

Item 72 – Human Rights Presentation by Mr. Mikel Mancisidor

Vice-Chairperson of the Committee on Economic, Social and Cultural Rights Intervention on behalf of the Group of Friends to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP ICESCR) 20 October 2015

Mr. Vice- Chair,

I am speaking today on behalf of the Group of Friends to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Our Group, already joined by 16 States (Argentina, Belgium, Bosnia-Herzegovina, Bolivia, Cape Verde, Costa Rica, El Salvador, Ecuador, Finland, France, Italy, Montenegro, Mongolia, Portugal, Spain and Uruguay) has been meeting regularly in New York to advocate for the ratification of the Optional Protocol and to advance economic, social and cultural rights. We will continue to encourage further ratifications and welcome, in this regard, the recent ratifications of France, Italy, Luxembourg and San Marino, already in 2015.

The Protocol has corrected a long-lasting historic imbalance as regards the justiciability and enforceability of economic, social and cultural rights in the context of human rights treaties. Indeed, it has given substance to the assertion that all human rights must be treated on the same footing and with the same emphasis, as set forth in the Vienna Declaration.

Allow me to express our gratitude, Mr. Mancisidor, for your presence at this interactive dialogue and for the opportunity to hear about the work and the major issues of your committee on the promotion and effective implementation of economic, social and cultural rights.

We would be pleased to hear your views on the following topics:

1- The optional protocol enshrines three important and mutually reinforcing protection mechanisms: individual communications, interstate communications and inquiry procedures on grave violations of economic, social and cultural rights. So far, five member states have made acceptance declarations under articles 10 and 11 of the Optional Protocol.

In relation to the individual communications procedure, how can strategic litigation be promoted at national level, including by civil society organizations, in order to strengthen the jurisprudence on economic social and cultural rights (take forward or strengthen?) and bringing cases to the attention of the Committee? How can the Committee best support organizations in building capacity and enhancing collaborative efforts in this regard?

2-In recent recommendations directed at States Parties, the Committee has underlined the adverse impact of austerity measures on ESC rights such as the right to work, social security, housing, health and education. Disadvantaged and marginalized individuals and groups as well as young people have been disproportionately affected by the consequences of the crisis. Also in light of the newly adopted SDG's, what will be the best ways for the committee to engage further with states and civil society in order to promote the adoption of policies that are able to adequately protect the most vulnerable and address existing inequalities? How can the recent statement on social protection floors concretely improve the enjoyment of economic, social and cultural rights by marginalized groups at the national level?

Finally, we call again on all member states to move forward with the ratification of the OP-ICESCR to ensure access to justice for ESC rights. We reaffirm our commitment as the Group of Friends of the Optional Protocol in support of our peers, to continue to work collaboratively towards these efforts.

I thank you, Mr. Vice-Chair.