ECONOMIC AND SOCIAL RIGHTS
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Part I The Foundations of ESR

1. Introduction to ESR

Primary materials:


_Case of the "Street Children " (Villagrán Morales et al.) v. Guatemala_, Inter-American Court of Human Rights, Judgment of November 19, 1999, (Merits)


Further reading:


‘Righting wrongs’, _The Economist_, August 16 2001


2. Philosophical perspectives on ESR

Primary materials:


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_Deshaney V. Winnebago County Department of Social Services_, 489 U.S. 189 (1989)

Further reading:

3. The international ESR legal regime and its emergence

Primary materials:
- Note on the historical origins of ESR
- Excerpts from the International Covenant on Economic, Social and Cultural Rights
- Comments on aspects of the ICESCR
- UN Committee on Economic, Social and Cultural Rights, General comment No. 3, 1990, The nature of States parties’ obligations (art. 2, para. 1, of the Covenant)

Further reading:
Part II: Specific Rights

4. The right to food: the interplay of domestic and international

Primary materials:

World Bank, Food Prices Policy Response, July 2008
Rising Food Prices, *The Economist* Debate between Homi Kharas and Joachim von Braun, 28 July 2008
UN Committee on Economic, Social and Cultural Rights, General Comment No. 12 (1999), The Right to Food
UN Human Rights Council, Special Session on the Right to Food, May 2008
Human Rights Council Res. S-7/1 (21 May 2008) The negative impact of the worsening of the world food crisis on the realization of the right to food for all

Further reading:

Website of Jean Ziegler, former UN Human Rights Council Special Rapporteur on the right to food, at http://www.righttofood.org/
Web page on the right to food, of the UN Food and Agriculture Organization, at http://www.fao.org/righttofood/

5. Non-discrimination, Adequacy, Equality: Different Approaches to the Right to Education

Primary materials:

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General comment No. 15 (2002), The Right to Water, UN Committee on Economic, Social and Cultural Rights

*Maizibuko & Ors v City of Johannesburg & Ors.*, High Court of South Africa, 30 April 2008

Further reading:


**Part III: Domestic implementation of ESR**

7. **India and Colombia: judicial activism**

Primary materials:

Committee on Economic, Social and Cultural Rights, General Comment No. 9 (1998) UN Doc. E/1999/22, Annex IV


Comment on India and ‘Directive Principles’


*Olga Tellis v. Bombay Municipal Corporation*, Supreme Court of India, 1985, AIR 1986 Supreme Court 18

Almitra H. Patel & Anor v Union of India & Ors, Supreme Court of India [2000] 1 LRI 1013


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Balakrishnan Rajagopal, Socio-economic rights and the Indian Supreme Court: Reflections from a Social Movement Perspective, (Draft, Aug 2004)
Further reading:


8. International monitoring of ESR and domestic follow-up

Primary materials:


Further reading:


Amnesty International, Where are we on ESC Rights?: Evaluating first steps and laying the foundations for future campaigning, 25 Feb. 2005

9. South Africa: ‘the’ social rights constitution

Primary materials:

The South African Constitution and ESCR


Sooobramoney v. Minister of Health (Kwazulu-Natal), Constitutional Court of South Africa, Case CCT 32/907, 27 November 1997


Further reading:


Dennis Davis, ‘Socioeconomic rights: Do they deliver the goods?’, Int’l J. Constitutional L (forthcoming, 2008)


10. ESR and social change strategies
Primary materials:

OPTIONAL READING

Further reading:

Part IV: Some International dimensions of ESR

11. Complaints systems at the international level
Primary materials:
Note on the European Social Charter
Autism – Europe v. France, European Committee of Social Rights, Decision on the Merits, Complaint No. 13/2002
Note on the Inter-American System
Sawhoyamaxa Indigenous Community v. Paraguay, Inter-American Court of Human Rights, Judgment of March 29, 2006


Optional Protocol to the ICESCR, Human Rights Council Resolution 8/2, 18 June 2008

Statement by the Committee on ESCR: an evaluation of the obligation to take steps to the “maximum of available resources” under an optional protocol to the Covenant, UN Doc. E/C.12/2007/1, 10 May 2007

Further reading:


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Further reading:


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Documents Annex

European Social Charter 1961

European Social Charter (Revised) 1996


Montréal Principles on Women’s Economic, Social and Cultural Rights, 2002