



02 December 2010

Mr. Max Vuyisile Sisulu

Speaker of the National Assembly
Parliament of South Africa
PO Box 15, Cape Town 8000
Email: speaker@parliament.gov.za

Honourable Sisulu,

Ratification of the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol

We refer to our previous letter to you dated 6 September 2010.

In advance of the sixty-second anniversary of the Universal Declaration of Human Rights and the second anniversary of the unanimous adoption by the United Nations (UN) General Assembly of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 10 December 2010, the Community Law Centre, Black Sash, People's Health Movement South Africa, National Welfare, Social Service and Development Forum, and Global Call to Action against Poverty South Africa urge you to call on the Government to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol and fully implement it without delay.

The ICESCR gives clear direction in respect of the content, adoption and interpretation of domestic laws in the area of economic, social and cultural rights, and establishes international accountability mechanisms which can have significant and progressive impact on the domestic realisation of these rights of citizens, particularly those of vulnerable groups.

The Optional Protocol to the ICESCR creates a mechanism through which individuals and groups, whose human rights such as the rights to adequate housing, food, water, health, work, social security and education have been violated, and who have not been able to achieve justice in their own countries, can present a case before a UN body and seek justice.

We believe that human rights must be central to efforts to reduce poverty and to achieve the Millennium Development Goals (MDG), as also recognized by all UN Member States at the MDG Summit in September 2010 (A/RES/64/299). By ratifying the ICESCR and its Optional Protocol, the government would show that it is willing to be held accountable to people living in poverty.

We also urge you to call on the Government to make a declaration, when South Africa becomes a party to the Optional Protocol, recognizing the competence of the UN Committee on Economic, Social and Cultural Rights to undertake inquiry and interstate procedures under this Protocol.

We urge you to call on the Government to show leadership on this issue. By becoming a party to the ICESCR and its Optional Protocol, the South African government can demonstrate its commitment to protecting human rights and eradicating poverty at home and internationally. This will also send an important signal to other States that it is now time to ensure access to remedies to victims of all forms of human rights violations.

Ratification of the ICESCR will help ensure that jurisprudence on socio-economic rights in South Africa develops in harmony with the normative standards set by the leading international treaty on these rights.

Ratification of the Optional Protocol to the ICESCR is the much needed and concrete step to rectify the gaps in international protection for victims of violations of economic, social and cultural rights. We hope that you will act to strengthen the recognition and implementation of economic, social and cultural rights and access to justice for all victims.

We hope to have the opportunity to continue working with Parliament in support of these treaties and the fulfilment of the socio-economic rights of all in South Africa.

We would be pleased to provide further information and to meet to discuss this issue.

We thank you for your attention to this important matter. We look forward to hearing from you.

Yours sincerely,

The Campaign for South Africa’s Ratification of the ICESCR and its Optional Protocol:

Community Law Centre
 Black Sash
 People’s Health Movement South Africa
 National Welfare, Social Service and Development Forum
 Global Call to Action against Poverty South Africa

Contact person for purposes of responding to our letter or further inquiries:

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Organisations that are currently signed up to the campaign:

Amnesty International South Africa; Black Sash; Centre for Applied Legal Studies, University of the Witwatersrand; Centre for Human Rights, Faculty of Law, University of Pretoria; Centre on Housing Rights and Evictions (COHRE); Citizens’ Advice Bureau, Khayelitsha; Community Development Resource Association (CDRA); Community Law Centre; Foundation for Human Rights; Global Water Foundation; Johannesburg Child Welfare Society; National Council of Women of South Africa; National Welfare Social Service and Development Forum; Nelson Mandela Children’s Fund; People Against Suffering, Suppression, Oppression and Poverty (PASSOP); Peoples’ Health Movement South Africa; Planact; SANGOCO Western Cape (on behalf of the Western Cape Provincial 'Right to Health' task team); South African Council of Churches; South African First Indigenous and Human Rights Organization (SAFIHRO); Treatment Action Campaign; Tshwaranang Legal Advocacy Centre; Unity for Tertiary Refugee Students (UTRS); University of Cape Town School of Public Health; Woman National Coalition.

This letter is copied to:

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