

Working Session 14 (specifically selected topic): Economic, social and cultural rights as an answer to rising inequalities

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Working Session 14

No of statements: 23

Delegations: 9

Civil Society: 14

OSCE Institutions: -

International Organizations: -

Media: -

Rights of reply: 8

Dr. Hanna Machinska, who introduced working session 14, stated that economic, social and cultural rights were closely connected to civil and political rights. In order to ensure full access to the enjoyment of economic, social and cultural rights by everyone in a society, adequate policies need to be in place. She referred to the International Covenant on Economic, Social and Cultural Rights as the main instrument at the international level, as well as to the OSCE commitments on economic, social and cultural rights, going back to the Helsinki Final Act.

Dr. Machinska spoke about the economic crisis in Europe, which has had a negative impact on people's lives in many European countries, depriving many people of their economic, social and cultural rights. When speaking about poverty one cannot describe it as mere lack of material resources, but also as lack of social and cultural ones, creating risks for the whole society. The question of how to fight against social exclusion and how to create inclusive societies is therefore essential. Enhancing social protection is instrumental. Dr. Machinska underlined two fundamental treaties that play an important role in the European context: the European Charter for Human Rights and the European Social Charter adopted in 1961 and revised in 1999. She stressed the need to reinforce the system of the Social Charter in order to improve implementation of economic, social and cultural rights. Dr. Machinska noted that the Agenda 2030 offers another unique opportunity so strengthen economic, social and cultural rights.

Following the introductory remarks a majority of the OSCE participating States underlined that they attach the same importance to economic, social and cultural rights as to civil and political rights. This includes the right to work and form trade unions, the right to family life and to choose who to marry and when, the right to live free from hunger, the right to education and to participation in cultural life. They indicated that the right to education affects girls in particular who should have the power to make their own choices e.g. on their health, relationships, whether or not to have children and how many. They stressed that all OSCE participating States have the responsibility to ensure gender equality both in terms of remuneration but also in terms of equal opportunity to be promoted.

A number of speakers welcomed the inclusion of two sessions on economic, social and cultural rights as an answer to rising inequalities on HDIM agenda. They indicated that links between inequality and economic and social rights were mutual and that discrimination arising on various grounds was a significant factor in the limitation of economic and social rights. Several examples were mentioned: horizontal and vertical gender segregation in the labour market, racial and

ethnic discrimination as a barrier to enjoyment of rights e.g. by Roma persons, exclusion of children with disabilities from mainstream school system, direct discrimination of LGBT people in employment, religious discrimination, direct discrimination on the basis of political opinion.

One participating State noted that there was an unequal approach towards political and civil rights on one hand and economic, social and cultural rights on the other in the OSCE. It indicated that multilateral human rights structures find it difficult to move away from double standards and politicization. It stressed its readiness to work equally on all categories of human rights and improve situation of individuals in the OSCE region.

Another participating State informed that it is fighting discrimination with several federal laws and enforcement mechanisms, e.g. prohibiting discrimination on rental, sells and home landing transactions on certain grounds as well as in education.

Ensuring minority groups' right to education and health care was mentioned as a challenge in the OSCE region. It is necessary to ensure that all persons in the region have equal rights and freedoms without any discrimination on nationality or ethnicity. This also refers to media in minority languages and cultural events. Poverty in rural areas and lack of psychological support for unemployed persons was also mentioned as a major challenge in certain areas.

One participating State informed that according to the most recent data there were about 100 ethnic minorities on its territory. It explained that in order to ensure peace, stability and peaceful co-existence, a People's Assembly has been created, which contributed to the amendments to the Constitution, which included relevant provisions protecting cultural rights of ethnic minorities. To ensure peaceful co-existence of different ethnic minorities and fight radical extremism, the Assembly follows principles of justice, non-violence, equality and freedom and responsibility.

Another participating State indicated that its Council of Ministers has adopted a National Action Plan for the Implementation of the European Nations Guiding Principles on Business and Human Rights for 2017-2020. It was underlined that National Action Plan was created on the basis of three pillars – state's duty to protect human rights, corporate responsibility to respect human rights and access to remedies. Different actions are planned in the field of education and public information addressed both to companies and consumers.

An NGO informed that in at least ten OSCE countries there are lists of prohibited jobs for women. According to that NGO, governments tend to refer to reproductive health of women as reasons for keeping such lists. The NGO underlined that it is not the State but a woman herself should decide what role she would like to play in a society. A campaign was created entitled 'All jobs for women' with the goal to abolish this ban as discriminatory. One Speaker drew attention to the situation of working migrants' rights and in particular to the situation of women and children. He explained that overall access to education and healthcare for migrants in certain host countries improved but that in order to enjoy those rights workers need to have contracts, which is not always the case. Those migrants without a contract are particularly vulnerable.

One participating State stressed that the enjoyment of economic, social and cultural rights is a key pillar for sustainable development and recalled their importance for people residing in conflict areas. One Speaker indicated that violations of economic, social and cultural rights were the main source of enrichment of authoritarian powers.

Recommendations made by participants during this session include (non-exhaustive list):

Recommendations to the OSCE participating States:

- Ensure equal access to all levels of education;
- Improve distribution of resources between rural and urban areas;
- Strengthen link between education and labour market;
- Recognize their responsibility to actively promote economic, social and cultural rights without discrimination towards any group and ensure effective monitoring of implementation of those rights;
- Comprehensive anti-discrimination laws should be introduced to increase the enjoyment of economic, social and cultural rights;
- Anti-discrimination laws must be both specific and genuinely comprehensive, providing protection on the full ground of discrimination as recognized by international law;
- All participating States are encouraged to prepare their own National Action Plans for the Implementation of the United Nations Guiding Principles on Business and Human Rights;
- Legislation in several countries which prohibit or limit women access to some professions need to be changed;
- Law enforcement agencies and non-governmental organization should play role in improving situation of working migrants;
- Ratify ILO Convention 143 and the Additional Protocol to International Covenant on Economic, Social and Cultural Rights and other international instruments concerning migrant workers;
- Implement the recommendations by the UN Committee on Economic, Social and Cultural Rights concerning migrant workers;
- Involve OSCE in addressing violations of economic, social and cultural rights of people residing in conflict areas and elaborate measures of protection of these rights.