CONTENTS

Int	rodu	ction to	the Volume
	Eva	A BREM	s, Gauthier de Beco and Wouter Vandenhole 1
Pr	otecti d Crit	on of E tical Pe	tional Human Rights Institutions in the Promotion and conomic, Social and Cultural Rights: Historical, Theoretical rspectives
1.	Natio	onal Hu	ıman Rights Institutions (NHRIs) 7
2.	Econ	omic, S	Social and Cultural Rights
3.	The l	Role of	National Human Rights Institutions in the Promotion and
	Prote	ection o	of Economic, Social and Cultural Rights 16
	3.1.	Suppo	rt for NHRI Engagement in Economic, Social and Cultural
			i
	3.2.		ontribution of NHRIs to the Implementation of Economic,
			and Cultural Rights
	3.3.		s Encouraging NHRIs to Focus on Economic, Social and
			ral Rights
4.	Con	clusion	
			an Rights Institutions as Independent Actors in Relation to
Ec			ial and Cultural Rights
	Lor	ne Lind	HOLT
			n 33
2.	Hun		hts Actors
	2.1.		tion and Rationale
	2.2.		oncept of Human Rights Actor
	2.3.		endent Actors
3.	Nati		ıman Rights Institutions as Human Rights Actors 39
	3.1.		al Human Rights Instruments
	3.2.		aris Principles on National Human Rights Institutions 44
	3.3.		Documents
			United Nations Handbook
		3.3.2.	Commonwealth Conference

Intersentia

		3.3.3.	Ombudsman and National Institutions Conference 48
		3.3.4.	UN Handbook on Economic, Social and Cultural Rights
			for National Institutions
4.	Fran	iework	for the Recognition of Economic, Social and Cultural Rights 48
	4.1.	Intern	national Covenant on Economic, Social and
		Cultu	ral Rights
	4.2.	Limb	arg Principles
	4.3.	Maas	tricht Guidelines
	4.4.	UNG	General Comments
5		clusion	: National Human Rights Institutions and Economic,
٥.	Soci	al and	Cultural Rights53
rest.			The Division Combinders and Economic Social and
		ivian i il Righ	Human Rights Ombudsman and Economic, Social and
C			Pegram
	111	omas r	EGRAM
1.	Intr	oductio	on 57
2.			n ESCR Mandate in Bolivia
	2.1.		Bolivian Defensoría del Pueblo
			ning an ESCR mandate
	2.2.		The parameters of an ESCR mandate
			Defining an ESCR mandate: the internal challenge 63
			Defining an ESCR mandate: the external challenge 64
3	Imr		ting an ESCR Mandate
٦.	3.1.		ementation through Legislative and Policy Impact
	J.1.	•	Policy impact
			Monitoring legislation
			Implementation through judicial activism and
		3.1.3	legal petition
	2.3	Local	v ·
	3.2.		ementation through Social Accountability Mobilisation
			Coordination with civil society organisations
			. Coordination with the media
	3.3.		Defensoria and Engagement at the International Level 74
		sion	
В	ibliog	raphy	77
T	he Ro	le of N	HRC in Protecting and Promoting the Economic and
			of Vulnerable Groups in India
			C. Patel
	,		
1.	Der	nograp	hic, Political, Economic, Social and Cultural Profile of India 80
2	. The	Set Up	of NHRC-India and Its Mandate

	2.1.	The Extensive Range of Its Functions
	2.2.	Complaint Handling Mechanism 87
	2.3.	Suo Motu Power
	2.4.	Powers Relating to Inquiries
	2.5.	Powers of Investigation
	2.6.	Broad Autonomy
	2.7.	Specialised Staff
	2.8.	Core and Expert Groups
	2.9.	Appointment of Special Rapporteurs90
	2.10.	Holding of Camp Sittings90
		Creating a Culture of Human Rights91
3.		Protection and Promotion of the Social and Economic Rights of
		erable Groups
	3.1.	The Right to Health
		3.1.1. Access to health care
		3.1.2. Nutrition
		3.1.3. Public hearings on the right to health care
		3.1.4. Mental health
		3.1.5. Silicosis
		3.1.6. Issue of endosulfan
	3.2.	The Right to Food
		3.2.1. Starvation deaths in Odisha 98
		3.2.2. Human rights awareness and facilitating the assessment
		and enforcement of the human rights programme in
		28 selected districts of India
	3.3.	The Right to Education
	3.4.	The Rights of Children
	3.5.	The Rights of Women
	3.6.	The Rights of Scheduled Castes, Scheduled Tribes and Other
		Vulnerable Groups
	3.7.	The Rights of Minorities
4.	Cond	lusion
		itoring Role of the Ghana Commission on Human Rights
		ninistrative Justice (CHRAJ) in the Protection of Economic,
So		nd Cultural Rights
	Kof	QUASHIGAH
1.	Inter	duction
2.		992 Constitutional Provisions
۷.	2.1.	The CHRAJ as a National Human Rights Institution
	2.1.	The Role of CHRAJ in Relation to the State's Duties in Respect of
	۷.۷.	Economic and Social Rights
		Economic and Social Rights 110

Contents

3.	The CHRAJ's Concept of Monitoring
	3.1. Monitoring Approaches and Methodologies
	3.2. The Importance of NHRIs in Monitoring
	3.3. The Need for Monitoring
	3.4. Judicial Attitude in Ghana Towards Economic, Social and
	Cultural Rights
	3.5. Collaboration with NGOs in the Monitoring Exercise
4.	The second of th
1 .	4.1. Monitoring Goals
	4.2. Examples of Specific Thematic Research Processes
	4.2.1. Child rights
	4.2.2. The right to basic education
	4.2.3. The right to health
	4.3. A Case Study of an Investigation into Mining and Its Effects on
	Affected Communities
5.	The Initiated Review of the Monitoring Process
	5.1. Examples of the Benefits of the Tracking System
	5.1.1. Prisons monitoring
	5.1.2. <i>Trokosi</i> monitoring
	5.2. The Future Importance of Monitoring in the Ghanaian System 12
6.	Conclusion
	ational Human Rights Institutions and Economic, Social and
	ultural Rights: An Examination of the Mandate and Practice of
th	ne Ethiopian Human Rights Commission
	Mohammed Авро
1.	Introduction
2.	12
3.	
4.	12
5.	15
٥.	
6	Cultural Rights
0.	Social and Cultural Rights
	Social and Cultural Rights
	to a state of the
7.	13
7.	the tractice of the Commission Regarding Economic,
8.	Social and Cultural Rights
	TA TARREST TO THE TAR

the	e Netherlands?	
	Laurien J.L. Koster	149
1.	Introduction	149
2.	The Equal Treatment Commission and Its Legal Mandate	150
3.	The Right to Work: Article 6 of the ICESCR	152
	3.1. Scope	152
	3.2. ETC Case Law in the Field of Recruitment and Selection	152
	3.3. The Use of Other Instruments	153
4.	The Right to the Enjoyment of Just and Favourable Conditions of Work:	
	Article 7 ICESCR	154
	4.1. ETC Case Law Regarding Terms of Employment and	
	Working Conditions	154
	4.2. Use of Other Instruments: Investigation and Research	155
	4.2.1. Unequal pay	
	4.2.2. Pregnancy	157
	4.2.3. Work environment	
	4.3. Analysis and Conclusions: Relative and Absolute Standards	158
5.	Article 11 ICESCR: An Adequate Standard of Living	
	5.1. Introduction	
	5.2. Housing	160
6.	<u> </u>	
7.	· ·	
8.		
An	nti-Discrimination Legislation and the Role of an Equality body in	
the	e Promotion of Economic and Social Rights	
	Jozef De Witte	167
	,	
1.	The Centre for Equal Opportunities and Opposition to Racism	167
2.	The International Covenant on Economic, Social and	
	Cultural Rights	170
3.	Non-Discrimination Legislation	171
4.	The Role of the Centre when Economic and Social Rights are Violated	173
	4.1. The Right to Work	
	4.2. The Right to Housing	
	4.3. The Right to Health Care	
	4.4. The Right to Dispose of One's Property	
	4.5 The Right to Social and Leisure Activities	

Equal Treatment, an Effective Mechanism to Protect Human Rights in

ix

Contents

	4.6. The Right to Participate in Economic and Social Life	175
	4.7. Difficulties	176
5.	The Centre's Other Contributions to the Realisation of Economic and	
	Social Rights	177
6.	Conclusion	179
	he Role of National Inquiries in the Protection of Social and conomic Rights	
		181
Ec	conomic Rights	
Е с	conomic Rights Brian Burdekin	182