What do the Signing and Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights Bring Us?
The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (hereinafter: Covenant) was adopted on 10 December 2008 at the LXIII session of the United Nations General Assembly - on the day of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights. The adoption of the Optional Protocol represents a historic milestone in the UN human rights system. Specifically, it equated the status of the groups or individuals submitting communications concerning violations of economic, social and cultural rights with the status of those submitting communications concerning violations of civil and political rights.

This document is primarily important in that it allows individuals or groups to submit communications to the United Nations Committee on Economic, Social and Cultural Rights, the expert body responsible for monitoring the implementation of the Covenant. Individuals or groups can submit communications when they consider that their Covenant enshrined rights have been violated and they have exhausted all available domestic remedies without adequate satisfaction, or when domestic remedies are ineffective. By ratifying the Optional Protocol, States Parties also recognize the competence of the Committee in cases when it is unable to take a decision on the merits in a manner that will timely remove the immediate damage, to transmit communications requesting States Parties to take interim measures to avoid irreparable damage.

Since 5 May 2013, when the Protocol entered into force, 50 countries have signed and 26 have ratified it. The number of countries ratifying this international agreement is constantly growing. Countries, i.e. residents of the States Parties to the Optional Protocol, such as Spain\(^1\), Ecuador\(^2\) and Italy\(^3\), have already experienced the benefits of ratifying this document because they have exercised their rights which they could not have exercised using national mechanisms for the protection of economic and social rights. Considering the data from the annual reports of the Protector of Citizens and the Commissioner for the Protection of Equality, which state that the largest number of appeals to these institutions refer to economic and social rights, the Optional Protocol would be extremely useful to individuals in the Republic of Serbia.

While the ratification of the Optional Protocol provides an opportunity for all citizens of the Republic of Serbia to protect their rights when they fail to obtain protection before national authorities, it also represent a mechanism that can further normatively improve the protection of economic, social and cultural rights in the Republic of Serbia and improve the work of institutions, national judicial and administrative bodies responsible for the protection of the human rights.

By ratifying the Optional Protocol, the Republic of Serbia would provide its citizens with access to at least one international mechanism for the protection of economic and social rights and make a major stride towards the progressive realization of the rights enshrined in the Covenant.

This document was prepared within the programme “Active Citizens – Better Society: Advocating for Cooperation and Dem-
cratic Development”, implemented by BOS with the support of the American people through US Agency for International Development (USAID). The content of the documents is the sole responsibility of the A II- Initiative for Economic and Social Rights and does not necessarily reflect the views of the USAID, US Government or BOS.