

Statement of the NGO Coalition for the OP-ICESCR on 11 May 2015

UN Celebration of the Second Anniversary of the Entry into Force of the OP-ICESCR, NYC

Your Excellencies, High Commissioner Zeid, members of civil society, and other allies in advancing ESCR,

On behalf of the NGO Coalition for the OP-ICESCR, I want to thank the Group of Friends of the OP-ICESCR and OHCHR, particularly the High Commissioner and the Permanent Representatives of Portugal and Uruguay, for their leadership in organizing this third annual event to highlight the importance of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

The NGO Coalition for the Optional Protocol has been grateful to partner with many of you to foster recognition of ESCR and the ratification of the OP-ICESCR. The Coalition is composed of some 300 civil society organizations across more than 70 countries, and has actively engaged in processes leading to the drafting, adoption and growing ratification of the OP-ICESCR. With those present today, we celebrate the 20 ratifications of the OP-ICESCR, the signatures of many more States and the important commitments made today. We are also eager to join the High Commissioner in celebrating recent ratifications of the ICESCR.

By ratifying the ICESCR, 164 countries have embraced obligations to respect, protect and fulfill economic, social and cultural rights based on their maximum available resources and principles of equality and non-discrimination, participation and accountability. The Covenant includes an expectation of international assistance and cooperation and provides a vital framework for any development goals and their implementation.

As already noted, the OP-ICESCR does not create new obligations. Instead the Optional Protocol reinforces that all rights are justiciable, as courts in South Africa, Colombia, and India have long demonstrated by ensuring access to justice and remedy for rights-holders.

Ratification demonstrates a State's commitment to meet their existing obligation to ensure access to justice for violations of human rights. If domestic remedies are non-existent or exhausted, individuals or groups of individuals are able to bring a complaint to the Committee on ESCR. The goal of the Committee is then to clarify existing human rights obligations and to support their realization and implementation, whether through friendly settlement or recommendations.

In this regard, the NGO Coalition echoes the importance of States putting in place mechanisms to implement the recommendations of treaty bodies. These mechanisms would ideally facilitate ongoing dialogue with UN human rights bodies and experts, as well as the participation of affected communities and civil society organizations.

Ultimately, our common goal is ideally to ensure that ESC rights are implemented and translated into meaningful changes for people in each of our countries. The OP-ICESCR is an important mechanism to support these changes. As the NGO Coalition, we call on States—that have not already done so—to urgently advance ratification of the OP-ICESCR and demonstrate their commitment to make real the promise of human rights for all.

Thank you again.