ UN OHCHR, *Minorities Under International Law*, 2015.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*

¹⁷² MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 4.

¹⁷³ UN OHCHR, *Minorities Under International Law*, 2015.

¹⁷⁴ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 7.

¹⁷⁵ *Ibid.*, p. 4.

¹⁷⁶ *Ibid.*, p. 8.

minorities and indigenous groups also suffer from discrimination based on their ethnicity, religion, or language, and this hampers their ability to participate in normal economic and social life.¹⁷⁷

It is important to notice that a specific minority group can also include indigenous populations.¹⁷⁸ Indigenous groups differ from other minorities in the sense that they are a group that inhabited an area previous to the majority dominant group.¹⁷⁹ For these populations, cultural life is crucial for their lifestyle, identity, development, and even their existence.¹⁸⁰ Indigenous values are many times associated with traditional territory and ancestral lands, and a greater relationship with nature.¹⁸¹ As a minority group, indigenous people also have cultural rights, especially connected with the right to develop their cultural heritage and to maintain ceremonial traditions and their religion and beliefs. They also have the right to not be discriminated against or forced to adapt to the culture of the dominant ethnic group.¹⁸² For these reasons, it is important to discuss the preservation of the cultural rights of ethnic minorities.

International and Regional Framework

Even though the issue of cultural rights has not been discussed as extensively as it could be amongst organizations and entities, there are several international documents, treaties, and declarations that strengthened the idea of cultural rights and the protection of ethnic minorities. The *Universal Declaration of Human Rights* (UDHR) (1948) is one of the first documents that mentions the subject; Article 22 states that Member States should cooperate to ensure the cultural rights of every member of society.¹⁸³ The *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) (1965) also defends the idea of protecting cultural and social rights, while eliminating any form of discrimination based on having a different culture.¹⁸⁴ Other declarations further extend this idea to women and children of minorities, such as the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) (1979) and the *Convention on the Rights of the Child* (CRC) (1989).¹⁸⁵

The *Declaration on the Right to Development* (DRD) (1989) is another document that further strengthens the protection of cultural rights by stating that Member States should give equal attention to minority groups and ensure that such groups are able to participate without any discrimination in political activity.¹⁸⁶ Member States are encouraged to create policies that positively affect civic, political, economic, social, and cultural life of minority groups.¹⁸⁷ There are also several regional documents that enhance the protection of cultural rights regionally, such as the *African Charter on Human and Peoples' Rights* (ACHPR) (1981). This document was created by the Organization of African Unity (today replaced by the African Union), and it is an African effort to fight to protect the human rights of Africans.¹⁸⁸ Other regional documents worth mention are the *Protocol of San Salvador to the American Convention on Human Rights* (ACHR) (1988), representing the unity of Latin American countries in working to establish ESC rights, as well as the right for food, health, and work; the *American Declaration on the Rights and Duties of Man* (ADRDM) (1948) that along with the UDHR was one of the first documents approved by the countries in the Americas and gives important social rights and liberties to everyone; and the *First Protocol to the European Convention on Human Rights* (ECHR) (1950), which further strengthens the UDHR in Europe.¹⁸⁹

¹⁷⁷ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 8.

¹⁷⁸ UN WHO, *Indigenous Populations*, 2015.

¹⁷⁹ *Ibid.*

¹⁸⁰ UN CESCR, *General Comment No. 21: Right of Everyone to Take Part in Cultural Life (Art. 15, Para. 1 (a) of the International Covenant on Economic, Social and Cultural Rights)* (E/C.12/GC/21), 2009.

¹⁸¹ *Ibid.*

¹⁸² *Ibid.*

¹⁸³ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, Art. 22.

¹⁸⁴ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/RES/2106 (XX))*, 1965.

¹⁸⁵ UN General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1989.

¹⁸⁶ UN General Assembly, *Declaration on the Right to Development (A/RES/41/128)*, 1986.

¹⁸⁷ *Ibid.*

¹⁸⁸ African Union, *African Charter on Human and Peoples Rights*, 1981.

¹⁸⁹ OAS, *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador."* 1988; Pan-American Conference, *American Declaration of the Rights and Duties of Man*, 1948; European Court of Human Rights, *European Convention on Human Rights*, 1950.

Indigenous and tribal peoples are also included as ethnic minorities, and the International Labour Organization's (ILO) *Indigenous and Tribal Peoples Convention (No. 169)* (1989) is an important document that promotes the protection and preservation of the cultural and social life of indigenous peoples; unfortunately, only a few Member States have ratified the Convention.¹⁹⁰ Furthermore, the cultural rights of indigenous people have been refined through treaty bodies, regional courts, and opinions of regional commissions, where many national courts have added cultural rights for indigenous people to their domestic law system.¹⁹¹

Role of the International System

Within the UN system, the cultural rights of minorities have also been discussed in several different committees and documents. The General Assembly (GA) is a main organ of the UN and makes important decisions that influence the cultural rights of minorities.¹⁹² Specifically, the GA Third Committee is assigned to address social, humanitarian, and cultural issues.¹⁹³ One of the main efforts of Third Committee regarding ESC is the *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (UNDM) (1992).¹⁹⁴ This declaration recognizes that minority groups have the right to enjoy their culture, practice any religion, and speak their own language.¹⁹⁵ The declaration also defends the idea that Member States should create favorable conditions that ensure the freedom to exercise the cultural identity of a minority group.¹⁹⁶

Another important body regarding cultural rights is UNESCO. Created in 1945, UNESCO works towards establishing peace and security by promoting education, science, and culture.¹⁹⁷ The committee has as one of its focus areas the protection and support of cultural diversity, while building intercultural understanding.¹⁹⁸ In 2001, UNESCO created the *Universal Declaration on Cultural Diversity* in response to the events in the United States of America on 11 September 2001, as a tool to reinforce the importance of cultural understanding.¹⁹⁹ The Declaration has as a main goal the preservation of cultural diversity, as a necessity for humanity's survival.²⁰⁰ Furthermore, it also discusses the importance of the freedom and rights of minority groups and respecting different ethnicities worldwide.²⁰¹

CESCR is the main body that works on the implementation of the ICESCR, adopted in 1966.²⁰² The ICESCR does not mention ethnic minorities specifically, but it promotes racial and ethnic tolerance and guarantees the cultural rights of all.²⁰³ Every States Parties of ICESCR must submit regular reports on the advances and implementation of the Covenant.²⁰⁴ The Committee examines the reports, addresses issues, and gives recommendations.²⁰⁵ With regards specifically to minority rights, CESCR has partnered with MRG to support the rights of minorities and indigenous people through education, publications, and legal cases.²⁰⁶ MRG works in many Member States to provide education for minority groups, in order for them to be able to address their rights.²⁰⁷

¹⁹⁰ ILO, *Indigenous and Tribal Peoples Convention*, 1989.

¹⁹¹ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 7.

¹⁹² UN General Assembly, *About the General Assembly*.

¹⁹³ UN General Assembly, *Social, Humanitarian & Cultural*.

¹⁹⁴ UN General Assembly, *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/RES/47/135)*, 1992.

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ UNESCO, *Introducing UNESCO*.

¹⁹⁸ *Ibid.*

¹⁹⁹ UNESCO, *Universal Declaration on Cultural Diversity*, 2001.

²⁰⁰ *Ibid.*

²⁰¹ *Ibid.*

²⁰² UN CESCR, *Committee on Economic, Social and Cultural Rights*, 2015.

²⁰³ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

²⁰⁴ UNHCR, *UN Committee on Economic, Social and Cultural Rights (CESCR)*, 2015.

²⁰⁵ *Ibid.*

²⁰⁶ MRG, *About Us*, 2015.

²⁰⁷ MRG, *Our Work*, 2015.

Minority Rights

Just like cultural rights, minority rights is a fairly new concept without a globally accepted definition.²⁰⁸ As mentioned previously, the UNDM is the first and main document created in defense of minority rights.²⁰⁹ The Declaration refers to minority groups as those with a culture, language, religion, and ethnicity that differs from the majority of the population.²¹⁰ The major concerns with regards to minority rights are survival and existence, promotion and protection of identity, equality and non-discrimination, and effective participation.²¹¹ Survival and existence is when the Member States must take necessary actions to protect the existence of a minority group against human rights crimes and genocide.²¹² Many minority groups suffer from forced assimilation and loss of culture, language and religion; Member States can prevent this by protecting and promoting minority groups' identity.²¹³ CESCR emphasized in General Comment No. 21 (2009) that everyone has the right to enjoy their own culture and engage in their cultural life, an important aspect that helps defining their own identity.²¹⁴ Minority rights also include receiving equal treatment in society without any discrimination.²¹⁵

Member States can take actions to help promote and guarantee minority rights, such as recognizing such rights, having a dialogue with minority groups, promoting their social life, and helping the majority group feel more connected with the minority.²¹⁶ In order to do this, Member States may use the media and educational systems, as well as ensure that minority groups are represented politically.²¹⁷ Some ways governments do this is by allowing all people, including minority groups, to freely determine their political status, and allowing the implementation of local self-administrations.²¹⁸ One such example is in Vietnam, which, since 1992, has allowed all people to have equal access to political activity, resulting in the increase of ethnic minorities' participation in the political system and an increase of deputies represented at the National Assembly in recent years.²¹⁹ Some other actions that Member States can take include: implementation of harder legislative measures that increases the punishment for discriminatory crimes against minority groups; launching programs that increase cultural awareness and prevent discrimination and intolerance; improving ethnic monitoring to assure that people from minority groups also have access to employment; and finally, creating national human rights institutions that work to supervise and implement human rights to all citizens, especially minority groups.²²⁰

Even though no Member State has achieved full access to minority rights, there are some that can serve as an example for the international community.²²¹ Finland is one such country, where the government has worked to establish greater minority rights through legislation that promotes greater ethnic relations within people.²²² Composing almost 6% of the total population, the Swedish-speaking Finns are the largest minority group in Finland, and they rank highly when compared to other minorities in other Member States in terms of receiving majority group support for minority group cultural rights.²²³ One of the major causes is due to the constitution in Finland, which declares both Swedish and Finnish as the official languages of the country.²²⁴ This permitted legislation to be published in both languages, allowing the Swedish language to be taught in bilingual municipalities; practiced in courts, transportation and other public services; and which increased the participation and representation of Swedish-speaking Finns in politics.²²⁵ Another minority group in Finland are the Sami, the indigenous population in

²⁰⁸ UN OHCHR, *Minority Rights: International Standards and Guidance for Implementation*, 2010.

²⁰⁹ UN OHCHR, *United Nations Declaration on Minority Rights*, 2012.

²¹⁰ UN OHCHR, *Minorities Under International Law*, 2015.

²¹¹ UN OHCHR, *Minority Rights: International Standards and Guidance for Implementation*, 2010.

²¹² *Ibid.*

²¹³ *Ibid.*

²¹⁴ UN CESCR, *General Comment No. 21: Right of Everyone to Take Part in Cultural Life (Art. 15, Para. 1 (a) of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/GC/21)*, 2009.

²¹⁵ UN OHCHR, *Minority Rights: International Standards and Guidance for Implementation*, 2010.

²¹⁶ UN World Conference Against Racism, *Multi-ethnic States and the Protection of Minority Rights*.

²¹⁷ *Ibid.*

²¹⁸ MRG, *Minority Rights: A Guide to United Nations Procedures and Institutions*, 2015.

²¹⁹ UN CESCR, *Implementation of the International Covenant on Economic, Social and Cultural Rights: Vietnam*, 2013.

²²⁰ UN World Conference Against Racism, *Multi-ethnic States and the Protection of Minority Rights*, 2015.

²²¹ *Ibid.*

²²² *Ibid.*

²²³ Folktinget, *Swedish in Finland*, 2015.

²²⁴ *Ibid.*

²²⁵ *Ibid.*

the country.²²⁶ The Sami are the earliest peoples in Finland, dating back to 12,000 years ago.²²⁷ The Sami have recently begun to have difficulties in maintaining their own culture and language, causing many people to lose parts of their culture.²²⁸ In response to this, the Finnish government has worked to settle territory disputes with the Sami in an attempt to further preserve their cultural heritage.²²⁹ Since education is crucial for maintaining language and cultural heritage for future generations, the Finnish government is also adapting its educational system by creating school immersion programs where the Sami language and culture can be taught to children that live in regions inhabited by the Sami people.²³⁰

Guaranteeing Cultural Rights

Member States are urged within ICESCR to take necessary steps in order to guarantee cultural rights to minorities.²³¹ These steps include demonstrating if the Member State has enough resources to implement the Covenant and if those resources have been used, demonstrating what has already been done to ensure these rights, welcoming available aid from the international community, and seeking international assistance if needed.²³² CESCR helps Member States through these steps and presents annual reports on the ESC status of a Member State and recommendations of what the Member State could do in order to guarantee these rights to its citizens.²³³ Member States that do not have enough resources to implement the Covenant are encouraged not only to ask for aid from other Member States, but to also work with financial institutions that are willing to negotiate, such as the World Bank, World Trade Organization (WTO), and the International Monetary Fund (IMF).²³⁴ Indigenous peoples have already received policy guarantees from the World Bank and the Inter-American Development Bank (IDB), with the main goal to develop the identity of indigenous peoples, strengthen their governing capacities, and protect them from exclusion and discrimination.²³⁵

Under the ICESCR, Member States should work towards respecting and protecting economic, social, and cultural rights.²³⁶ “Respecting” means that there should be an absence of any ESC violations within governmental organs and its agents.²³⁷ “Protecting” is used in regards to the requirement of Member States to prevent any ESC violations from any individual or organization within its borders.²³⁸ To help achieve this, CESCR receives information on ESC statuses across the globe, with information coming from Member States and NGOs.²³⁹ Additionally, with regards to better enforcing cultural rights globally, the GA adopted resolution 63/117 in 2008, where it authorizes CESCR to receive information and complaints from individuals or groups, allowing a more direct communication with the Committee.²⁴⁰

Furthermore, allowing minority groups to have access to the means by which their culture is transmitted can help the survival of their cultural heritage for future generations.²⁴¹ Education, particularly in early childhood, is an ideal instrument for minority groups to learn to use effectively, and to transmit their language and culture to younger generations.²⁴² However, several minority groups do not have the necessary means or are not prepared for such transmissions; accordingly, Member States can also provide support to these groups by giving advocacy and recommendations that will help minority groups to become more autonomous.²⁴³ With this, minority groups can

²²⁶ UN World Conference Against Racism, *Multi-ethnic States and the Protection of Minority Rights*, 2015.

²²⁷ Finland Promotion Board, *The Sámi form Finland’s First Nation*, 2015.

²²⁸ Ibid.

²²⁹ UN World Conference Against Racism, *Multi-ethnic States and the Protection of Minority Rights*, 2015.

²³⁰ Ibid.

²³¹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

²³² MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 10.

²³³ UN CESCR, *Working Methods*, 2015.

²³⁴ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 10.

²³⁵ Ibid., p. 86; IDB, *Operational Policy on Indigenous Peoples and Strategy for Indigenous Development*, 2006.

²³⁶ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 11.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ UN CESCR, *Report on the Fiftieth and Fifty-first Session*, 2013, p. 11.

²⁴⁰ UN General Assembly, *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (A/RES/63/117)*, 2008.

²⁴¹ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 87.

²⁴² Ibid.

²⁴³ Ibid.

develop their own programs that are already adaptable to their customs and traditions. One example of an effective program is the language system implemented in New Zealand by the Maori people called the *Te Kohanga Reo*.²⁴⁴ In the early 1920s, the Maori language started to fade as parents taught their children only English; however, things changed when the language system was implemented.²⁴⁵ This program was created and implemented by the indigenous population, and is crucial in assuring that cultural traditions and language continue.²⁴⁶

Indigenous Populations

Indigenous peoples are also considered a minority group that identifies as having a different cultural heritage and are direct descendants of the area where they lived before the modern state emerged.²⁴⁷ Many indigenous peoples live within the main culture, or may have separate legal areas of land known as reservations, and generally they maintain their cultural traditions that differ from the majority population of the state.²⁴⁸ For indigenous groups, as well for other ethnic minorities, it is crucial for their existence and collective rights to protect aspects of their culture and preserve their identity.²⁴⁹ Just like other ethnic minorities, indigenous peoples face political and economic discrimination and exclusion living in the poorest conditions and not being able to represent their interests and need politically.²⁵⁰ The ICERD urges Member States to protect and respect their indigenous populations, culture, history, and language, allowing them to practice their traditions, rituals, language, and customs.²⁵¹ Indigenous groups greatly contribute to the enrichment of the state's identity and its diversity.²⁵²

Other organizations discuss these issues; one such entity is the Inter-American Commission on Human Rights (IACHR).²⁵³ The Commission is very interested in establishing greater reparations, making issues such as territory and burial customs commonly debated in the Commission.²⁵⁴ In Europe, indigenous people are protected by the ECHR, which states that the family has a right to privacy, and that Member States should respect the cultural lifestyle of a family.²⁵⁵ Furthermore, in Europe, Member States are encouraged to protect the environmental quality of indigenous territories in order to allow them to continue to live their cultural lifestyle.²⁵⁶ General Comment No. 14 (2000) of CESCR gives further instructions for protecting cultural rights of indigenous groups.²⁵⁷ In order to better enjoy their cultural life, indigenous populations should have access to suitable education and health care.²⁵⁸ Therefore, Member States should provide measures that improve their health and education systems, and these measures should take indigenous culture in consideration.²⁵⁹

Guaranteeing cultural rights to indigenous peoples and protecting their cultural and intellectual heritage can also lead to achieving other rights, such as the right to land and resources.²⁶⁰ Through persistent advocacy to the government in Guyana, indigenous groups there were able to obtain constitutional recognition that gives them the right to be recognized as indigenous and to demand cultural preservation from the state.²⁶¹ This type of recognition can also help the indigenous population of Guyana to fight against activists that want to destroy traditional lands.²⁶² There are cases where the private sector can also violate cultural rights of indigenous peoples, such as the case in Tahiti where a hotel was built on traditional ancestral territory, destroying burial grounds and removing an

²⁴⁴ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 87.

²⁴⁵ New Zealand Ministry for Culture and Heritage, *Maori Language Week*, 2015.

²⁴⁶ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 87.

²⁴⁷ UN WHO, *Indigenous Populations*, 2015.

²⁴⁸ *Ibid.*

²⁴⁹ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 8.

²⁵⁰ UN DESA, *State of the World's Indigenous Peoples*, 2009, p.1.

²⁵¹ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 84.

²⁵² *Ibid.*

²⁵³ *Ibid.*, p. 85.

²⁵⁴ *Ibid.*

²⁵⁵ ECtHR, *European Convention on Human Rights*, 1950.

²⁵⁶ Council of Europe, *Framework Convention for the Protection of National Minorities and Explanatory Report*, 1995.

²⁵⁷ UN CESCR, *General Comment No. 14: The Right to the Highest Attainable Standard of Health*, 2000.

²⁵⁸ *Ibid.*

²⁵⁹ *Ibid.*

²⁶⁰ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 87.

²⁶¹ *Ibid.*

²⁶² *Ibid.*

indigenous family from their land.²⁶³ The issue was initially brought to national courts, but it did not have much success.²⁶⁴ The issue was then presented to the Human Rights Council, which ultimately considered the case as a violation of cultural rights due to the traditional connection that the family had with burial sites.²⁶⁵ The rights of indigenous peoples are important to consider in relation to the preservation of such rights.

Conclusion

Cultural rights for ethnic minorities are at an important stage of international conversation. Much discussion has occurred on this topic, but the international community has to acquire new skills and techniques in order to further progress towards full cultural rights implementation.²⁶⁶ While most Member States recognize cultural rights as a part of human rights, there is still exclusion and discrimination against ethnic minorities and indigenous groups, with many people being evicted from their ancestral lands, native languages being suspended, and slums being destroyed without provision of new homes.²⁶⁷ CESCR is an important body of the UN system that can help Member States monitor the development of cultural rights in each Member State and create reports that summarize the current status of several countries.²⁶⁸ With this, the committee may be able to help Member States better implement cultural rights, thus guaranteeing the rights of all peoples, including indigenous and minority groups.

Further Research

When discussing cultural rights, delegates should have in mind how CESCR can also expand these rights to ethnic minorities and indigenous groups worldwide. How can CESCR better assist governments with the implementation of cultural rights and in not excluding ethnic minorities? Delegates can also think about how cultural rights can empower the disadvantaged minority groups and what the positive effects in a Member State can be. Are the current measures performed to promote political and civil rights enough to also protect cultural rights? What could be innovative ways to supervise the implementations of cultural rights? In what ways can cultural rights be preserved in your Member State? How can they be preserved regionally and internationally?

²⁶³ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 89.

²⁶⁴ *Ibid.*

²⁶⁵ UN HRC, *Hopu and Bessert v. France*, 1994.

²⁶⁶ MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 4.

²⁶⁷ *Ibid.*, p. 3.

²⁶⁸ UN CESCR, *Monitoring the economic, social and cultural rights*.

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MRG is a non-governmental organization (NGO) that works to guarantee the rights of minority and indigenous peoples. Their work includes training and education that promote minority rights. This guide is one of their publications that focus specifically on economic, social, and cultural (ESC) rights. The guide helps by expanding on the definition of ESC rights, discussing the right to food, water, housing, health, education, work, and culture. It contains several case studies that illustrate the application of these rights around the world, such as the fight against segregation in Croatian schools, where up to 60% of children are in segregated classes. This is a very useful resource for delegates when researching about ESC and seeing some examples of how these rights are applied.

Minority Rights Group International. (2015). *Minority Rights: A Guide to United Nations Procedures and Institutions*. Retrieved 20 August 2015 from: http://www.chr-nis.org.rs/wp-content/uploads/2011/05/MRG_UNGuide2004.pdf

This guide by MRG aims to provide tools for UN agencies and other NGOs to better promote and protect minority rights. The document reviews the UN structure and comments on what has been done by the UN, as well as other international framework concerning minority rights. The guide goes through several UN agencies, analyzes what has been done to protect minority groups, and gives suggestions on approaches. For CESCR, the guide discusses the work that has been published by the committee such as General Comments Nos. 13-15, and recommends that CESCR should include women that suffer from not only ethnic and race discrimination, but also gender discrimination. This guide can prove to be very useful to delegates when learning more about minority rights, what other agencies have done to better protect these rights, and what improvements UN agencies can have in order to better include minority groups.

United Nations, Committee on Economic, Social and Cultural Rights. (2000). *General Comment No. 14: The Right to the Highest Attainable Standard of Health (E/C.12/2000/4)*. Retrieved 21 September 2015 from: <http://undocs.org/E/C.12/2000/4>

In order to further expand the definitions and different aspects of ESC rights, CESCR has created 21 General Comments, which focus on different issues such as right to water, education, health, and housing. General Comment No. 14 focuses on the right to obtain a standard of health. The document discusses important health rights that people have, pointing out current issues and recommendations of actions such as increasing the availability, accessibility, quality, and acceptability of health facilities. The document also highlights the importance of minority groups obtaining good health facilities without discrimination. Health is highly connected with cultural rights, and the document defends the idea that Member States have to respect culture and cultural traditions by making their health facilities and ethics culturally appropriate.

United Nations, Committee on Economic, Social and Cultural Rights. (2009). *General Comment No. 21: Right of Everyone to Take Part in Cultural Life (Art. 15, Para. 1 (a) of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/GC/21)*. Retrieved 19 September 2015 from: <http://undocs.org/E/C.12/GC/21>

This document is another General Comment published by CESCR, which focuses on guaranteeing the right to take part in cultural life. The document expands on the definition of culture and what cultural rights are. The document discusses several necessary obligations that Member States should take in order to guarantee this right, such as not interfering with cultural practices and promoting and facilitating the access of cultural goods. The General Comment also explores the idea of cultural life as a necessary characteristic of cultural rights. The document highlights the importance of having the availability of, accessibility to, participation in, and contribution to cultural life, as well as some limitations. The document is very useful for delegates in their research on cultural rights, limitations, and Member State obligations.

United Nations, Department of Economic and Social Affairs. (2009). *State of the World's Indigenous Peoples* [Report]. Retrieved 21 September 2015 from: http://www.un.org/esa/socdev/unpfii/documents/SOWIP/en/SOWIP_web.pdf

The UN Department of Economic and Social Affairs (UN DESA) is part of the UN Secretariat. The department is responsible for several UN functions, such as serving ESCOSOC and the GA Third Committee. UN DESA also works on promoting the rights of indigenous peoples with the UN Permanent Forum on Indigenous Issues (UNPFII). This report published by UN DESA and UNPFII is a great source for learning specifically about the status of indigenous peoples worldwide. The report explains the history of indigenous issues and what current issues are debated today, such as poverty, environment, education, health, human rights, and culture. The report presents a more detailed analysis of the importance of cultural rights for indigenous peoples, and how the culture of many is in danger of disappearing. Some emerging issues further discussed are the need for improved policies that help these populations, violence against many groups, and migration due to urbanization and globalization.

United Nations, Educational, Scientific and Cultural Organization. (2001). *Universal Declaration on Cultural Diversity* [Report]. Retrieved 24 August 2015 from: <http://unesdoc.unesco.org/images/0012/001271/127162e.pdf>

UNESCO is one of the major agencies for protecting culture around the globe. In 2001, with international conflicts that were culturally based, the international community felt it necessary to reassure their commitment to peace with intercultural dialogue and increase the protection of cultural diversity around the world. This declaration protects and preserves cultural diversity and prevents segregation. Article 6, for example, promotes freedom of expression, a necessary freedom for cultural rights. This declaration is a great resource for delegates that want to learn and brainstorm new ideas about protecting the culture, especially cultural rights of all people. Delegates are encouraged to study it and learn what the international community has done in order to strengthen cultural diversity worldwide.

United Nations, General Assembly, Forty-seventh session. (1992). *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/RES/47/135)*. Adopted on the report of the Third Committee (A/47/678/Add.2). Retrieved 21 July 2015 from: <http://undocs.org/A/RES/47/135>

This document is a declaration from the General Assembly with regards to the rights of minority groups. The declaration contains important rights of minorities such as the right to cultural life, religious practice, language freedom, and participation in government. The document urges Member States to protect minorities and their rights by taking necessary measures and not interfering in cultural life. It is a great source for delegates when initiating their research on minority rights. Delegates can better learn the identifying factors of minority groups, what specifically are their rights, and what are Member States' obligations.

United Nations, Office of the High Commissioner for Human Rights. (2010). *Minority Rights: International Standards and Guidance for Implementation* [Report]. Retrieved 20 September 2015 from http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf

This guide is a valuable resource for learning about minority and indigenous groups. The guide clarifies definitions and demonstrate the status of many minority groups around the globe. It also discusses important aspects for the survival of the culture of minority groups and indigenous peoples such as respect, participation in society, protection, and promotion of their culture. In addition, it explains how minority rights are promoted through international documents such as the UN Minorities Declaration. This is a valuable resource for delegates to learn about minority groups and better brainstorm ideas that can further protect cultural rights.

United Nations, Office of the High Commissioner for Human Rights. (2015). *Minorities Under International Law* [Website]. Retrieved 19 September 2015 from: <http://www.ohchr.org/EN/Issues/Minorities/Pages/internationallaw.aspx>

The UN Office of the High Commissioner for Human Rights (OHCHR) is a UN agency that focuses on the promotion and protection of human rights. This page from OHCHR is a great source for learning more about minority rights under international law. The website explains the development of minority rights in the international system, important documents such as the UN

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992, and also includes some improvements that might be necessary, such as including persons with disabilities as a minority group. The webpage also leads to other sites that further expand on the definition of minority rights, what are current issues that minority people experience, and links to documents and publications that further explore this topic.

University of Minnesota, Human Rights Resource Center. (2000). *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource* [Website]. Retrieved 21 July 2015 from:

<http://www1.umn.edu/humanrts/edumat/IHRIP/circle/modules/module17.htm>

This website is a great summary on the topic of cultural rights. It was created especially for university students to initiate their instruction on cultural rights. The page illustrates what has been done concerning this topic, and what is the international community doing to better protect cultural rights. The site explains with details key international documents and how they enhance cultural rights, such as UDHR, ICESCR, the UN Declaration on the Right to Development, among others. The importance of cultural rights for education is explained, and other rights connected to culture such as the right to housing, food, work, and health. It is a perfect tool for delegates that are starting their research on ESC rights.

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III. Protecting Economic, Social and Cultural Rights for Refugees

Introduction

As mandated by the United Nations (UN) *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966), the CESCR works to guarantee economic, social, and cultural rights (ESC) for all people, including stateless populations such as refugees.²⁶⁹ Throughout recent and past history, many people have fled to other countries in order to seek asylum and protection.²⁷⁰ Internal or external conflicts and natural disasters usually endanger the lives of the people affected by these crises, and those who flee to other countries and wish not to return due to fear of persecution are referred to as refugees.²⁷¹ Major events such as wars and famine have caused many refugee crises in history, and these crises have grown substantially in the past decades.²⁷² Since the end of World War II, many non-governmental organizations (NGOs) and intergovernmental organizations (IGOs), as well as the UN High Commissioner for Refugees (UNHCR), have been created in order to try to help the millions of refugees stemming from WWII and other significant crises.²⁷³ Even without a major world war since then, this issue has not subsided, and today there are over 59.5 million of forcibly displaced persons worldwide.²⁷⁴ The UNHCR is the major agency responsible for refugees, and the organization has nearly 55 million refugees under their mandate.²⁷⁵ For the last 30 years, Afghanistan generated the most refugees worldwide, but recently Syria has taken this position.²⁷⁶ The recent Syrian crisis has internally displaced a third of Syria's population, with four million leaving the country to neighboring Member States in the Middle East and Europe.²⁷⁷ Many refugees, due to a lack of state protection, might suffer from human rights violations, including in relation to their economic, social and cultural rights.²⁷⁸

Human rights are not only applicable to traditional citizens of a country, but rather to all persons, including refugees.²⁷⁹ Many refugees seek asylum due to violations of human rights in their native country.²⁸⁰ The rights of refugees are protected by several international instruments, such as the *Universal Declaration of Human Rights* (UDHR) (1948) and the 1951 *Convention relating to the Status of Refugees* (1951 Refugee Convention).²⁸¹ About one-third of refugees served by UNHCR live in refugee camps, with the number increasing rapidly.²⁸² Currently, the Syrian crisis has created a rapid influx of refugees, and the agency was not financially ready and prepared with enough resources to handle such a crisis.²⁸³ Conditions in refugee camps like those located in Jordan and Lebanon are deteriorating due to difficulties in providing enough resources, such as food and healthcare.²⁸⁴ Some refugees face difficulties with human rights due to complications in the host country; for one example, in Turkey, refugees that are qualified are still not allowed to work due to constraining policies implemented by the government.²⁸⁵ Other refugees live in host countries where they face a complex bureaucratic system in order to get refugee status, while facing difficulties communicating in the host country's language.²⁸⁶

In order to better focus on ESC rights for refugees, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) was created, with the UN Committee on Economic, Social and Cultural Rights (CESCR) in

²⁶⁹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

²⁷⁰ UNHCR, *Refugees*, 2015.

²⁷¹ *Ibid.*

²⁷² UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

²⁷³ UNHCR, *Refugees*, 2015.

²⁷⁴ UNHCR, *Facts and Figures about Refugees*, 2015.

²⁷⁵ UNHCR, *What We Do*, 2015.

²⁷⁶ UNHCR, *Facts and Figures about Refugees*, 2015.

²⁷⁷ *Ibid.*

²⁷⁸ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

²⁷⁹ *Ibid.*; *Convention Relating to the Status of Refugees*, 1951.

²⁸⁰ UN OHCHR, *Fact Sheet No. 20: Human Rights and Refugees*, 1993.

²⁸¹ UNHCR, *The 1951 Refugee Convention*, 2015.

²⁸² UNHCR, *Urban Refugees*, 2015.

²⁸³ UNHCR, *Facts and Figures about Refugees*, 2015.

²⁸⁴ Grant, UN Agencies 'Broke and Failing' in Face of Ever-growing Refugee Crisis, *The Guardian*, 2015; UNM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

²⁸⁵ Afanasieva, Turkey Will Not Give Syrian Refugees Right to Work - Labour Minister, *Reuters*, 2015.

²⁸⁶ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

charge of implementing it.²⁸⁷ As stated in the ICESCR, ESC rights include the right to work, education, access to healthcare, and an individual lifestyle.²⁸⁸ Governments that host refugees face difficulties in guaranteeing these rights due to a lack of jobs, education, and health facilities offered to refugees.²⁸⁹ Furthermore, refugees living in a third host country also suffer from discrimination and oppression against their own culture in law and practice.²⁹⁰ These violations occur when trying to access services and goods, employment, and sometimes there can be cases of harassment and violence.²⁹¹ This and other examples will be further explored in this background guide, along with key guiding documents, definitions, and examples concerning ESC rights to refugees, and recent work from CESCR on this issue.

International and Regional Framework

As previously mentioned, one of the first significant documents that protected ESC of refugees was the UDHR. Even though it does not directly mention protection to refugees, the Declaration in Article 22 establishes the idea that all persons should have economic, social, and cultural rights, and Article 27 emphasizes that everyone has the right to participate in the community's cultural life.²⁹² Furthermore, the Declaration also is the one of the first international documents to define refugees, defending the idea that anyone has the right to seek asylum in other countries.²⁹³ Additionally, the *Geneva Convention relative to the Protection of Civilian Persons in Time of War* (1950) comments on the idea that during war, refugees cannot be considered as enemy aliens.²⁹⁴ The first international document to focus on the rights of refugees specifically was the *Convention relating to the Status of Refugees* (1951).²⁹⁵ The Convention defines what a refugee is, defends their rights, and describes the obligations of states regarding protecting these rights.²⁹⁶ Principle 23 of the "Guiding Principles on Internal Displacement," published by the UN Office for the Coordination of Humanitarian Affairs (OCHA), reinforces that host countries should ensure education for child refugees and respect their cultural identity, religion, and language.²⁹⁷

At a regional level, there are also several documents that strengthen the protection of economic, social, and cultural rights for refugees. One such example is the *Convention Governing the Specific Aspects of Refugee Problems* (1969), adopted by the Organization of African Unity, expands the definition of refugee to include people that flee their country due to events that severely interrupt public order, such as foreign occupation and external aggregation.²⁹⁸ The ICESCR, as mentioned, is the main document that protects and promotes ESC rights for all people.²⁹⁹ The document defends ESC rights that include the right to self-determination, work, health, education, and participation in cultural life.³⁰⁰ The Covenant outlines obligations that states should take in order to guarantee these rights to all, emphasizing that Member States should use the maximum of their resources to achieve full ESC rights.³⁰¹

Role of the International System

In the international community, there are several actors that work towards securing the rights of refugees. At the UN, the main refugee agency is the UNHCR, which acts under the General Assembly (GA) and Economic and Social Council (ECOSOC).³⁰² UNHCR is comprised of the Executive Committee (ExCom), a subsidiary organ of the GA that is composed by an elected group of 98 Member States supervised by the High Commissioner; the

²⁸⁷ UN CESCR, *Committee on Economic, Social and Cultural Rights*, 2015.

²⁸⁸ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

²⁸⁹ *Ibid.*

²⁹⁰ Sidoti, *Without prejudice: discrimination and refugees*, 2002.

²⁹¹ *Ibid.*

²⁹² UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, Art. 22, 27.

²⁹³ *Ibid.*, Art. 14.

²⁹⁴ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 1949, Art. 44.

²⁹⁵ UNHCR, *The 1951 Refugee Convention*, 2015.

²⁹⁶ *Convention Relating to the Status of Refugees*, 1951.

²⁹⁷ UNHCR, *Guiding Principles on Internal Displacement*, 2004.

²⁹⁸ OAU, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 1969.

²⁹⁹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

³⁰⁰ *Ibid.*

³⁰¹ *Ibid.*

³⁰² UNHCR, *Governance and Organization*, 2015.

ExCom approves funds and budgets, and creates and reviews programs of UNHCR.³⁰³ The refugee agency is mandated to protect refugees worldwide, and its aid comes in a variety of forms, such as provisions of shelter in refugee camps, food and water, transportation, state advocacy, and research.³⁰⁴ This entity has already helped millions of refugees to restart their lives, and currently it helps about 55 million people worldwide, including stateless people and the internally displaced.³⁰⁵

Some Member States fail to protect human rights to citizens, causing people to flee due to abuses.³⁰⁶ Once these people become stateless, there is no one who officially protects them against human rights abuses; therefore, it is vital for UNHCR to work towards guaranteeing full human rights protection to refugees, including their ESC rights.³⁰⁷ The agency not only works to ensure that these rights are protected in the host country, but also to prevent refugees from being returned involuntarily to their country where they could suffer more ESC rights violations.³⁰⁸ Some ways UNHCR does this is by providing advocacy to Member States, publishing guides, collecting and sharing valuable information concerning refugees, and building its capacity by increasing staff that work on the field directly with refugees.³⁰⁹ More importantly, the agency's goal is not that the refugee remains with refugee status forever, but to ensure durable solutions when, in some cases, they are re-established in their home country, creating a new life in a host country, or even finding a third host country to restart their lives.³¹⁰

Another relevant organization that protects refugees' ESC rights is the Office of the High Commissioner for Human Rights (OHCHR).³¹¹ CESCR works alongside OHCHR to promote human rights, and specifically ESC rights.³¹² The Committee does this by promoting the ICESCR among Member States; States Parties submit a report about the progress on the implementation of the Covenant, and CESCR replies with comments, suggestions, and when necessary, requirements.³¹³ These reports are analysed by the Committee, which then highlights specific concerns and gives advice in what could be done in response.³¹⁴ For example, in 2008, after the independence of Kosovo, there were still many displaced persons living inside the state that did not enjoy ESC rights such as access to education and jobs.³¹⁵ CESCR then published a document with the highlighted issues and recommendations, such as providing documentation to these refugees so that they can become eligible employees.³¹⁶

Status of Refugees, Internally Displaced Persons, and Asylum Seekers

Before the creation of UNHCR, the definition of refugee was very broad and unclear, excluding internally displaced persons (IDPs), stateless people, and other migrants; since the establishment of the refugee agency, a more stable definition was created and accepted worldwide.³¹⁷ According to the 1951 Refugee Convention, a refugee is anyone that is outside of their native state due to a great fear of persecution caused by race, religion, or nationality, and are unwilling to return.³¹⁸ Due to this well-founded fear, the person is unable to seek the protection of their own country.³¹⁹

Another type of refugees discussed by the international community are IDPs. IDPs are people that also are suffering life-threatening situations like refugees; however, while refugees flee to another country, IDPs do not cross an international border when leaving home.³²⁰ Originally UNHCR did not work with IDPs, but recently the

³⁰³ UNHCR, *Governance and Organization*, 2015.

³⁰⁴ UNHCR, *Assistance*, 2015.

³⁰⁵ UNHCR, *What We Do*, 2015.

³⁰⁶ UNHCR, *Protection*, 2015.

³⁰⁷ *Ibid.*

³⁰⁸ *Ibid.*

³⁰⁹ UNHCR, *Ensuring Protection for People of Concern*, 2015.

³¹⁰ UNHCR, *Protection*, 2015.

³¹¹ UN CESCR, *Monitoring the economic, social and cultural rights*, 2015.

³¹² *Ibid.*

³¹³ *Ibid.*

³¹⁴ *Ibid.*

³¹⁵ UN CESCR, *Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant*, 2008.

³¹⁶ *Ibid.*

³¹⁷ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³¹⁸ UNHCR, *Refugees*, 2015.

³¹⁹ *Ibid.*

³²⁰ UNHCR, *Internally Displaced People*, 2015.

organization has helped around 15 million people that cannot seek protection and help from their own government.³²¹ It is important to remember that many IDPs flee due to human rights violations that occurred in their own country, which includes ESC rights violations protected by CESCR.³²² The committee is concerned with these ESC violations, and it is open to receive reports and complaints from individuals and groups about ESC violations.³²³ In 2013, the committee received a complaint from the Hong Kong Refugee Advice Centre that outlined the poor conditions that refugees that fled to Hong Kong experienced.³²⁴ These refugees came from many areas within China and were running from human rights abuses.³²⁵ They arrived in Hong Kong and faced great culture barriers such as a different language and social environment.³²⁶ CESCR submitted a concluding observation, highlighting the issue and urging necessary actions to be taken, recommending the creation of non-discrimination legislation according to Article 2 of the Covenant.³²⁷ Article 2 defends that ESC rights should be implemented within the borders of each of the States Parties without any discrimination of sex, color, religion, race, language, or political opinion.³²⁸

There are a few international documents that specifically defends ESC rights for refugees.³²⁹ In the *Cartagena Declaration on Refugees* (1984) that focuses on ESC rights in Latin America, section III mentions that in areas where the number of refugees is large, the international community should help them re-establish their lives and reintegrate into society so that they may enjoy their ESC rights again.³³⁰ However, this has been hard for many Latin American countries to provide, due to a lack of resources and infrastructure to refugees.³³¹ The 1951 Refugee Convention only mentions in Article 7 that refugees should be treated as equally as other immigrants in the host country.³³² Thus it is understood that just as traditional immigrants may be afforded their ESC rights, refugees should also enjoy the same rights.³³³

Even though refugees have the right to demand access to ESC rights, many face the problem of not being considered a refugee, but rather given the status of an asylum seeker.³³⁴ An asylum seeker is someone who claims to be a refugee but has not yet been granted the full status of refugee.³³⁵ This is important because under international law, Member States have the obligation to aid refugees once in their country; however, this obligation does not extend to those still considered asylum seekers.³³⁶ Many countries hesitate to recognize refugees, complicating the bureaucratic system and charging higher fees for the application process.³³⁷ The process of being recognized as a refugee is called Refugee Status Determination (RSD), and it is performed by the hosting state or UNHCR, in case the state has limited resources.³³⁸ There is no single model for the RSD process, so it varies between states, with some accepting many refugees and others almost none.³³⁹ In some countries, the decision might even vary depending on the personality of the RSD decision-maker.³⁴⁰ In others, access to counsel is limited, which means that the refugee is left without support of a representative from UNHCR, legal aid, and even an interpreter, having to rely

³²¹ UNHCR, *Internally Displaced People*, 2015.

³²² Ibid.

³²³ UN General Assembly, *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (A/RES/63/117)*, 2008.

³²⁴ Hong Kong Refugee Advice Centre, *Submission to the Committee on Economic, Social and Cultural Rights (CESCR)*, 2013.

³²⁵ Ibid.

³²⁶ Ibid.

³²⁷ UN CESCR, *Concluding Observations on the Second Periodic Report of China, Including Hong Kong, China, and Macao, China*, 2014.

³²⁸ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

³²⁹ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³³⁰ *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 1984, Section III.

³³¹ Silva, *The impact of the Cartagena Declaration in Latin America – The Case of Ecuador, Rights Based Approach*, 2012.

³³² UNHCR, *The Refugee Convention*, 1951.

³³³ UM HRRC *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³³⁴ Ibid.

³³⁵ UNHCR, *Asylum-Seekers*, 2015.

³³⁶ Ibid.

³³⁷ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³³⁸ UNHCR, *Refugee Status Determination*, 2015.

³³⁹ Jones, *Refugee Status Determination: Three Challenges*, 2009.

³⁴⁰ Ibid.

only on themselves.³⁴¹ The process required for classifying someone as a refugee varies among Member States and their domestic law; however, under Article 6 of the 1951 Refugee Convention, refugees should be treated with the same consideration as other non-citizens, which would afford those with refugee status proper legal status and the benefits that accompany that.³⁴² Under international law, a person can be a refugee as long as they believe they are, but some states have longer processes and consider them as asylum seekers; nevertheless, there are other countries that allow a person to be considered a refugee on the day that he/she applies to be one, or not much later.³⁴³

Economic Rights

On a more specific definition for human rights, economic rights are rights more specific to the right to work, free choice of employment, right to housing, and social security, as described in Articles 6, 7, and 9 of the ICESCR.³⁴⁴ These rights are further protected by several national and international documents, but most importantly by the UDHR, where Article 22 states that everyone has the right to work without discrimination and with fair remuneration.³⁴⁵ Articles 6 and 7 of the ICESCR also defends the right to work, including that everyone should be able to work in safe and healthy work conditions, with fair and non-discriminatory wages.³⁴⁶

In order to guarantee these rights, CESCR works with governments to ensure that they respect, protect, and fulfill these rights.³⁴⁷ Respect means that governments do not interfere with the enjoyment of rights; for example, Member States should not use forced labor.³⁴⁸ Protecting ESC means that states should ensure that other actors, such as other people or organizations, do not interfere with the enjoyment of someone's ESC rights.³⁴⁹ For example, a country protects someone's right to work when they ensure that people are paid at least at the minimum wage, both in the private and public sectors.³⁵⁰ To fulfill these rights means that Member States adopt necessary measures rights such as promoting and increasing public awareness of ESC and taking measures to ensure that the educational system is culturally appropriate for refugee groups.³⁵¹ CESCR helps monitor the implementation of respect, protection, and fulfillment of these rights by analyzing each Member State's reports on the implementations of the ICESCR and sending questions and concerns.³⁵² In 2008, while passing through a small refugee influx, CESCR expressed to Kenya concerns about their current policies that required refugees to only live in camps and facilitating their access to work and education.³⁵³ Kenya replied assuring that the government had created policies such as the Refugee Act of Kenya (2006) that prohibits discrimination against refugees and guarantees ESC rights such as education, participation in cultural activities, and public health.³⁵⁴

With regards to refugees, the 1951 Refugee Convention also protects economic rights.³⁵⁵ As mentioned previously, the Convention mentions that Member States should help refugees by providing positive legal treatment, and when searching for employment in the host country, refugees should be treated the same as other non-citizens that are seeking employment.³⁵⁶ Additionally, refugees who were able to acquire work should have the same benefits as regular citizens, meaning that they should not be discriminated when receiving their wage.³⁵⁷ Current research shows that there is a "refugee gap" between refugees established in host countries and other populations.³⁵⁸ This gap means that due to a language barrier, education, and work experience, refugees perform poorer than other citizens and

³⁴¹ Jones, *Refugee Status Determination: Three Challenges*, 2009.

³⁴² *Convention Relating to the Status of Refugees*, 1951.

³⁴³ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³⁴⁴ National Economic & Social Rights Initiative, *Economic and Social Rights*, 2015.

³⁴⁵ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, Art. 23.

³⁴⁶ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

³⁴⁷ UN OHCHR, *Frequently Asked Questions on Economic, Social and Cultural Rights*, 2008, p. 11.

³⁴⁸ *Ibid.*, p. 12.

³⁴⁹ *Ibid.*, p. 11.

³⁵⁰ *Ibid.*, p. 12.

³⁵¹ *Ibid.*, p. 11.

³⁵² UN CESCR, *Implementation of the International Covenant on Economic, Social and Cultural Rights: Kenya*, 2008.

³⁵³ *Ibid.*

³⁵⁴ *Ibid.*

³⁵⁵ UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 1951.

³⁵⁶ *Ibid.*, Art. 17.

³⁵⁷ UM HRRC *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³⁵⁸ UNHCR, *The Labour Market Integration of Resettled Refugees*, 2013, p. 11.

migrants and receive lower wages.³⁵⁹ This is mostly due to a lack of market integration and discrimination against a different culture.³⁶⁰ Market integration is defined and measured by the level of market participation, poverty, income, job retention, work experience, employment contracts, and satisfaction.³⁶¹ In many countries, it is still hard to ensure employment to refugees due to difficulties non-citizens have when navigating the legal system.³⁶² As discussed previously, many asylum seekers have a hard time being recognized as refugees, and others are considered economic migrants, people that migrate to other countries in pursuit of a better economic life, which for many states does not fall under the 1951 Refugee Convention.³⁶³

Social Rights

Social rights are more specifically mentioned by Article 13 of the ICESCR, which highlights the right to participate effectively and live in a free society.³⁶⁴ The right to housing, having a family, and education are at the core of social rights, and are also guaranteed by the UDHR and the ICESCR.³⁶⁵ Other rights include the right to food, water, and healthcare, and Member States can protect these rights by guaranteeing that everyone, including refugees, have access to good healthcare facilities, affordable food, and water services.³⁶⁶ According to the UNHCR, refugees should be treated equally with regards to education, housing and health, and UNHCR looks to ensure that refugees get the same treatment as nationals.³⁶⁷

The right to education is one of the most important aspects of social rights because it shapes future generations.³⁶⁸ This right includes the right for parents to choose schools, the provision of education free of charge, and access to secondary and higher education.³⁶⁹ According to Article 13 of the ICESCR, Member States should also respect cultural perspectives in education, and respect religious and moral beliefs, especially for refugees that come from a very different cultural background.³⁷⁰ To better promote the right to education as a social right, CESCR published General Comment No. 13, which defends the objectives of education; freedom; and the right for fundamental, primary, secondary, and higher education; and non-discriminatory treatment in schools.³⁷¹ The document reminds states of the obligation to respect, protect, and fulfill these rights.³⁷² Examples of accomplishing these three requirements include: respecting the liberty of the parent's choice of which school their children will attend; protecting children, especially girls, from parties that might prevent them from attending school; and taking necessary actions to ensure that schools are culturally appropriate for children of minority groups or refugees.³⁷³

Guaranteeing equal education for men and women is also an important factor for ESC rights.³⁷⁴ Unfortunately, due to poverty, many girls have to take care of their household and help support their family, preventing them from attending school.³⁷⁵ In 2009, CESCR followed up on a report regarding a concern about women in Chad, and asked Chad to report on their progress for promoting gender equality and ensuring education for girls.³⁷⁶ Chad reassured their commitment to the ICESCR and other international documents and reassured that measures are being taken to with regards those issues.³⁷⁷

³⁵⁹ UNHCR, *The Labour Market Integration of Resettled Refugees*, 2013, p. 11.

³⁶⁰ *Ibid.*, p. 12.

³⁶¹ *Ibid.*, p. 8.

³⁶² UM HRRC *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³⁶³ UNHCR, *Mixed Migration*, 2015.

³⁶⁴ Council of Europe, *The Evolution of Human Rights*, 2015.

³⁶⁵ *Ibid.*

³⁶⁶ *Ibid.*

³⁶⁷ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³⁶⁸ UN OHCHR, *Frequently Asked Questions on Economic, Social and Cultural Rights*, 2008.

³⁶⁹ *Ibid.*

³⁷⁰ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966; MRG, *Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples*, 2005, p. 87.

³⁷¹ UN CESCR, *General Comment No. 13: The Right to Education*, 1999.

³⁷² *Ibid.*

³⁷³ UN OHCHR, *Frequently Asked Questions on Economic, Social and Cultural Rights*, 2008.

³⁷⁴ UN OHCHR, *Fact Sheet No. 16 (Rev. 1): The Committee on Economic, Social and Cultural Rights*, 1996, Art. 3.

³⁷⁵ Our Africa, *Our Africa: Women*.

³⁷⁶ UN OHCHR, *Implementation of the International Covenant on Economic, Social and Cultural Rights: Chad*, 2009.

³⁷⁷ *Ibid.*

Cultural Rights

Cultural rights are usually not given as much credit as needed, but it is a fundamental right protected by Article 15 of the ICESCR and necessary for the enjoyment of one’s own cultural lifestyle.³⁷⁸ This includes the right to education – receiving education according to one’s own culture – and participating freely in cultural life of choice, which includes language, religion, values, traditions, and rituals.³⁷⁹ When working with refugees, there is a cultural consideration that should be examined, especially because many of these refugees became stateless due to cultural persecution and for being part of a cultural minority.³⁸⁰

Most refugees flee to countries where the culture of the host country differs from the refugee’s culture and customs.³⁸¹ In order to better assist and provide durable solutions for these refugees, Member States must understand the situation that refugees were living in previously, as well as the different values and behavior that they might have.³⁸² Organizations that are helping those refugees should understand the refugee’s beliefs in order to avoid confusions that might cause more mental stress.³⁸³ The Refugee Services Toolkit (RST) is an exemplary tool that aims in assisting those who serve refugees, particularly children and families, by helping them understand cultural customs and identifying refugee’s mental health needs.³⁸⁴

The Kurds are an example of refugees that suffer from violations of cultural rights.³⁸⁵ The Kurds are an indigenous population that do not have one official state representing them.³⁸⁶ They live in the Mesopotamian region, present in Turkey, Syria, Iraq, and Iran.³⁸⁷ There are between 25 and 35 million Kurds, and many of them are in conflict with Syria and Iraq due to different traditions and values.³⁸⁸ In Turkey, the Kurdish population is the fourth largest ethnic group, making up about 20% of its population.³⁸⁹ Historically, Kurds have faced oppression in Turkey in relation to their culture and traditions, sometimes having their language forbidden.³⁹⁰ The major cause for this ongoing conflict, which happens not only in Turkey, is the violation of the Kurds’ cultural rights, with many becoming refugees looking for a place where they can live the cultural life they would like.³⁹¹ This Kurds serve as an example of the importance of addressing cultural rights.

Conclusion

UNHCR has made many efforts to protect refugees and give them durable solutions.³⁹² Likewise, CESCR is the leading organization that works to ensure ESC to all people.³⁹³ ESC rights violations are one of the causes that people flee to another country looking for a freer life where they can enjoy all their rights.³⁹⁴ Other refugees in host countries also suffer from ESC rights violations like not being able to find a proper job and living their lifestyle according to their cultural standards, suffering discrimination and repression from the government or others.³⁹⁵ Both CESCR and UNHCR, as well as other organizations, can cooperate to better ensure that refugees also have ESC rights and that host countries are protecting equally all people living within its borders.

³⁷⁸ Council of Europe, *The Evolution of Human Rights*, 2015.

³⁷⁹ *Ibid.*

³⁸⁰ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³⁸¹ NCTSN, *Refugee Services Toolkit (RST)*, 2015.

³⁸² *Ibid.*

³⁸³ *Ibid.*

³⁸⁴ *Ibid.*

³⁸⁵ BBC News, *Who are the Kurds?*, 2014.

³⁸⁶ *Ibid.*

³⁸⁷ *Ibid.*

³⁸⁸ *Ibid.*

³⁸⁹ *Ibid.*

³⁹⁰ *Ibid.*

³⁹¹ Cultural Survival, *Kurdish Repression in Turkey*, 1982.

³⁹² UNHCR, *What We Do*, 2015.

³⁹³ UN CESCR, *Committee on Economic, Social and Cultural Rights*, 2015.

³⁹⁴ UM HRRC, *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource*, 2015.

³⁹⁵ *Ibid.*



Further Research

This topic can be very broad and include many different aspects and issues. Delegates should work carefully to focus on ESC rights, and consider questions such as the following: What ESC violations are causing people to flee their country of origin, and what other ESC violations they suffer in camps or host countries? In what other ways are ESC rights violated by host countries? How can CESCR better evaluate and advocate for Member States to better attend to these needs? What can CESCR do to help prevent the creation of new refugees that flee countries due to ESC violations? What are innovative ideas to protect, promote, and fulfill ESC rights worldwide?

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Council of Europe. (2015). *The Evolution of Human Rights* [Website]. Retrieved 25 August 2015 from: <http://www.coe.int/en/web/compass/the-evolution-of-human-rights>

This webpage contains explanations of what human rights are and the history of their development in the international community. The page explains several types of human rights, including ESC rights. It is very useful when learning the evolution of human rights, important definitions, and different aspects such as first, second, and third generation rights. The webpage also contains questions that delegates could use to debate with each other and further develop ideas on ESC rights. Delegates can study these definitions and brainstorm how to apply them to refugees worldwide.

Cultural Survival. (1982). *Kurdish Repression in Turkey* [Website]. Retrieved 26 August 2015 from: <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/turkey/kurdish-repression-turkey>

One of the best examples of the fight for ESC survival is the Kurdish case in the Middle East. The Kurds are the largest minority ethnic group in the Middle East, with over 18 million people suffering repression, discrimination, and ESC violations; this is an issue far from resolved. With the conflict with ISIS, the Kurdish culture is in even more danger, and many more Kurdish refugees could be created. This webpage contains a summary of the ongoing fight for Kurdish survival, and their struggle for cultural acceptance. This is a great case study for learning current ESC issues, and delegates are recommended to study this case and brainstorm innovative ways to help the survival of Kurdish culture and their ESC rights.

National Economic & Social Rights Initiative. (2015). *Economic and Social Rights* [Website]. Retrieved 25 August 2015 from: <http://www.nesri.org/human-rights/economic-and-social-rights>

Human rights comprises several rights that are crucial for delegates to understand. This website explains in more detail what economic and social rights specifically are. The page expands the definitions to the right to education, housing, health, food, social security, and work. The webpage also explains how government can work to protect, respect, and fulfill these rights to all people. It is a good source for delegates when studying more specifically about social and economic rights. Delegates can learn the different aspects of it and see how CESCR can work to ensure that refugees enjoy these rights.

United Nations, Committee on Economic, Social and Cultural Rights. (1999). *General Comment No. 13: The Right to Education (E/C.12/1999/10)*. Retrieved 22 September 2015 from:

<http://www.refworld.org/docid/4538838c22.html>

In addition to the ICESCR, the CESCR has published 21 General Comments that aim to further discuss specific aspects of ESC, such as the right to education, food, housing, and work. This document is General Comment No. 13, which discusses the right of education. Embedded with social rights is the right to receive fundamental, primary, secondary and higher education. Education is an empowering right vital for eradicating poverty; however, many refugees do not receive a good education, and there is only about 76% enrollment in primary schools and 36% in secondary. As an important social right, delegates can learn important definitions, what are the ideal situations where refugees can have access to education, and brainstorm new ideas for how to further promote this right in the context of the current global refugee crisis.

United Nations, Committee on Economic, Social and Cultural Rights. (2008). *Implementation of the International Covenant on Economic, Social and Cultural Rights: Kenya (E/C.12/KEN/Q/1/Add.1)* [Report]. Retrieved 22 September 2015 from: <http://www.refworld.org/publisher/CESCR.STATEPARTIESREP.,49255f472,0.html>

This is a report of a case with Kenya and the CESCR in 2008. Kenya was receiving several refugees at that time and could not keep up with the new influx. With its annual reporting and analysis, CESCR presented major concerns with regards ESC rights. In the reply, Kenya mentions what it has been doing in order to guarantee these rights to refugees so that they could enjoy a better life. This document is a great example of the dialogue that CESCR has with its Member States and how it holds them accountable. Delegates can also learn more about what a developing country has been doing in order to guarantee ESC rights to refugees and displaced persons.



United Nations High Commissioner for Refugees. (2015). *The 1951 Refugee Convention* [Website]. Retrieved 26 August 2015 from: <http://www.unhcr.org/pages/49da0e466.html>

The 1951 Refugee Convention was an important event that led to the creation of UNHCR. Since then, the Refugee Agency has published articles and documents with regards to helping refugees worldwide. This webpage explains more about the Refugee Convention of 1951, the resolution that created the agency, and the 1967 Protocol Relating to the Status of Refugees. This convention was the cornerstone for refugee protection and it includes the protection of human rights (also ESC rights) for refugees. This site not only explains about the Convention, but also contains links to the original document and other documents that further expand the idea of the Convention. When learning about refugees, delegates can use this document to better learn what refugee rights are and what the international community has done to protect them.

United Nations High Commissioner for Refugees. (2015). *UNHCR: The UN Refugee Agency* [Website]. Retrieved 21 July 2015 from: <http://www.unhcr.org/cgi-bin/texis/vtx/home>

The UNHCR is the major committee that protects refugees and stateless persons. As explained previously, there are over 55 million refugees under the protection of the agency. UNHCR also works in protecting ESC rights for refugees alongside with the CESCR. This source is the main website of the United Nations High Commissioner for Refugees. The UNHCR website focuses on refugees and guaranteeing long-term solutions for them. The website contains a vast quantity of documents and reports on the current status of worldwide refugees. It is a good website for delegates when starting their research on this topic, learning the definition of refugees and what has been done already. Delegates can also brainstorm how CESCR can work with UNHCR to better help refugees to have better economic, social and cultural rights.

United Nations Office of the High Commissioner for Human Rights. (1993). *Fact Sheet No. 20: Human Rights and Refugees*. Retrieved 21 September 2015 from: <http://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>

This document was published by OHCHR, to discuss the link between human rights and refugees. States are supposed to guarantee human rights (including ESC rights) to its citizens, but stateless persons such as refugees and asylum seekers might have problems enjoying these rights since they do not have a state to protect them against violations. The document highlights current refugee issues concerning human rights, such as ill-treatment and discrimination. The document also presents what the international system, including the UN, has already done to help refugees. This is a great resource for delegates to learn different ways that refugees might suffer from ESC violations and what CESCR can do to help them.

United Nations, Office of the High Commissioner for Human Rights. (2008). *Frequently Asked Questions on Economic, Social and Cultural Rights* [Fact Sheet]. Retrieved 23 August 2015 from: <http://www.ohchr.org/Documents/Publications/FactSheet33en.pdf>

Overseeing the promotion and protection of human rights is the OHCHR. This entity works to protect people from ESC violations and promote these rights to Member States. This report was published by OHCHR with regards specifically to the CESCR and the protection of ESC rights. This report effectively explains the main functions of CESCR such as the General Comments and complaints report and functions. It also further explores ESC rights, laying out different aspects such as the right to education, food, water, housing, and work, with examples. The most common questions asked with regards to CESCR are answered in this report. The answers prove to be a great source of information for delegates to learn more about CESCR and ESC.

University of Minnesota, Human Rights Resource Center. (2000). *Circle of Rights: Economics, Social & Cultural Rights Activism – A Training Resource* [Website]. Retrieved 21 July 2015 from: <http://www1.umn.edu/humanrts/edumat/IHRIP/circle/modules/module7.htm>

With almost 60 million displaced persons worldwide, it is difficult for host countries and UNHCR to ensure that all of them are enjoying ESC rights. Due to issues such as violence and warfare, ESC rights for refugees is a topic less debated among the international community. This website specifically connects refugees and ESC. This research performed by the University of Minnesota contains a vast summary of the status of refugees worldwide and their ESC. The research contains information on what the international community has done with regards to refugees and also ESC.

It also contains recommendations to what could be done to better guarantee ESC rights to refugees. When starting research on this topic, this source will help delegates learn not only about refugees and ESC, but how to connect both topics and to accordingly better assist refugees.

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