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Senator The Honourable George Brandis QC
Attorney General
Sent via email: senator.brandis@aph.gov.au

The Honourable Julie Bishop MP
Minister for Foreign Affairs
Sent via email: Julie.Bishop.MP@aph.gov.au

5th May 2014

Dear Senator,

Ratification of the Optional Protocol to the ICESCR

The 5th of May 2014 will mark the first anniversary of the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

At a time when the protection of economic, social and cultural rights has never been more important, we call on Australia to become Party to the Optional Protocol, which was unanimously adopted by the General Assembly of the United Nations in September 2009 and to date has 45 signatories and 13 State Parties.

We call on the Australian government to show leadership on this issue. By becoming a Party to the Optional Protocol, the government can demonstrate a commitment to its own policies such as "Closing the Gap" and to protecting human rights and eradicating poverty at home and internationally. This would also send an important signal to other States in our region that it is now time to ensure access to remedies for victims of all forms of human rights violations.

The Optional Protocol created a mechanism through which individual groups, whose rights – e.g. the rights to adequate housing, food, water, health, work, social security and education – have been violated and who have not been able to achieve justice in their own countries, can apply to the UN for assistance in finding a resolution. As with other treaty complaints mechanisms, domestic remedies must first have been exhausted.

We urge Australia to become a Party and to take all necessary steps to fully implement the Optional Protocol without delay. We also urge the government to make a declaration at the time of ratification or accession recognizing the competence of the Committee on Economic, Social and Cultural Rights to undertake inquiry and inter-State procedures under this Optional Protocol.

The Optional Protocol is a much needed and concrete step towards rectifying the gaps in international protections for victims of violations of economic, social and cultural rights. We hope that Australia will act to strengthen the recognition and implementation of these rights and access to justice for all victims by becoming a Party to the Optional Protocol.

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