
Fact Sheet No. 12

How did we get to this point?: Historical milestones

1990 The Committee on Economic, Social, and Cultural Rights started discussing the possibility of drafting an Optional Protocol to the ICESCR.

1993 The World Conference on Human Rights adopted the Vienna Declaration and Programme of Action (UN document [A/Conf.157/23](#)). The Declaration reaffirmed that “all human rights are universal, indivisible and interdependent and interrelated” and went on to declare that “the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis”.

Moreover, the document encouraged “the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights”.

1996 The Committee on ESCR finalized a draft Optional Protocol that was presented for consideration to the Commission on Human Rights in 1997 (UN document [E/CN.4/1997/105](#)). In its decision 1997/104 of 3 April 1997 the Commission on Human Rights requested the Secretary-General to transmit the text of the draft optional to Governments and intergovernmental and non-governmental organizations for their comments for submission to the Commission on Human Rights. Only a handful of Governments submitted their comments.

2001 The UN High Commissioner for Human Rights organizes, in cooperation with the International Commission of Jurists, a two-day workshop on the justiciability of ESCR with particular reference to an Optional Protocol to the ICESCR (the report on the workshop is contained in UN document [E/CN.4/2001/62/Add.2](#)). The same year the Commission on Human Rights decided to nominate an Independent Expert on the question of a draft Optional Protocol to the ICESCR (Commission on Human Rights [resolution 2001/30](#)).

2002 Mr. Kotrane, the Independent Expert, submitted his first report declaring himself in favor of the adoption of an Optional Protocol to the ICESCR (UN document [E/CN.4/2002/57](#)). The Commission on Human Rights renewed his mandate to allow him to study in greater depth the nature and the scope of States parties obligations under the ICESCR, the question of the justiciability of ESCR, and finally the question of the benefits and practicability of a complaint mechanism under the ICESCR and the issue of complementarity between different mechanisms (Commission on Human Rights [resolution 2002/24](#)). The Commission also decided that a working group “with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights” would be established in 1993.