Statement by Mr. Zdzislaw Kedzia
CHAIR OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

68th session of the General Assembly
Third Committee
Item # 69 (a)

22 October 2013
New York
Mr. President,
Distinguished delegates,
Ladies and gentlemen,
Colleagues and Friends from the United Nations system and
from civil society,

It is a pleasure and privilege for me to be here today to inform this august body about the work of the Committee on Economic, Social and Cultural Rights. The invitation to treaty bodies' chairs to address the General Assembly is an important sign of the recognition of the role of played by these bodies in the efforts to make all human rights a reality for all – let me use the language of the Vienna Conference on Human Rights the 20th Anniversary of which the international community celebrates this year. On behalf of our Committee, I look forward to engaging in an interactive dialogue with this Committee, today, and in the future.

In my intervention, I would like to address three points:

**Firstly:** the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,
**Secondly:** current challenges and opportunities faced by the Committee,
**Thirdly:** economic, social and cultural rights and a new development agenda.

*The Protocol*

2013 has witnessed a landmark development in the protection of economic, social and cultural rights – the entry into force of the Optional Protocol to the Covenant last May. The establishment of the communication and other procedures under this instrument reinforces the indivisibility, interdependence, and equal value of civil, cultural, economic, political and social rights. In May of this year, during its Fiftieth Session, the Committee was joined by the High Commissioner for Human Rights, Navi Pillay, the Geneva-based representatives of the Group of Friends of the Optional Protocol and civil society partners, to mark the opening of the new avenues for the international protection of economic, social and cultural rights. The Committee also welcomed a similar New York-based event which followed the same week.

The Protocol allows victims of violations of economic, social and cultural rights to seek justice at the international level. Moreover, the jurisprudence developed in this framework shall provide useful guidance to State Parties and other actors in implementing the Covenant. It is also worth recollecting that the Protocol establishes the possibility of inquiries in the case of “grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant.”

I would like to use this opportunity to wholeheartedly thank the states “Group of Friends”, civil society partners and all those involved for their engagement in the promotion of the Protocol. However, since May, only one State party – Montenegro - has ratified it. This process needs to speed up if the new opportunities should make a difference for both the holders of rights and State Parties. Great inventor, Thomas Edison said that “Opportunity is missed by most people because it is dressed in overalls and looks like work.” Let us believe that the opportunities created by the Optional Protocol will be fully recognized as soon as possible by the State Parties to the Covenant, by rights holders and the civil society. On its part, our Committee looks forward to working with all partners in promoting the ratification of the Covenant and its Optional Protocol. We intend to build on national jurisdictions which have clearly benefited rights holders and on the experience of international courts and treaty bodies who have also dealt with claims linked or related to economic, social, and cultural rights.
Current challenges and opportunities

One of the major challenges faced by our Committee is to match the work-time with the workload, to match available capacities with the increasing tasks, and thus to ensure that the reporting system contributes to a better implementation of the rights under the Covenant and provides more effective assistance to States Parties. Last December, the General Assembly decided to grant the Committee two additional weeks of meeting time for the Committee and an expanded membership of its pre-sessional working group. This was done in response to our request for additional resources and the related decision of ECOSOC (2012/29). The Committee appreciates this short term measure. We are also aware that further solutions are being sought, including through the General Assembly’s Intergovernmental Process on strengthening of the treaty body system. Indeed, enhancing the functionality and effectiveness of the human rights treaty system is vital for State Parties and the rights holders globally. To achieve it, the committees need to be accorded the necessary time, resources and support. Our Committee will continue to count on the Assembly’s increased support as the issues on our agenda are gaining even greater prominence globally and our workload is steadily increasing.

Distinguished Delegates, our Committee is not passively awaiting for additional support. On its own, the Committee has undertaken to adjust and improve its working methods and continues its efforts in this respect. Among others, the Committee reduced, on a trial basis, the meeting time accorded to each State party for consideration of periodic reports. With this measure alone we increased the number of reports considered annually by five or six, depending on the number of initial reports. The dilemma: how to do more with relatively less without compromising the quality of work, the Committee has inter alia addressed by redesigning the role of country rapporteurs, the improved division of responsibilities among the Committee members, and restructuring of the dialogues with Governmental delegations. The time between the sessions is also increasingly used for preparatory work and better coordination.

However, while these steps are expected to prevent the backlog of State Party reports awaiting consideration from growing, they are insufficient to resolve the problem of the existing backlog that amounts to well over forty reports. Let me stress that the backlog is not only a technical term. It means that State Party reports become at least partially outdated by the time of their consideration. Therefore, looking forward to the outcome of the ongoing Intergovernmental Process and taking into account the impact of the revised methods of work and of the already granted extended session time, the Committee will approach the Assembly, through its next report to ECOSOC, with proposals concerning further steps to reduce and ultimately eliminate the backlog. We would also like to emphasize that the extension of the session time under the clause “within the existing resources” is not a fully workable solution, taking into account the limited capacities of the Office of the High Commissioner for Human Rights.

In this context, let me also express the Committee’s sincere appreciation for the efforts made by State Parties to submit comprehensive reports; to respond in a timely fashion to the lists of issues; and to send prominent specialists for the dialogue with the Committee. The Committee also welcomes support offered by civil society and other partners who significantly contribute to awareness raising and dissemination of knowledge about ESCR, as well as to the implementation of the Covenant and follow-up to the Committee’s concluding observations. We, in the Committee, believe that all these efforts make a real difference.

Economic, social and cultural rights and a new development agenda

Allow, me, Mr. President, to focus in the last part of my intervention on the development context of economic social and cultural rights. The High Level meetings and special events at the beginning of the Assembly’s Session, dedicated to achieving the MDGs and the post-MDG agenda
for sustainable development addressed issues at the core of our Committee’s mandate. References to excluded and marginalized groups, including among others persons with disabilities or those in international migration flows, further testified to the disproportionate impact of the economic and financial crisis’ on the situation of those disadvantaged in any way.

As the Assembly has already been informed by my predecessor, Mr. Ariranga Pillay, in 2012, in its letter to States Parties, the Committee outlined requirements that States parties are expected to meet while reacting to the crisis and introducing austerity measures. Let me recall that this letter called on States Parties to ensure that policies dealing with the economic downturn are in line with the obligations to respect, protect and fulfill economic, social and cultural rights. Moreover, it specified that any retrogressive measures during economic emergency might be acceptable only if they are 1) temporary, 2) necessary and proportionate; 3) non-discriminatory and aimed at mitigating inequalities, as well as at ensuring that the rights of the disadvantaged and marginalized individuals and groups are not disproportionately affected, and if they do not interfere with the minimum core content of the economic, social and cultural rights. The Committee hopes that these principles will well serve the Governments in shaping their policies. It continues to closely look at measures adopted by States Parties and encourage them to compile data which can be disaggregated in a way allowing for a meaningful assessment of the impact of various policies and measures, especially on those who are disadvantaged and marginalized.

This brings me to the Post-2015 Agenda which we all hope to spearhead and accelerate a significant global progress, in particular for those who need it most. Understandably, also from the Committee’s perspective, it is crucially important that the Outcome Document adopted at the Special Event on 25 September re-emphasize the central imperative of poverty eradication and commitment to freeing humanity from poverty and hunger as a matter of urgency. I would like to emphasize here that the protection and implementation of economic, social and cultural rights are crucial for a successful achievement of sustainable development goals. They deliver important guidance and internationally agreed assessments criteria to these endeavours. Already in its Open Letter to States Parties of November 2012, the Committee highlighted the link between the post-2015 Agenda for sustainable development and economic, social and cultural rights, the importance of placing the individual and his/her rights at the heart of the debate, and the significance of accountability in the developmental processes. The overall intention of this letter is very well reflected in the words of the SG: “No one must be left behind” which should fuel the process of defining the post-2015 Agenda.

Mister President, Distinguished Delegates,

Thank you for your attention and I look forward to your comments and questions. We count on your further support as we – together – strive to achieve the global enjoyment of economic, social and cultural rights.