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INTERVENTO DELLA SANTA SEDE ALL'8a SESSIONE DEL CONSIGLIO DEI DIRITTI UMANI A GINEVRA

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Il 4 giugno scorso, in occasione della 8a Sessione del Consiglio dei Diritti Umani, S.E. Mons. Silvano Maria Tomasi, Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite a Ginevra, ha pronunciato un intervento in merito al Rapporto del Gruppo di Lavoro su un nuovo Protocollo Opzionale al Patto Internazionale sui Diritti Economici, Sociali e Culturali (ICESCR). Ne riportiamo di seguito il testo:

• INTERVENTO DI S.E. MONS. SILVANO M. TOMASI

Mr. President,

The Delegation of the Holy See associates itself with previous speakers to thank the Chairperson of the Open-ended Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Catarina de Albuquerque for her efforts and firmness to carry out her work.

In the fight against poverty, especially extreme poverty, the international community has set for itself specific objectives like the *Millennium Development Goals*, which are an important road leading to a more universal development. The various "instruments of the United Nations and its specialized agencies concerning the *integral development* of the human being, economic and social progress and development of all peoples" (*Declaration on the Right to Development*, Res. 41/128 of 4 December of 1986, Preamble, 5) sustain, in fact, a culture of justice and global solidarity.

The ICESCR serves as a major framework for the achievement of these goals. The steps that have been taken to increase its effectiveness through new mechanisms are a sign of the continue determination to look at the implementation of all human rights in a balanced way.

The universal value of human dignity requires the promotion and protection of all human rights without distinction of any kind. The new Optional Protocol of the ICESCR, therefore, represents a positive step towards a fair social and international order.

Historically economic, social and cultural rights were considered too vague to be justiciable and a base for an individual complaint procedure. In a way they were looked at as second-rate human rights. Now the text presented at the 8th Session of the *Human Rights Council*, is a good compromise. The new Optional Protocol, through an Inquiry and Communication system, gives the possibility to individuals and groups to seek justice from violations, and it reinforces existing mechanisms for an effective monitoring of the activity of States.

The experience of other *Treaty bodies* shows that these procedures can help to clarify and implement the normative content of a particular provision; to lead monitoring systems to a more focused and disciplined legal approach; to concentrate on a concrete violation of human rights, keeping in mind that coherence is needed to avoid their fragmentation.

While different approaches to human rights can emerge, in the light of the "inherent dignity and of the equal and inalienable rights of all members of the human family" (UDHR, Preamble, 1) it would be possible to arrive at a fair agreement. In this way, differences should open the way to a more dynamic recognition, promotion and protection of human rights and not stifle their universal implementation. In this connection, there is a need to adopt a comprehensive and holistic approach under which all human rights would be covered and reservations should not be permitted.

Mr. President,

The new Protocol will fill a gap in the international human rights system. However, our work is not finished until every person will enjoy the right "to a standard of living adequate for the health and well being of himself and of his family" (UDHR, article 25).

Thank You, Mr. President.

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