

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Argentina: First member of the G20 and MERCOSUR to become party to the new UN Mechanism to enforce Economic, Social and Cultural Rights**

The NGO Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has welcomed Argentina's decision to become a party to the new UN mechanism that will provide access to justice for everyone whose economic, social and cultural rights are violated and who is denied an effective remedy in their own country.

Argentina is the first member of the G20 group of the world's largest economies, and the first member of MERCOSUR, to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural rights. The Optional Protocol will allow individuals and groups within the country to seek justice from the United Nations should these rights – which include the rights to adequate housing, food, water, sanitation, health, work, social security and education – be violated by their government.

The right to an effective remedy, including access to justice, is an essential right for victims of all human rights violations. With the G20 Summit coming up between 3-4 November, we call on other G20 States, and all other States, to follow Argentina's positive example and become a party to the Optional Protocol within the shortest possible time.

The Optional Protocol will enable people, who have been denied their human rights, to have their complaints heard in front of an independent, international panel of experts. The decisions made by this new mechanism are likely to influence decisions of national and regional courts around the world.

The Optional Protocol will establish a vital tool for Argentineans to hold their government accountable for their rights. However, to ensure the widest protection possible, we urge Argentina to make a declaration under this Protocol which would permit the UN Committee to carry out an inquiry in the case of systematic violations of rights and which would allow States to make complaints to the Committee about violations in other countries.

The Optional Protocol is meant to complement Argentina's national institutions, which remain the first place where people should seek justice. The government should also follow through on this commitment by ensuring that national mechanisms, such as the courts, Public Defenders and Ombudsman institutions, have the full capacity and mandate to enforce economic, social and cultural rights.

The Optional Protocol was adopted by the UN General Assembly by consensus on December 10, 2008 and was opened for ratification on September 24, 2009. The complaints mechanism will become operational after 10 countries become parties to the Optional Protocol.

Five countries, including Argentina, have now ratified the Optional Protocol. Thirty four other countries have signed the Optional Protocol, indicating their intention to ratify, but ratification is necessary to make the Optional Protocol legally binding.

The global NGO Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is made up of more than 300 civil society groups around the world]. It has been campaigning for the last seven years for the Optional Protocol and is calling on all governments worldwide to become parties to the Optional Protocol.

## **Background**

In addition to Argentina, Ecuador, El Salvador, Mongolia and Spain have ratified the Optional Protocol. The 34 other countries who have signed the Optional Protocol and need to ratify it are Armenia, Azerbaijan, Belgium, Bolivia, Bosnia and Herzegovina, Cape Verde, Chile, Congo, Costa Rica, Democratic Republic of the Congo, Finland, Gabon, Ghana, Guatemala, Guinea-Bissau, Italy, Kazakhstan, Luxembourg, Madagascar, Maldives, Mali, Montenegro, Netherlands, Paraguay, Portugal, Senegal, Slovakia, Slovenia, Solomon Islands, Timor -Leste, Togo, Ukraine, Uruguay and Venezuela.

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**The NGO Coalition for an Optional Protocol to the ICESCR** is led by a Steering Committee, composed of the following organizations:

Amnesty International  
Centre on Housing Rights and Evictions (COHRE), Switzerland  
Community Law Centre, South Africa  
FoodFirst Information and Action Network (FIAN), Germany  
Inter-American Platform of Human Rights, Democracy and Development (PIDHDD), Paraguay  
International Commission of Jurists (ICJ), Switzerland  
International Federation for Human Rights (FIDH), France  
International Network for Economic, Social and Cultural Rights (ESCR-Net), United States  
International Women's Rights Action Watch - Asia Pacific (IWRAW Asia Pacific), Malaysia  
Social Rights Advocacy Center (SRAC),Canada