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ICJ and NGO Coalition Welcome Historic Decision: Economic, Social and Cultural Rights on Track to have an Equal Footing with Other International Human Rights Law

19 June 2008

The United Nations Human Rights Council yesterday approved by consensus an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). The momentous decision today by the Human Rights Council brings one step closer the possibility of an international remedy mechanism for violations of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Optional Protocol is the result of several decades of work by governments, civil society, experts and the UN human rights bodies to remedy a long-term gap in human rights protection under the international system. The ICESCR is among the only major human rights treaties to lack a petition mechanism. An inter-governmental Working Group has deliberated on the scope and content of the draft Optional Protocol since 2004.

The Optional Protocol adopted by Council today includes a number of provisions, including the following:

-States Parties to the Covenant joining the Protocol recognize the competence of the UN Committee on Economic, Social and Cultural Rights to receive and consider communications alleging violations of the economic, social and cultural rights set forth in the Covenant.

-The Protocol provides for the possibility of so-called "interim measures" by providing that the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures to avoid possible irreparable damage to the victims of the alleged violations.

-The Protocol also creates an inquiry procedure, setting out that if the Committee receives reliable information indicating grave or systematic violations of the Covenant, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned. The inquiry may include a visit to the territory of the State Party concerned.

-The Protocol requires that States take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the Protocol.

The adoption of the Protocol by the UN Human Rights Council brings the possibility of international justice one step closer for millions of excluded people, groups, communities and peoples worldwide. The ICJ and the NGO coalition welcome this achievement, and urge for its speedy adoption by the UN General Assembly this year.

Further information on the Optional Protocol is available at: <http://www.opicescr-coalition.org/>

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