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SOUTH AFRICA TO RATIFY INTERNATIONAL SOCIO-ECONOMIC RIGHTS COVENANT

South African Human Rights Groups welcome Cabinet's approval of South Africa's ratification of the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR)

Almost eighteen years after the South African government signed the ICESCR, Cabinet has approved that South Africa will ratify the ICESCR. This important decision to ratify, which means that the ICESCR will be legally binding, was included in a statement issued yesterday on Cabinet's ordinary meeting held in Pretoria on 10 October 2012. The Cabinet statement describes how the ICESCR is a "key international treaty which seeks to encourage State Parties to address challenges of inequality, unemployment and poverty, which are critical to the strategic goals of governments."

The ICESCR, together with the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration on Human Rights, constitutes the International Bill of Rights. The ICESCR has been ratified by over 160 states since it was adopted in 1966, 48 of which are African states and 11 of which are member states of SADC. South Africa ratified the ICCPR in 1998, and its current ratification of the ICESCR will unambiguously signal its commitment to be legally bound by the full range of human rights recognised under international law. In its statement, Cabinet indicates that the recommendation to ratify the ICESCR will be tabled in Parliament for ratification in line with Section 231(2) of the South African Constitution.

Civil society organisations have been calling for many years for the South African government to ratify the ICESCR (and its Optional Protocol, which creates an individual complaints mechanism). The Community Law Centre (CLC), Socio-Economic Rights Institute of SA (SERI), Black Sash, People's Health Movement South Africa, National Welfare Forum, Global Call to Action against Poverty South Africa (GCAP-SA) and the Studies in Poverty and Inequality Institute (SPII) see this as a great opportunity to ensure that South Africa's jurisprudence on socio-economic rights develops in harmony with the normative standards set by the leading international treaty on these rights.

According to Jackie Dugard, executive director at the Socio-Economic Rights Institute of SA (SERI), "although this is a momentous and long-awaited decision, South Africa has for a while subscribed to the norms and standards contained in the ICESCR as it has ratified the African Charter on Human and People's Rights of 1981, which echoes many of the socio-economic rights contained in the ICESCR. It has also included justiciable socio-economic rights in the Bill of Rights in the South African Constitution.

Prof Lilian Chenwi, associate professor at the Wits School of Law, states that "given the role played by the international community and international human rights law in the struggle against apartheid, ratification of the ICESCR will fulfil South Africa's express desire 'to take its rightful place as a sovereign state in the family of nations', which is recognised in the Preamble to its Constitution."

Rajesh Latchman, of the National Welfare Forum, states: "This move to ratify the ICESCR is an important step towards creating a harmonious roadmap for the realisation of socio-economic rights for all in SA, and it is about time too."

While ratification of the ICESCR is significant, the ICESCR Ratification Campaign Driver Group encourages South Africa to also ratify the Optional Protocol to the ICESCR (OP-ICESCR). The

Optional Protocol is an extra treaty that promotes a culture of accountability around the ICESCR, empowering vulnerable and marginalised groups to lodge individual complaints at the international level regarding violations of their socio-economic rights. The Optional Protocol is yet to come into force, as it requires 10 states to ratify it and, at present, only 8 states have done so.

It is hoped that the South African government will table the recommendation to ratify the ICESCR before Parliament and submit its accession instrument to the United Nations without any further delay, and also ratify the Optional Protocol to concretise South Africa's commitment to human rights and to bring this important international human rights instrument to life.

Issued by the ICESCR Ratification Campaign Driver Group which comprises:

Black Sash

Community Law Centre (CLC), University of the Western Cape

Global Call to Action against Poverty South Africa (GCAP-SA)

National Welfare Forum

People's Health Movement South Africa

Socio-Economic Rights Institute of SA (SERI)

Studies in Poverty and Inequality Institute (SPII)

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