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## 3 Updates

### **African Human Rights System: African Commission's Resolution on the right to food and Food security in Africa**

During its 60th Ordinary Session from 8 to 22 May, Niamey, Niger, the African Commission on Human and Peoples' Rights adopted an important resolution on the right to food and food security in Africa. The resolution draws on existing standards such as the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter and the Declaration of the Pretoria Seminar on Economic, Social and Cultural Rights in Africa (the Declaration). The Commission notes with concern threats posed by food insecurity to the enjoyment of the right to food of millions of people in the region. It therefore urges African governments to adopt legislative, administrative and other necessary measures with a view to addressing the challenge of food insecurity and hunger in the region. It further urges African governments to ensure accessibility of food to the most vulnerable and marginalised groups in the region through the adoption of special programmes. More importantly, the Commission calls on non-state actors involved in conflicts to ensure access to humanitarian reliefs and food to victims of war without any hindrance.

The resolution is available here <http://www.acdhrs.org/2017/07/adopted-resolutions-at-the-60th-ordinary-session-of-the-achpr->

### **UN Human Rights System: UN Committee on Convention on the Rights of the Child adopts General Comment 20 on the implementation of the right of the child during adolescence**

This General Comment addresses the role of states and non-state actors in implementing the rights of the child during adolescence. It provides a comprehensive guide to states on measures to adopt with a view to realising the rights of children during adolescence in line with the sustainable development goals (SDGs). The Committee notes that focus on adolescents is necessitated by their 'unique and defining stage of human development' which is often characterised by physical and mental growth. It further notes that in implementing the rights of the child during adolescence states must adhere to the general principles of the Convention such as the right to development (evolving capacities), best interests of the child, non-discrimination, life and survival and participation. According to the Committee certain adolescents require special attention and they include girls, boys, children with disabilities, lesbian, gay, bisexual, transgender and intersex adolescents and minorities and indigenous adolescents. The Committee addresses some of the important socioeconomic needs of children during adolescents. For instance, the Committee notes that health care services hardly address the peculiar needs of adolescents. The Committee identifies barriers to health care services for adolescents to include legal and financial, discrimination, lack of confidentiality and respect, violence and abuse, stigma and judgmental attitudes of health care providers. The Committee urges states to adopt a comprehensive and gender sensitive measures to address barriers to health care services for adolescents. The Committee equally examines the impact of poverty on the well-being of adolescents and the need for states to adopt comprehensive, affordable, inclusive and quality access to education for all adolescents.

For more on the General Comments of the Committee visit [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11).

### **UN Human Rights System: UN Committee on Economic, Social and Cultural Rights General Comment 24 on Business and Human Rights**

In this important General Comment, the Committee examines the impact of business activities on the enjoyment of socioeconomic rights. The General Comment builds on existing norms and standards such as the Human Rights Council's Guiding Principles on Business and Human Right. It sets out to clarify the nature and extent of states' obligations in addressing the negative impacts of business activities on the enjoyment of socioeconomic rights. It also seeks to assist non-state actors, particularly corporate entities 'in discharging their human rights obligations and assuming their responsibilities... that may be associated with violations of Covenant rights within their sphere of influence'. According to the General Comment, the word 'business', should be construed broadly to include 'all activities of

business entities, whether they operate transnationally or whether their activities are purely domestic, whether fully privately owned or State-owned, regardless of size, sector, location, ownership and structure'. It notes that in addressing the negative impacts of business on the enjoyment of socioeconomic rights, states have the obligations to respect, protect and fulfil as well as ensure non-discrimination. While the General Comment notes that states have the obligations to respect, protect and fulfil, emphasis was placed on the obligation to protect as this is the one most relevant in the context of business activities. In line with international human rights law, the Committee identifies some situations under which a state may become directly responsible for the activities of business entities. More importantly, the Committee reiterated the extra-territorial obligations of states with regard to activities of business entities. The Committee explains that the extra-territorial obligation of states to respect requires states parties to 'refrain from interfering directly or indirectly with the enjoyment of the Covenant rights by persons outside their territories'.

For more on the General Comments of the Committee visit [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=9&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=9&DocTypeID=11)

## 4 Call for contributions to the ESR Review

The Socio-Economic Rights Project of the Community Law Centre at the University of the Western Cape welcomes contributions to be published in the ESR Review.

The ESR Review is a quarterly publication that aims to inform and educate politicians, policy-makers, NGOs, the academic community and legal practitioners about key developments relating to socio-economic rights at national and international levels. It also seeks to stimulate creative thinking on how to advance these rights as a tool for poverty alleviation in South Africa and abroad.

### Contributions:

- should reflect contemporary debate or spark new debate;
- should be opinion pieces or serve an advocacy function, rather than simply stating legal principles or being descriptive in nature;
- should not be on a topic already published in the ESR Review, unless they take the debate forward;
- should not be a marketing exercise for a particular project or programme; and

should be written in a simple, clear style that avoids technical language and legal jargon where possible, taking into account that the ESR Review is read by both legal practitioners and grassroots human rights organisations.

Send contributions in electronic format (MSWord) to [serp@uwc.ac.za](mailto:serp@uwc.ac.za). Provide your full name and present position. Titles and qualifications are not necessary.

If the article has already been published elsewhere, give full details, including whether it has been shortened, updated or substantially changed for the ESR Review and whether the required authorisations have been granted.

### Length

Contributions should be no longer than 3 000 words, except contributions for the Events section (1 500 words) and the Publications (Book Review) section (1 000 words).

Previous issues of the ESR Review are available online: <http://dullahomarinate.org.za/socio-economic-rights/esr-review>