

# ESCR-Justice

## Monthly Caselaw Update



ESCR-NET CASELAW DATABASE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS  
RELATED JURISPRUDENCE, CASES AND OTHER DECISIONS

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### African Commission on Human and Peoples' Rights Issues Decision Against Sudan for ESCR Violations and Further Atrocities in Darfur

**Centre on Housing Rights and Evictions (COHRE) v. Sudan, Communication 296/2005, African Commission on Human and Peoples' Rights, ACHPR/LPROT/COMM/279/03 & 296/05/674.09 (29 July 2009)**

This decision deals with the atrocities in Darfur and looks not only at violations of the right to life and to be free from torture, but also examines violations of economic, social and cultural rights in the context of forced displacement. The significance of this decision is that it includes several advances in the jurisprudence under the African Charter on Human and Peoples' Rights. First, it provides further elaboration on the right to adequate housing including the prohibition on forced eviction. Second, it reaffirms and elaborates on the right to water as an implicit right under the African Charter. It also provides important jurisprudence on the right to water and the right of peoples to their economic, social and cultural development.

Regarding forced eviction, the Commission found that forced evictions in the context of Darfur not only violated the right to adequate housing, but was also a violation of the Article 4 (right to integrity of the person) and Article 5 (prohibition on cruel, inhuman or degrading treatment or punishment). Regarding the right to water, the Commission looked at the obligations to respect and to protect and held that "the destruction of homes, livestock and farms as well as the poisoning of water sources, such as wells", amounted to a violation of Article 16 of the African Charter (right to highest attainable standard of health).

Finally, the African Commission issued an important decision under Article 22 and the right to all peoples to their economic, social and cultural development. The Commission found that "the attacks and forced displacement of Darfuri people denied them the opportunity to engage in economic, social and cultural activities," that "the displacement interfered with the right to education for their children and pursuit of other activities," and that "instead of deploying its resources to address the marginalisation in the Darfur, which was the main cause of the conflict, the Respondent State instead unleashed a punitive military campaign which constituted a massive violation of not only the economic social and cultural rights, but other individual rights of the Darfuri people."

For a **full case summary** and information on the enforcement and other outcomes of this decision, visit the **Caselaw Database** at [www.escr-net.org](http://www.escr-net.org). There you will also find information on groups involved, case documents and secondary literature.

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