

# Optional Protocol Frequently Asked Questions

## What does the Optional Protocol do?

- **It gives the** UN Committee on Economic, Social and Cultural Rights the authority to receive and consider communications alleging violations of the rights in the ICESCR from individuals or groups in countries that have ratified the Protocol.
- The Committee can request a country to take interim measures to avoid possible irreparable damage to the alleged victims
- If the Committee receives information of grave and systematic violations, it can ask the country to cooperate with their examination including a possible visit.
- The Committee will look at how **reasonable** the steps taken by the country have been in addressing the issue

## How is this relevant to Irish issues?

The Optional Protocol would allow complaints and investigations to be made in the following examples of violations of economic, social and cultural rights in Ireland:

- Mental health especially overuse of institutional psychiatric care
- Inadequacy of minimum wage and welfare payments
- Lack of human rights in National Anti-Poverty Strategy
- Lack of adequate and affordable housing
- Traveller accommodation
- Discrimination and inequality in healthcare including lack of common waiting list
- Special Educational Needs provision

## What conditions must be met to use the Optional Protocol?

### In order to use the Optional Protocol a complaint by an individual or group:

- Must have exhausted all domestic legal remedies, unless unreasonably prolonged
- Must be within one year of exhaustion of remedies
- Must have occurred after OPCESCR entered in to force (not historical violations)
- Must not be being examined by another international mechanism e.g. European Court of Human Rights
- Must not be anonymous
- Must not be ill-founded, unsubstantiated or only based on media reports
- Must show that a disadvantage has been suffered

## What is the timetable of events?

- The text of the Optional Protocol was adopted by UN General Assembly on 10 December 2008
- It will be open for signature 24 September 2009
- It will officially come into effect 3 months after the 10<sup>th</sup> country has ratified it.
- In order for the Optional Protocol to come into effect, Ireland must both sign and ratify the instrument. This can be done at the same time or separately.

For more information or to join in the international campaign for ratification of the Optional Protocol log onto [www.protectallhumanrights.org](http://www.protectallhumanrights.org).