

## **SOCIO-ECONOMIC RIGHTS: SELECTED ISSUES**

Dr. Inga Winkler  
Lecturer in Human Rights

---

Spring 2018  
Course number: HRTS GU4500  
Class Time: T 8:10pm-10:00pm  
Classroom: IAB 402

Instructor: Inga Winkler  
Office: Kent 622  
Office Hours: T 4.00-6.00 pm or by appointment  
Office Phone: (212) 854-0604  
Email: [inga.winkler@columbia.edu](mailto:inga.winkler@columbia.edu)

### **Course synopsis**

The course addresses selected issues in the protection of socio-economic rights in an international and comparative perspective. Socio-economic rights have emerged from the margins into the mainstream of human rights. The course will take this status as its starting point and examine the human rights to housing, food, water, health and sanitation in depth. We will explore conceptual issues through the lens of specific rights which will help us ground these principles and ideas in concrete cases. We will discuss developments on socio-economic rights and examine their relevance in the United States as well as selected other countries, particularly those with progressive legislation, policies and jurisprudence.

What is the meaning and scope of the rights to housing, food, water, health and sanitation? What is the impact of discrimination and inequalities on the enjoyment of socio-economic rights? How can governments be held accountable for the realization of human rights? What machinery is there at the international level to ensure that the rights are protected, respected and fulfilled? How can this machinery be enhanced? How can judicial, quasi-judicial, administrative and political mechanisms be used at the domestic level? What is the role of different actors in the context of human rights, the role of States and individuals, but also (powerful) non-State actors and civil society? How have activists and policymakers responded to challenges? And what lies ahead for the human rights movement in addressing economic and social rights in a multilateral, globalized world?

## **Course materials**

No course book is required. The materials will be made available to students at the beginning of the semester. The majority of materials is available on CourseWorks. The remaining materials have been put on reserve in the Lehman Library.

Where materials are available online, the URL is provided on the reading list. Official UN documents are available (using the symbol number) in the UN's Official Document System (<http://documents.un.org>) or at [www.ohchr.org](http://www.ohchr.org).

For those interested, including in human rights more broadly, "International Human Rights" by Philip Alston and Ryan Goodman (Oxford University Press, 2013) is recommended. We will use a few excerpts from this book in class.

We will also use a number of chapters from: LaDawn Haglund and Robin Stryker (eds.), *Closing the Rights Gap, From Human Rights to Social Transformation*, University of California Press, 2014

Another recommended book (even if somewhat dated) from which we will use some chapters is: Asbjørn Eide, Catarina Krause, Allan Rosas (eds.), *Economic, Social and Cultural Rights: A Textbook*, The Hague, Kluwer Law International, 2<sup>nd</sup> ed., 2001

## **Learning outcomes and expectations**

Students are expected to participate actively in the class. We will devote time to discussion in each class, sometimes in small groups. We will have some (group) exercises encouraging (self)reflection and the application of human rights standards and principles.

Students are expected to do the required reading ahead of class. There will also be regular assignments aimed at understanding, analyzing and applying the readings and preparing them for discussion in class. Please check CourseWorks each week.

Apart from developing knowledge on human rights principles and concepts as well as specific economic, social and cultural rights that we will cover in more depth, students are expected to develop their own views on these issues. The course aims at stimulating discussion and debate and encourages students to re-evaluate policy and practice in many different fields from a human rights perspective.

## **Requirements**

Course grades will be based on a draft and final paper, a mid-term take-home exam, and participation in class and group work.

### **Attendance and participation: 10 %**

All students are required to attend class regularly. Students are expected to do the required reading in advance, and to participate actively in discussions. To facilitate a fruitful discussion, students are advised to take notes of particular issues and prepare questions and comments they would like to discuss in class.

### **Participation in Group Work: 10%**

We will have several sessions of group work in class including various short exercises aimed at applying human rights and encouraging (self)reflection, a simulation of a hearing and a world café. Students are expected to actively take part in these exercises.

### **Mid-Term Take Home Exam: 30%**

The Mid-Term Exam will be a take-home exam. It will include a number of short answer questions and a short essay of approx. 5 pages. It is due on March 6 and will be posted a week in advance on CourseWorks.

### **Analytical Paper: Total of 50%**

Students will prepare a paper that analyses an issue of their choice related to issues covered in the course—thematic or country-specific, conceptual or focused on a particular right—and how different voices and actors are addressing it, and potential developments/relevant considerations moving forward. The paper can address human rights violations or highlight positive developments. Regardless of the topic, the emphasis should be on the human rights analysis.

Students are expected to write a 15-20 page paper (double-spaced).

- Students must choose their topic by Week 4 and communicate it to the instructor in writing. They should feel free to discuss ideas with the instructor.
- A first draft will be due in Week 10. This should be a summary exploration of what will be the final paper, with a preliminary bibliography and initial research findings. 8 pages minimum. (20% of grade)
- Students will then have the opportunity to revise the paper based on comments and feedback from instructor.
- The final version is one week after the last class. (30 % of grade)

**Writing Centers.** For drafting the papers, students are encouraged to use the Writing Centers. More information about the centers and the possibility to make appointments is available at <http://www.college.columbia.edu/core/uwp/writing-center> and <http://writing.barnard.edu/>.

**Extension policy.** Assignments should be completed by the due date, first so that students can keep up with their work in this and other classes, and second so that they can cultivate a professional habit of turning in work on time.

Extensions will only be granted on an exceptional basis, such as illness or a family emergency. Extensions will not be granted for poor time management. Students who wish to request an extension should email the instructor to ask for the extension; give the reason; and specify the additional time needed. Extensions will be decided on a case-by case basis based on supporting documentation. If there is no documented reason for an exception, students will receive a grade reduction penalty for any work submitted late.

Late submissions will reduce your assignment grade by  $\frac{1}{3}$  of a letter grade per two days after the deadline (that is, from what would have been an A to an A- after 48 hours, to a B+ after 96 hours, to a B after 144 hours etc.). Final assignments at the end of the semester cannot

be submitted late unless students are granted an Incomplete by their School. Policies vary somewhat by School, but in general we cannot submit an Incomplete without the permission of your dean. If you need to request an Incomplete, you should contact your advising dean.

## **Academic Integrity**

Students are expected to do their own work on all assignments for this course and act in accordance with the Faculty Statement on Academic Integrity and Honor Code established by the students of Columbia College and the School of General Studies. Because any academic integrity violation undermines our intellectual community, students found to have cheated, plagiarized, or committed any other act of academic dishonesty can expect academic sanctions and may be referred to the Dean's Discipline process.

Students are encouraged to familiarize themselves with different forms of plagiarism and what they involve. Apart from verbatim copying, paraphrasing text in different words without acknowledging the sources also amounts to plagiarism. Students are encouraged to use the [Columbia University Undergraduate Guide to Academic Integrity](#), which provides more detailed information.

## **Students with disabilities**

Students with disabilities have rights to reasonable accommodation. In order to ensure their rights, it is the responsibility of students to report any learning-related disabilities, to do so in a timely fashion, and to do so through the Office of Disability Services. Students can contact [Disability Services](#) at 212-854-2388 and [disability@columbia.edu](mailto:disability@columbia.edu). Students who have documented conditions and are determined by DS to need individualized services will be provided an DS-certified 'Accommodation Letter'. It is students' responsibility to provide this letter to the instructors and in so doing request the stated accommodations. Students are encouraged to confirm accommodation needs with the instructor during office hours.

## Class calendar and reading list

\*\*\*Subject to change\*\*\*

### 1) Objectives and Introduction: Socio-Economic Rights Today (January 16)

*Objectives and concept of the course; 20 years of socio-economic rights advocacy; the future of socio-economic rights*

#### Required reading:

- Universal Declaration of Human Rights: <http://www.un.org/en/documents/udhr/>
- International Covenant on Economic, Social and Cultural Rights, General Assembly Resolution 2200 A (XXI) (1996), entered into force 3 January 1976, available at: [www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx)
- Office of the High Commissioner for Human Rights, Frequently Asked Questions on Economic, Social and Cultural Rights, Fact Sheet No. 33, available at: [www.ohchr.org/Documents/Issues/ESCR/FAQ%20on%20ESCR-en.pdf](http://www.ohchr.org/Documents/Issues/ESCR/FAQ%20on%20ESCR-en.pdf)
- Alston / Goodman, pp. 277-282, 284-287, 291-295, 315-317
- Daniel P. L. Chong, Debating Human Rights, Chapter 12, Lynne Rienner Publishing 2014
- Aryeh Neier, "Social and Economic Rights: A Critique." Human Rights Brief 13, no. 2 (2006): 1-3
- CESR, Twenty Years of Economic and Social Rights Advocacy, available at: [http://www.cesr.org/downloads/cesr\\_20years\\_escr.pdf](http://www.cesr.org/downloads/cesr_20years_escr.pdf) (Pick some essays and feel free to skim the others.)
- Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston, 28 April 2016, UN Doc: A/HRC/32/31
- Look through the website of the Committee on Economic, Social and Cultural Rights

### 2) The Human Right to Housing: Progressive Realization and the Idea of a Minimum Core (January 23)

*Key concepts for socio-economic rights: Progressive realization, the minimum core approach, maximum available resources illustrated through the right to housing and the South African landmark Grootboom case*

- Scott Leckie, 'The Human Right to Adequate Housing' in Eide, Krause & Rosas (eds.) 149-168
- OHCHR, Fact Sheet No. 21 (Rev. 1), The Right to Adequate Housing, Geneva, 2009, available at: [www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf)
- Government of South Africa v. Grootboom, Constitutional Court of South Africa, Case CCT 11/00, 4 October 2000, available at: <http://www.concourt.gov.za/judgments/2000/grootboom1.pdf> (feel free to skim but make sure you get a good grasp of the facts)

- Summary of the Grootboom case in: COHRE, *Leading Cases on Economic, Social and Cultural Rights*, ESC Rights Litigation Programme (COHRE: 2009), available at: [www.cohre.org/sites/default/files/leading\\_esc\\_rights\\_cases\\_24\\_april\\_2009.pdf](http://www.cohre.org/sites/default/files/leading_esc_rights_cases_24_april_2009.pdf)
- Magdalena Sepúlveda, *The Nature of the Obligations under the International Covenant on Economic, Social and Cultural Rights* (2003), pp. 311-334
- Radhika Balakrishnan, Diane Elson, James Heintz and Nicholas Lusiani, *Maximum Available Resources & Human Rights*, Center for Women's Global Leadership, available at: <http://www.cwgl.rutgers.edu/docman/economic-and-social-rights-publications/362-maximumavailableresources-pdf/file>, pp. 1-5, skim the rest
- Sandra Liebenberg, 'Socio-Economic Rights: Revisiting the Reasonableness Review/Minimum Core Debate' in S Woolman and M Bishop (eds), *Constitutional Conversations* (Pretoria, Pretoria University Press, 2008) 305
- UN Committee on Economic, Social and Cultural Rights, General Comment No. 20 on non-discrimination, 2009, E/C.12/GC/20

#### **Further reading:**

- Marius Pieterse, "Eating Socioeconomic Rights: The Usefulness of Rights Talk in Alleviating Social Hardship," 29 *Human Rights Quarterly* 796-822 (2007)
- Katie G Young, 'The Minimum Core of Economic and Social Rights: A Concept in Search of Content' (2008) 33 *Yale Journal of International Law* 113

### **3) The Right to Housing and the Right to Life: The Indivisibility of Human Rights (January 30)**

*State obligations in realizing human rights; indivisibility and inter-relatedness of all human rights*

*Discussion: Drafting of the new General Comment on the right to life by the Human Rights Committee*

#### **Reading:**

- Ioana Cismas, *The Intersection of Economic, Social and Cultural Rights and Civil and Political Rights*, in: Eibe Riedel, Gilles Giacca and Christophe Golay (eds.), *Economic, Social and Cultural Rights in International Law*, 448-472
- Human Rights Committee, *Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, General Comment No. 31, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.13&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.13&Lang=en)
- Committee on Economic, Social and Cultural Rights, General Comment No. 3, *The Nature of State Party Obligations*, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4758&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4758&Lang=en)
- Vienna Declaration and Program of Action, in particular para. 5, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>
- Report by the Special Rapporteur on the Right to Housing, Leilani Farha, *The right to life and the right to adequate housing: the indivisibility and interdependence between*

these rights, UN Doc. A/71/310, available at:  
<http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

- Human Rights Committee, Draft General Comment of the right to life, available at:  
[http://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/GCArticle6\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/GCArticle6_EN.pdf)

#### **4) The Human Right to Housing: Forced Evictions (February 6)**

*Obligations to respect human rights, procedural standards, participation*

##### **Reading:**

- Lilian Chenwi, 'Putting Flesh on the Skeleton: South African Judicial Enforcement of the Right to Adequate Housing of Those Subject to Evictions', 8 Hum Rts L Rev (2008) 105
- Report of the Special Rapporteur on adequate housing, Raquel Rolnik, Guiding Principles on security of tenure for the urban poor, 30 December 2013, A/HRC/25/54
- UN Special Rapporteur on the Right to Adequate Housing, Guide on Forced Evictions, available at: [http://direitoamoradia.org/wp-content/uploads/2012/01/guide\\_forced\\_eviction\\_english\\_pgs\\_duplas.pdf](http://direitoamoradia.org/wp-content/uploads/2012/01/guide_forced_eviction_english_pgs_duplas.pdf)
- Amnesty International, Driven out for Development: Forced Evictions in Mombasa, Kenya, 2015, available at: <https://www.amnesty.org/en/documents/afr32/2467/2015/en/> (focus on summary, conclusions and recommendations, feel free to skim the rest, but make sure you have a good grasp of the facts)
- Brian Ray, Engagement's Possibilities and Limits as a Socioeconomic Rights Remedy, 9 WASH. U. GLOBAL LEGAL STUDIES L. REV. 399 (2010)

#### **5) The Human Right to Food in India, the US, and South Africa (February 13)**

*Case studies with a focus on implementation at the national level; analysis of different actors involved and different strategies employed*

##### **Required Reading:**

- LaDawn Haglund and Robin Stryker, Introduction: Making Sense of the Multiple and Complex Pathways by which Human Rights are Realized, in: LaDawn Haglund and Robin Stryker (eds.), Closing the Rights Gap, From Human Rights to Social Transformation, University of California Press, 2015, 1-26
- UN Committee on Economic, Social and Cultural Rights, General Comment No.12, The Right to Adequate Food, 12 May 1999, E/C.12/1999/5
- Jean Drèze, 'Democracy and the Right to Food', in: Philip Alston and Mary Robinson (eds.), Human Rights and Development: Towards Mutual Reinforcement, 2005, 45
- Shareen Hertel, "Hungry for Justice: Social Mobilization on the Right to Food in India," Development and Change 46,1 (January 2015): 72-94
- International Human Rights Clinic, Nourishing Change: Fulfilling the Right to Food in the United States (New York: NYU School of Law, 2013), available at: [http://chrgj.org/wp-content/uploads/2013/05/130527\\_Nourishing-Change.pdf](http://chrgj.org/wp-content/uploads/2013/05/130527_Nourishing-Change.pdf)

- Sakiko Fukuda-Parr and Vivienne Taylor, Food Security in South Africa, Human Rights and Entitlements Perspectives, Chapter 1 and Chapter 13

### **Further reading:**

- Poorvi Chitalkar and Varun Gauri, India: Compliance with Orders on the Right to Food, in: Malcolm Langford et al. (eds.), Social Rights Judgments and the Politics of Compliance, Making it Stick, CUP, 2017, pp. 288-314
- Smita Narula, 'The Right to Food: Holding Global Actors Accountable under International Law' (2006) 44 Columbia Journal of Transnational Law 691

## **6) The Right to Water: Privatization of Public Services (February 20)**

*Privatization, obligation to protect, responsibilities of the private sector*

*Debate on Privatization through the lens of human rights*

- Madeline Baer, Stemming the Tide, Human Rights and Water Policy in a Neoliberal World, OUP 2017, Introduction & Conclusion
- Inga Winkler, The Human Right to Water: Significance, Legal Status and Implications for Water Allocation, Hart Publishing, 2012, pp. 107-111, 125-140
- Karen Bakker, The "Commons" Versus the "Commodity": Alter-globalization, Anti-privatization and the Human Right to Water in the Global South, Antipode, Volume 39, Issue 3, June 2007, Pages 430-455
- Catarina de Albuquerque and Inga T. Winkler, Neither Friend nor Foe – Why the Commercialization of Water and Sanitation Services is not the Main Issue in the Realization of Human Rights, Brown Journal of World Affairs, 2010 (17/1), 167-179
- John Vidal, Water privatization: a worldwide failure? The Guardian, available at: <https://www.theguardian.com/global-development/2015/jan/30/water-privatisation-worldwide-failure-lagos-world-bank>
- United Nations, Guiding Principles on Business and Human Rights, 2011, available at: [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

## **7) The Human Right to Water in the United States (February 27)**

*Using global mechanisms to address local challenges*

*Role play: A Hearing by the Special Rapporteur in Detroit*

- Video: Thirsty for Justice, available at: <https://vimeo.com/87513817>
- UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, Report on the Country Mission to the United States, A/HRC/18/33/Add.4, 2011
- Alston / Goodman, pp. 691-693, 699-701
- Christophe Golay, Claire Mahon and Ioana Cismas, 'The impact of the UN special procedures on the development and implementation of economic, social and cultural rights', The International Journal of Human Rights, Vol. 15, No 2 (2011)



- Office of the United Nations High Commissioner for Human Rights: look at [www.ohchr.org/english/bodies/](http://www.ohchr.org/english/bodies/) and explore some of the relevant links to get an overview of the UN human rights system focused on ESCR bodies and mandates
- Letter of allegation sent by UN Special Rapporteurs and Response by US Government (uploaded on CourseWorks)
- Joint Press Statement by Special Rapporteur on adequate housing and Special Rapporteur on the human right to safe drinking water and sanitation Visit to city of Detroit (United States of America) 18-20 October 2014 (uploaded on CourseWorks)
- Sharmila Murthy, "A New Constitutive Commitment to Water," 36 Boston C. J. of Law & Soc. Just. 151 (2016) (Focus on pp. 1-20, and 50 to end in CourseWorks version)

## **8) The Human Right to Health: Justiciability (March 6)**

*Justiciability; role of the courts; risk of elite capture; challenges in addressing systemic human rights violations*

- Birgit Toebes, "The Right to Health", in: Asbjørn Eide, Catarina Krause, Allan Rosas (eds.), Economic, Social and Cultural Rights: A Textbook, The Hague, Kluwer Law International, 2nd ed., 2001
- Chris Jochnick, "Poverty and human rights: can courts, lawyers and activists make a difference?" Open Democracy, 30 September 2014, available at: <https://www.opendemocracy.net/openglobalrights/chris-jochnick/poverty-and-human-rights-can-courts-lawyers-and-activists-make-diffe>
- Varun Gauri and Daniel Brinks, The Impact of Legal Strategies for Claiming Economic, Social and Cultural Rights, in: LaDawn Haglund and Robin Stryker (eds.), Closing the Rights Gap, From Human Rights to Social Transformation, University of California Press, pp. 87-103
- Malcolm Langford, The justiciability of social rights: from practice to theory, in: Social Rights Jurisprudence (ed. by Malcolm Langford), Cambridge University Press, 2009
- Select one country chapter in Langford (ed.): South Africa or India
- Alicia Ely Yamin, Promoting Equity in Health: What Role for the Courts?, 16 HEALTH & HUM. RTS. J. 183, 183-86 (2014)
- Alicia Ely Yamin & Fiona Lander, Implementing a Circle of Accountability: A Framework for Judiciaries in Enforcing Health-Related Rights, 14 J. HUM. RTS. 312, 312-331 (2015)

## **9) Spring Break (March 13)**

## **10) The Human Right to Health: Monitoring and Measuring (March 20)**

*The role of monitoring in ensuring accountability for the right to health*

*Potential guest lecture: Mihir Mankad, Center for Economic and Social Rights (tbc)*

- Center for Economic and Social Rights, The OPERA Framework, Assessing Compliance with the obligation to fulfill economic, social and cultural rights, 2012, available at: <http://cesr.org/downloads/the.opera.framework.pdf>

- Allison Corkery, Investigating Economic, Social, and Cultural Rights Violations, in: Philip Alston and Sarah Knuckey (eds.), *The Transformation of Human Rights Fact-Finding* (OUP, 2016)
- Alicia Ely Yamin, Power, Suffering, and the Struggle for Dignity Human Rights Frameworks for Health and Why They Matter, UPenn Press, 2016, Chapter 5 on Accountability
- Sakiko Fukuda-Parr, Terra Lawson-Remer & Susan Randolph, Making the Principle of Progressive Realization Operational: The SERF Index, and Index for Monitoring State Fulfillment of Economic and Social Rights Obligations, in: LaDawn Haglund and Robin Stryker (eds.), *Closing the Rights Gap, From Human Rights to Social Transformation*, University of California Press, 2015, 239-264
- Kenneth Roth, "Defending Economic, Social and Cultural Rights: Practical Issues Facing an International Human Rights Organization," *Human Rights Quarterly* Vol. 26 (2004): 63-73 (and other articles in response as further reading)

### **11) The Human Right to Health: Inequalities in the Sustainable Development Goals (March 27)**

*Exercise in class: World Café discussion on the SDGs and to what extent they reflect human rights*

- Human Rights Caucus, Human Rights for All Post-2015: A Litmus Test, June 2014, available at: <http://cesr.org/downloads/HRs.Post2015.litmus.test.pdf>
- Sakiko Fukuda-Parr, Global Goals as a Policy Tool: Intended and Unintended Consequences, *Journal of Human Development and Capabilities*, Volume 15, Issue 2-3, 2014, pp. 118-131
- Carmel Williams and Paul Hunt, Neglecting Human Rights: Accountability, Data and Sustainable Development Goal 3, *International Journal of Human Rights* Vol 21 (2017), 1114-1143
- Sara L. M. Davis, The Uncounted: Politics of Data and Visibility in Global Health, *International Journal of Human Rights* Vol 21 (2017), 1144-1163
- Gillian MacNaughton, Vertical Inequalities: Are the SDGs and Human Rights up to the Challenges?, *International Journal of Human Rights* Vol 21 (2017), 1050-1072
- Inga T. Winkler and Margaret L. Satterthwaite, Leaving No One Behind? Persistent Inequalities in the SDGs, *International Journal of Human Rights* Vol 21 (2017), 1073-1097

#### **Further reading:**

- OHCHR and Center for Economic and Social Rights, Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda, 2013, available at: <http://cesr.org/article.php?id=1482> (Chapters 1 and 5 & Summary)
- Elizabeth Stuart & Jessica Woodroffe (2016) Leaving no-one behind: can the Sustainable Development Goals succeed where the Millennium Development Goals lacked?, *Gender & Development*, 24:1, 69-81

- Philip Alston, 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen Through the Lens of the Millennium Development Goals', *Human Rights Quarterly*, Vol. 27, 2005

## **12) Menstrual Health and Substantive Equality (April 3)**

*Substantive equality framework, role of historical disadvantage, biological differences and social norms and stereotypes*

- Christine Chinkin, ESC Rights and Gender, in Eibe Riedel, Gilles Giacca & Christophe Golay, *Economic, Social and Cultural Rights: Contemporary Issues and Challenges* (Chapter 16), (Oxford University Press, 2013)
- UN Committee on Economic, Social and Cultural Rights, General Comment No. 20 on non-discrimination, 2009, E/C.12/GC/20 (re-read)
- Sandra Fredman, Substantive Equality Revisited, *International Journal of Constitutional Law*, Volume 14, Issue 3, 1 July 2016, Pages 712–738 (and responses as further reading)
- Inga T. Winkler and Virginia Roaf, Taking the Bloody Linen out of the Closet – Menstrual Hygiene as a Priority for Achieving Gender Equality, *Cardozo Journal of Law and Gender* 2015 (21/1), 1-37
- Kimberlé Crenshaw. 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,' *The University of Chicago Legal Forum* (1989), pp. 139-167

### **Further reading on economic inequalities:**

- Radhika Balakrishnan, James Heintz and Diane Elson, What Does Inequality Have to Do With Human Rights?, PERI Research Paper 2016, available at: <http://www.peri.umass.edu/236/hash/4e2798bbfee790dfab582f5e88548f7/publication/668/>
- Read through some of the posts in the debate on human rights and economic inequality on: <https://www.opendemocracy.net/openglobalrights/economic-inequality-and-human-rights>

## **13) The Human Right to Sanitation (April 10)**

*Individual responsibilities, dignity, public health*

*Discussion on video clip: 'No Relief'*

### **Reading:**

- Inga Winkler, The human right to sanitation, *University of Pennsylvania Journal of International Law*, Vol. 37, No. 4, 2016
- UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, Report on Stigma and the realization of the human rights to water and sanitation, A/HRC/21/42, 2012
- Celestine N. Musembi and Samuel M. Musyoki, CLTS and the Right to Sanitation, March 2016, available at:

[http://www.communityledtotalsanitation.org/sites/communityledtotalsanitation.org/files/Frontiers8\\_Human\\_Rights\\_red.pdf](http://www.communityledtotalsanitation.org/sites/communityledtotalsanitation.org/files/Frontiers8_Human_Rights_red.pdf)

- Jamie Bartram, Katrina Charles, Barbara Evans, Lucinda O'Hanlon and Steve Pedley, Commentary on community-led total sanitation and human rights: should the right to community-wide health be won at the cost of individual rights?, *Journal of Water and Health*, 2012, 10 (4) 499-503
- Human Rights Watch, *Cleaning Human Waste: 'Manual Scavenging,' Caste, and Discrimination in India*, available at: [https://www.hrw.org/sites/default/files/reports/india0814\\_ForUpload\\_0.pdf](https://www.hrw.org/sites/default/files/reports/india0814_ForUpload_0.pdf)

#### **14) The Right to Food in a Transnational Context (April 17)**

*Extraterritorial human rights obligations, food and land in a transnational context*

*Guest lecture: Dr. Elena Pribytkova, Columbia Law School (tbc)*

- Christophe Golay and Irene Biglino "Human Rights Responses to Land Grabbing: a right to food perspective". 34 *Third World Quarterly*, 2013, pp. 1630-165.
- Olivier de Schutter, 'How not to think about land-grabbing: three critiques of large-scale investments in farmland', *Journal of Peasant Studies*, vol. 38:2 (2011), pp. 249-279
- Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights, 2011, available at: [http://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx\\_drblob\\_pi1%5BdownloadUId%5D=23](http://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUId%5D=23)
- 'Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights', *Human Rights Quarterly*, vol. 34 (2012), pp. 1084-1171
- Michal Gondek, *The Reach of Human Rights in a Globalising World: Extraterritorial Application of Human Rights Treaties*, Intersentia, 2009, pp. 291-366 (on Reserve)

#### **Further reading:**

- Smita Narula, *International financial institutions, transnational corporations and duties of states*, in: Malcolm Langford et al. (eds), *Global Justice, State Duties The Extraterritorial Scope of Economic, Social, and Cultural Rights in International Law*, CUP, 2014
- International Council on Human Rights Policy, *Duties sans Frontières, Human rights and global social justice*, 2003, Versoix, available at: [http://www.ichrp.org/files/reports/43/108\\_report\\_en.pdf](http://www.ichrp.org/files/reports/43/108_report_en.pdf)

#### **15) Socio-Economic Rights in the Context of Austerity (April 24)**

*Non-retrogression, human rights in times of economic crises, austerity measures*

*Potential role-play and/or guest lecture (tbc)*

- Aoife Nolan, 2015. Not Fit for Purpose? Human Rights in Times of Financial and Economic Crisis, *European Human Rights Law Review*. 2015(4), 358-369
- Aoife Nolan et al., Two steps forward, no steps back? Evolving criteria on the prohibition of retrogression in economic, social and cultural rights, in: Aoife Nolan, ed., 2014. *Economic and Social Rights After the Global Financial Crisis*, Cambridge University Press (on Reserve)
- Nicholas Lusiani, Rationalising the right to health: is Spain's austere response to the economic crisis impermissible under international human rights law, in: Aoife Nolan, ed., 2014. *Economic and Social Rights After the Global Financial Crisis* Cambridge University Press (on Reserve)
- Sally-Anne Way, Nicholas Lusiani and Ignacio Saiz, Economic and Social Rights in the 'Great Recession': Towards a Human Rights-Centred Economic Policy in Times of Crisis, in: Eibe Riedel, Gilles Giacca and Christophe Golay (eds.), *Economic, Social and Cultural Rights in International Law*, pp. 86-110
- Margot Solomon, Of Austerity, Human Rights and International Institutions, available at:  
<http://www.lse.ac.uk/humanRights/documents/2015/salomonWpsAusterity.pdf>