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HUMAN RIGHTS COUNCIL
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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

Joint written statement* submitted by Amnesty International (AI), Centre on Housing Rights and Evictions (COHRE), FoodFirst Information and Action Network (FIAN), ActionAid International, International Federation of Human Right Leagues (FIDH), and Baha'i International Community, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2008]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Working Group on OP ICESCR¹

The members of the NGO Coalition for an Optional Protocol to the ICESCR welcome the draft Optional Protocol that has been agreed upon during the last session of the Open-Ended Working Group. While many compromises have been made, we believe that this text is a significant achievement.

We share the view of the High Commissioner on Human Rights that *“The adoption of the optional protocol will truly be a milestone in the history of the universal human rights system. It will mark a high point of the gradual trend towards a greater recognition of the indivisibility and interrelatedness of all human rights”*.

Indeed, the Optional Protocol will finally place economic, social and cultural rights on an equal footing with civil and political rights in terms of international legal protection. It will provide victims of violations of economic, social and cultural rights with an international complaint mechanism, and encourage States to ensure greater protection of these human rights at the national level.

The current draft OP is the result of in-depth discussions during five sessions of the Open-Ended Working Group, on the nature of economic, social and cultural rights, and on the best ways to ensure respect, protection and fulfilment of these rights. The NGO coalition believes the current draft is a significant achievement, which reflects the compromises by all sides. The NGO coalition expresses its appreciation of the work done by the Chairperson of the working group and her tireless efforts to reach a wide consensus on an effective instrument.

This new procedural instrument builds on the experience of the existing communications mechanisms established in similar instruments related to other UN human rights treaties. It covers part II and III of the Covenant, and allows communications from individuals or groups of individuals concerning alleged violations of States’ obligations under the Covenant. The NGO coalition supported a comprehensive approach and the inclusion of Part I. However, we believe that if communications alleging violations of article 1 only will not be admissible, admissible communications will have to be considered in light of all parts of the Covenant including article 1 as human rights are indivisible and interrelated. The draft OP also provides the Committee on Economic, Social and Cultural Rights with the possibility to decide upon interim measures and to carry out inquiries in situations of grave and systematic violations. It also duly takes into account the importance of international assistance and cooperation in the progressive realisation of ESCR.

We urge the members of the Human Rights Council to mark the 60th anniversary of the Universal Declaration of Human Rights by adopting the Optional Protocol, thus clearly demonstrating the strength of their commitment to the interdependence and indivisibility of human rights. This unique opportunity of strengthening the universal human rights system should not be missed.

¹ The Centre for Equality Rights in Accommodation (CERA) and Social Rights Advocacy Centre also share the views expressed in this statement.