



## Course and Examination Fact Sheet: Spring Semester 2022

### 6,315: Economic and Social Human Rights: The Right to Food

ECTS credits: 4

#### Overview examination/s

(binding regulations see below)

Decentral - examination paper written at home (individual) (80%)

Examination time: term time

Decentral - Active participation (20%)

Examination time: term time

#### Attached courses

Timetable -- Language -- Lecturer

[6,315,1.00 Economic and Social Human Rights: The Right to Food](#) -- Englisch -- [Golay Christophe](#)

#### Course information

#### Course prerequisites

There is no prerequisite to follow this course.

#### Learning objectives

At the end of this course, students will be:

familiar with the content of specific ESCR and States obligations; able to identify the main differences and similarities between ESCR and the SDGs; able to describe the global COVID-19 crisis's impact on ESCR and the SDGs; aware of the role that UN human rights mechanisms play in monitoring ESCR (Human Rights Council, Special Procedures and Treaty Bodies); and able to discuss the potential contribution of UN human rights mechanisms to building back better, with the SDGs and ESCR, in particular the right to food, at the centre.

#### Course content

The global COVID-19 crisis is exposing and exacerbating existing inequalities and violations of economic, social and cultural rights (ESCR), with devastating effects on vulnerable groups and societies. The challenges brought about by the pandemic have placed even greater strain on the delivery of the Sustainable Development Goals (SDGs).

This course will focus on the promotion and protection of economic, social and cultural rights (ESCR), including the rights to food, health, housing, education and water. The course will present a history of ESCR, and define ESCR and States' obligations (Part I). It will then analyse the role played by monitoring mechanisms, including the United Nations (UN) Human Rights Council, Special Procedures, and Treaty Bodies, regional bodies, and domestic jurisdictions. The role of UN agencies and NGOs will be discussed (Part II). After this first two parts on all ESCR, the course will focus on the right to food (Part III). Links will be made between the realization of ESCR and the achievement of the Sustainable Development Goals. The impacts of the Covid-19 crisis on ESCR will also be discussed, together with the need to build back better.

Here are some of the questions that will be discussed during this course:

Can the SDGs and ESCR, in particular the right to food, provide substantial guidance for immediate crisis response and for long-term recovery strategies towards fair, resilient and sustainable societies that leave no one behind? How can United Nations (UN) human rights mechanisms monitor pandemic recovery programs to ensure that they sustainably combat inequalities made evident during the crisis? How can they contribute to building back better, with ESCR and the SDGs at the centre?

#### Course structure and indications of the learning and teaching design



After a kick-off session, the course will be offered as a block seminar with presentations and student discussions. Students will then have until the end of the Spring semester to send a 5000 words research paper.

To prepare for the course given in the form of a traditional seminar format with presentations by the course convener and discussions encouraged with participating students, students shall read the core readings indicated in the reading list for each day.

## Course literature

### Reading List

#### Part I. Introduction to ESC Rights: History and Definition (11 April 2022)

##### Core Readings

- Universal Declaration of Human Rights, 1948, <https://www.un.org/en/universal-declaration-human-rights/>
- International Covenant on Economic, Social and Cultural Rights, 1966, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>
- Committee on Economic, Social and Cultural Rights, *General Comment 15, The right to water*, <https://undocs.org/E/C.12/2002/11>

##### Further Readings

- UN Committee on Economic, Social and Cultural Rights, General Comment 3: The nature of States Parties obligations (Art. 2, para. 1 of the Covenant), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11)
- OHCHR, *Frequently asked questions regarding ESCR*, Fact Sheet No. 33, 2008, <http://www.ohchr.org/Documents/Publications/FactSheet33en.pdf>
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCESCR.aspx>
- *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, Maastricht, January 22-26, 1997, <http://www1.umn.edu/humanrts/instree/Maastrichtguidelines.html>

##### Websites

- Office of the UN High Commissioner for Human Rights, [www.ohchr.org](http://www.ohchr.org)
- Center for Economic and Social Rights, [www.cesr.org](http://www.cesr.org)
- Global Initiative on Economic, Social and Cultural Rights, <https://www.gi-escr.org>
- International Network for Economic, Social and Cultural Rights, [www.escr-net.org](http://www.escr-net.org)
- Center Europe Third World, [www.cetim.ch](http://www.cetim.ch)
- HURIDOCS, [www.huridocs.org](http://www.huridocs.org)

#### Part II - United Nations Monitoring Mechanisms (12 April)

##### Core Readings

- OHCHR, Fact Sheet No. 30/Rev.1, *The United Nations Human Rights Treaty System*, 2012, <http://www.ohchr.org/EN/PUBLICATIONSRESOURCES/Pages/FactSheets.aspx>
- Human Rights Council Resolution 5/1, *Institution-building of the United Nations Human Rights Council*, UN Doc: A/HRC/Res/5/1, 18 June 2006, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BackgroundDocuments.aspx>



- OHCHR, United Nations Special Procedures. Facts and Figures 2020, <http://undocs.org/A/HRC/46/61/Add.1>

## Further Readings

- OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, Geneva, OHCHR, 2008, [http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook\\_en.pdf](http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf)
- OHCHR, *Civil Society Handbook*, <http://www.ohchr.org/EN/AboutUs/CivilSociety/Pages/Handbook.aspx>
- ISHR, *Simple Guide to Treaty Bodies*, Geneva, ISHR, 2009, <http://goo.gl/ZPuDtZ>
- OHCHR, *The Committee on Economic, Social and Cultural Rights*, Fact Sheet No. 16 (Rev 1), [www.ohchr.org/Documents/Publications/FactSheet16rev.1en.pdf](http://www.ohchr.org/Documents/Publications/FactSheet16rev.1en.pdf)
- OHCHR, *Individual Complaint Procedures under the United Nations Human Rights Treaties*, Fact Sheet No. 7, 2013, <http://www.ohchr.org/Documents/Publications/FactSheet7Rev.2.pdf>
- ESCR-Net, *Claiming ESCR At the United Nations. A manual on utilizing the OP-ICESCR in strategic litigation*, 2014, <http://www.escr-net.org/sites/default/files/ESCR-NET-OP-Manual-FINAL.pdf>
- OHCHR, *United Nations Human Rights Council: a practical guide for NGO participants*, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO_en.pdf)
- OHCHR, *Basic Facts about the Universal Periodic Review*, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>
- E. R. McMahon, *The Universal Periodic Review: A Work in Progress. An Evaluation of the First Cycle of the New UPR Mechanism of the United Nations Human Rights Council*, Friedrich Ebert Stiftung Publication, 2012, <http://www.fes-globalization.org/geneva/>
- OHCHR, *Directory of Special Procedures Mandate Holders 2015*, [http://www.ohchr.org/Documents/HRBodies/SP/VisualDirectoryJune2015\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/SP/VisualDirectoryJune2015_en.pdf)
- CIVICUS - World Alliance for Citizen Participation, *Reporting Human Rights Violations to the UN Special Procedures*, 2011, <http://www.civicus.org/news-and-resources-127/reports-and-publications/709-reporting-human-rights-violations-to-un-special-procedures>
- An introduction to the work of the UN Special Rapporteur on the Right to Health, <http://www.ohchr.org/EN/Issues/Health/Pages/SRRightHealthIndex.aspx>
- Circle of Rights Economic, Social & Cultural Rights Activism: A Training Resource, "Module 24 - United Nations mechanisms and ESC rights", <http://www1.umn.edu/humanrts/edumat/IHRIP/circle/modules/module24.htm>
- UN Working Group on the Elimination of Discrimination Against Women in Law and Practice, Thematic analysis: eliminating discrimination against women in economic and social life with a focus on economic crisis, A/HRC/26/39, 2014, <http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/Annualreports.aspx>

## Relevant Literature

- S.-A. Way, "The Role of UN Human Rights Bodies in Promoting and Protecting the Right To Food" in W.B Eide and U. Kracht (eds.), *Food and Human Rights in Development*, Intersentia Press, 2005, pp. 205-228
- M. Craven, "The UN Committee on Economic, Social and Cultural Rights" in A. Eide, C. Krause, A. Rosas and M. Scheinin (eds), *Economic, Social and Cultural Rights: A Textbook*, 2nd ed., Martinus Nijhoff Publishers, 2000
- V. Dandan, "The Committee on Economic, Social and Cultural Rights and Non-Governmental Organizations" in A. F. Bayefsky, *The UN Human Rights System in the 21st Century*, The Hague, Kluwer Law International, 2000
- B. Porter, "The Reasonableness of Article 8(4). Adjudicating Claims from the Margins", *Nordic Journal of Human Rights*, Vol. 27, No.1, 2009
- C. Golay and I. Biglino, *The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, Academy In-Brief No. 2, Geneva Academy of International Humanitarian Law and Human Rights, 2013, <http://www.geneva-academy.ch/docs/publications/The%20optional%20protocol%20In%20brief%202.pdf>



- C. Golay, C. Mahon, I. 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, February 2011, pp. 299- 318
- C. Golay, I. Biglino and I. Truscan, "The Contribution of UN Special Procedures on the Development and Human Rights Dialogue", *SUR International Journal on Human Rights*, Vol. 17, 2012, pp. 15-37
- J. Ziegler, C. Golay, C. Mahon, S.-A. Way, *The Fight for the Right to Food. Lessons Learned*, London, Palgrave Macmillan, 2011

## Websites

- Committee on Economic, Social and Cultural Rights, <http://www2.ohchr.org/english/bodies/cescr/index.htm>
  - International Service for Human Rights, <http://www.ishr.ch>
  - Universal Human Rights Index, [www.universalhumanrightsindex.org](http://www.universalhumanrightsindex.org)
  - UPR-Info, [www.upr-info.org](http://www.upr-info.org)
  - OHCHR Human Rights Council, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>
  - Human Rights Council webcast, <http://www.un.org/webcast/unhrc>
  - UPR, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx>
  - Advisory Committee, [www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx](http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRCACIndex.aspx)
  - Complaints Procedure, <http://www2.ohchr.org/english/bodies/chr/complaints.htm>
  - The Global Initiative for Economic, Social and Cultural Rights, <http://globalinitiative-escr.org>
  - OHCHR on Special Procedures, <http://www2.ohchr.org/english/bodies/chr/special/index.htm>
  - Former Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, <http://sr-watersanitation.ohchr.org/>
  - Right to Education Project, with the reports of the UN Special Rapporteur on the Right to Education, [www.right-to-education.org](http://www.right-to-education.org)
  - Former Special Representative of the UN Secretary General on Business and Human Rights, Professor John Ruggie, <http://www.business-humanrights.org/SpecialRepPortal/Home>
- First UN Special Rapporteur on the Right to Health, Prof. Paul Hunt, <https://www.essex.ac.uk/hrc/practice/health-and-human-rights.aspx>

## Movie

- OHCHR, *The Treaty Bodies. Bringing Human Rights Home*, DVD, 2010

## Part III - Right to Food (13 April 2022)

### Core Reading

- Fakhri, M., *Report of the Special Rapporteur on the right to food. Vision of the Special Rapporteur on the right to food*, UN Doc. A/HRC/46/33, 24 December 2020, <https://undocs.org/A/HRC/46/33>

### Further Readings

- Bessa, A., *The Normative Dimension of Food Sustainability: A Human Rights-Based Approach to Food Systems Governance*, Towards Food Sustainability Working Paper No. 8, Centre for Development and Environment (CDE), University of Bern, 2019, [https://boris.unibe.ch/130127/1/Bessa%202019\\_WP8\\_%202019.pdf](https://boris.unibe.ch/130127/1/Bessa%202019_WP8_%202019.pdf)
- CETIM, *The Right to Food and to Food Sovereignty*, 2021, [https://www.cetim.ch/wp-content/uploads/Fiche-DDP\\_n°4-Souveraineté-alimentaire-ENG-A4.pdf](https://www.cetim.ch/wp-content/uploads/Fiche-DDP_n°4-Souveraineté-alimentaire-ENG-A4.pdf)



- FAO, *Parliamentary fronts against hunger, and legislative initiatives for the right to adequate food and nutrition. The experience of Latin America and the Caribbean 2009-2016*, FAO, 2017, <http://www.fao.org/3/i7872e/i7872e.pdf>
- FAO, *Methodological Toolbox on the Right to Food*, <http://www.fao.org/right-to-food/resources/rtf-methodological-toolbox/en>
- FAO, *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security*, 2004, <http://www.fao.org/3/a-y7937e.pdf>
- Golay, C. *The Right to Food and Access to Justice. Examples at the national, regional and international levels*, Rome, FAO, 2009, <http://www.fao.org/3/k7286e/k7286e.pdf>
- Kroff, F. and A. Castañeda Flores, *Right to Adequate Food and Nutrition, and to Food Sovereignty*, FIAN International UNDROP Series, 2020, [https://www.fian.org/files/files/Andrea\\_20201211\\_Papers\\_2\\_Food\\_V2.pdf](https://www.fian.org/files/files/Andrea_20201211_Papers_2_Food_V2.pdf)
- La Via Campesina, FIAN International et al., *Cooking Up Political Agendas: a feminist guide on the right to food and nutrition for women in rural areas*, FIAN International, 2020, [https://www.fian.org/files/files/EN-TheCommonPot-21-WEB\\_\(1\)\(1\).pdf](https://www.fian.org/files/files/EN-TheCommonPot-21-WEB_(1)(1).pdf)
- OHCHR and FAO, *The Right to Adequate Food*, Fact Sheet No. 34, 2010, <http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>
- UN Committee on Economic, Social and Cultural Rights, *General Comment 12, The right to adequate food*, UN Doc. E/C.12/1999/5, 12 May 1999, <https://undocs.org/E/C.12/1999/5>

## Relevant Literature

- Bellows, A.C. et al., *Gender, Nutrition and the Human Right to Adequate Food - Toward an Inclusive Framework*, New York/London, Routledge/Taylor and Francis, 2017
- Bourke Martignoni, J., "Chapter 8 The Right to Food" in J. Dugard et al. (eds), *Research Handbook on Economic, Social and Cultural Rights as Human Rights*, London, Edward Elgar, 2020
- Bourke Martignoni, J., "Engendering the Right to Food? International Human Rights Law, Food Security and the Rural Woman", *Transnational Legal Theory*, 9(3-4), 2019, pp. 1-15, <https://doi.org/10.1080/20414005.2018.1568789>
- Golay, C. and I. Biglino, "Human Rights Responses to Land Grabbing: a right to food perspective", *Third World Quarterly*, 34(9), 2013, pp. 1630-1650, <https://doi.org/10.1080/01436597.2013.843853>
- Mechlem, K., "Food Security and the Right to Food in the Discourse of the United Nations", *European Law Journal*, 10(5), 2014, pp. 631-648, <https://doi.org/10.1111/j.1468-0386.2004.00235.x>
- Saab, A., *Narratives of Hunger in International Law: Feeding the World in Times of Climate Change*, Cambridge University Press, 2019
- Ziegler, J., C. Golay, C. Mahon, S.-A. Way, *The Fight for the Right to Food. Lessons Learned*, London, Palgrave Macmillan, 2011

## Websites

- FAO website on the right to food, [www.fao.org/righttofood](http://www.fao.org/righttofood)
- FIAN International, [www.fian.org](http://www.fian.org)
- First UN Special Rapporteur on the right to food, Prof. Jean Ziegler, [www.righttofood.org](http://www.righttofood.org)
- Second UN Special Rapporteur on the right to food, Prof. Olivier De Schutter, <http://www.srfood.org/es/un-special-rapporteur-archive>
- Third UN Special Rapporteur on the right to food, Prof. Hilal Elver, <https://hilalerver.org>
- OHCHR webpage on the UN Special Rapporteur on the right to food, <https://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx>
- Global Network for the Right to Food and Nutrition, <https://www.righttofoodandnutrition.org/>



- Right to Food and Nutrition Watch, <https://www.righttofoodandnutrition.org/watch>

## Movies

- *The Right to Food - A People's Struggle*, 2014, <https://www.youtube.com/watch?v=zxTD7N3CiRg>
- OHCHR, *The Treaty Bodies. Bringing Human Rights Home*, 2010, <https://www.youtube.com/watch?v=JP0fB-X0l8>

## Additional course information

In the case of the President's Board having to implement new directives due to the SARS-CoV-2 pandemic in SpS2022, the course information listed above will be changed as follows:

- The course is conducted online via the platform Zoom;
- The recordings of the course are available for 30 days;
- The lecturer informs via StudyNet/e-mail on the changed implementation modalities of the course; There are no changes necessary to the course information.

The examination information listed below would be changed as follows:

- There are no changes necessary to the examination information.

## Examination information

### Examination sub part/s

#### 1. Examination sub part (1/2)

##### Examination time and form

Decentral - examination paper written at home (individual) (80%)

Examination time: term time

##### Remark

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##### Examination-aid rule

Term papers

Written work must be written without outside help according to the known citation standards, and a declaration of authorship must be attached, which is available as a template on the StudentWeb.

Documentation (quotations, bibliography, etc.) must be carried out universally and consistently according to the requirements of the chosen/specified citation standard such as e.g. APA or MLA.

The legal standard is recommended for legal work (cf. by way of example: FORSTMOSER, P., OGOREK R., SCHINDLER B., *Juristisches Arbeiten: Eine Anleitung für Studierende* (the latest edition in each case), or according to the recommendations of the Law School).

The reference sources of information (paraphrases, quotations, etc.) that has been taken over literally or in the sense of the original text must be integrated into the text in accordance with the requirements of the citation standard used. Informative and bibliographical notes must be included as footnotes (recommendations and standards e.g. in METZGER, C., *Lern- und Arbeitsstrategien* (latest edition)).

For all written work at the University of St.Gallen, the indication of page numbers is mandatory, regardless of the standard chosen. Where page numbers are missing in sources, the precise designation must be made differently: chapter or section title, section number, article, etc.



## Supplementary aids

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## Examination languages

Question language: English

Answer language: English

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## 2. Examination sub part (2/2)

### Examination time and form

Decentral - Active participation (20%)

Examination time: term time

### Remark

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### Examination-aid rule

Active classroom participation

In the "Active classroom participation" examination form, regular participation in class is assessed.

The assessment criteria can be as follows:

- Requests to speak enrich the discussion (productive) / requests to speak disturb the discussion (counterproductive);
- Requests to speak are correct/requests to speak are incorrect;
- Requests to speak are frequent/average/rare;
- No requests to speak, but students follow the lesson/no requests to speak and students do not noticeably follow the lessons.

## Supplementary aids

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## Examination languages

Question language: English

Answer language: English

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## Examination content

Performance will be assessed on the basis of participation (20%), and final version of the individual work in the form of a research paper of 5000 words to be sent to Prof. Golay by the end of the Spring Semester (80%).

Students will have to send the title of their individual work to Prof. Golay by 24 April 2022. They will then have to send a 500 words summary of their individual work + a bibliography with 5 references to Prof. Golay by 8 May 2022.

## Examination relevant literature

There is no reading as requirement to prepare the research paper for this course.



## Please note

Please note that only this fact sheet and the examination schedule published at the time of bidding are binding and takes precedence over other information, such as information on StudyNet (Canvas), on lecturers' websites and information in lectures etc.

Any references and links to third-party content within the fact sheet are only of a supplementary, informative nature and lie outside the area of responsibility of the University of St.Gallen.

Documents and materials are only relevant for central examinations if they are available by the end of the lecture period (CW21) at the latest. In the case of centrally organised mid-term examinations, the documents and materials up to CW 12 are relevant for testing.

Binding nature of the fact sheets:

- Course information as well as examination date (organised centrally/decentrally) and form of examination: from bidding start in CW 04 (Thursday, 27 January 2022);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 12 (Monday, 21 March 2022);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 12 (Monday, 21 March 2022);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the registration period in CW 15 (Monday, 11 April 2022).