



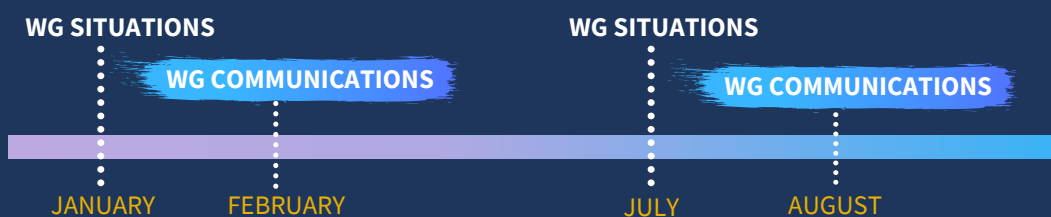
# UNITED NATIONS HUMAN RIGHTS COUNCIL

## COMPLAINT PROCEDURE OF THE HUMAN RIGHTS COUNCIL

The Complaint Procedure addresses consistent patterns of gross and reliably attested violations of all human rights and fundamental freedoms occurring in any part of the world and under any circumstances (Human Rights Council resolution 5/1 of 18 June 2007). It is based on the 1503 procedure of the former Commission of Human Rights, which has been revised to ensure that the procedure is impartial, objective, efficient, victim-oriented and conducted in a timely manner.

Two distinct working groups – the Working Group on Communications and the Working Group on Situations – are responsible, respectively, for examining written communications and bringing consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms to the attention of the Council. The Complaint Procedure of the Human Rights Council is the only universal complaint procedure addressing all human rights and all fundamental freedoms in all United Nations Member States. It is confidential, with a view to enhance cooperation with the State concerned.

### TIMELINE



# COMPLAINT PROCEDURE

## UNIVERSALITY

The only universal complaint procedure addressing all human rights and all fundamental freedoms in all United Nations Member States

A complaint can be submitted against any of the 193 Member States, irrespective of whether the country has ratified any particular treaty or made reservations under a particular instrument



## CONFIDENTIALITY & VICTIM-ORIENTED APPROACH

Confidentiality enhances State cooperation with both working groups of the Complaint Procedure

Impartial, objective, efficient, victim-oriented approach, & conducted in a timely manner

## ACHIEVEMENTS

Increased synergy with national, regional & international human rights mechanisms

Measures taken by States to redress allegations of consistent patterns of gross human rights violations:

- independent investigations
- aligning policies and legislation with international human rights standards
- release of detainees and political opponents
- reduced prison sentences
- reparation granted to victims of human rights violations
- abolition of death penalty for juvenile offenders
- prohibition of deprivation of nationality to avoid statelessness
- reinstatement of workers



## STATISTICS

Up to 15,000 communications are submitted to the Complaint Procedure each year:

**90%** by individuals/group of persons

**10%** by NGOs

90-100% replies submitted by States under review

READ MORE AT [WWW.OHCHR.ORG/HRC/CP](http://WWW.OHCHR.ORG/HRC/CP)

# Complaint Procedure

HRC resolution 5/1 (paras 85 & 86)

## INITIAL SCREENING OF COMPLAINTS

Done by the Chairperson of the Working Group on Communications together with the Secretariat

Complaints meeting admissibility criteria (see p. 4) are transmitted to the States concerned to obtain their views on the alleged violations

## WORKING GROUP ON SITUATIONS

Five representatives of Human Rights Council Member States appointed by each regional group to serve in their personal capacity

Possible outcomes of consideration of a complaint:

- discontinue consideration
- keep under review & request additional information from the State concerned and / or complainant
- transmit to the Council if it reveals pattern of gross and reliably attested violations of human rights and fundamental freedoms



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## STEP

# 1

## WORKING GROUP ON COMMUNICATIONS

Five independent experts - members of the Human Rights Council Advisory Committee - one from each regional group

Possible outcomes of consideration of a complaint:

- discontinue consideration
- keep under review & request further information from the State concerned and / or complainant
- transmit to the Working Group on Situations

## STEP

# 2

## HUMAN RIGHTS COUNCIL

Possible outcomes of consideration of a complaint:

- discontinue consideration
- keep under review & request further information
- keep under review & appoint an independent highly qualified expert to monitor the situation and to report back to the Council in closed meetings
- discontinue reviewing the matter under confidential complaint procedure in order to take up public consideration
- recommend OHCHR to provide technical cooperation, capacity building assistance or advisory services to the State concerned

## STEP

# 3

## STEP

# 4

Factual description of alleged violations including rights violated

Author : any person/group acting in good faith, not politically motivated, with direct and reliable knowledge of violations accompanied by clear evidence

The complainant may make a request for confidentiality of some information, but the complaint must not be anonymous

Not manifestly politically motivated & object consistent with Universal Declaration of Human Rights and UN Charter

## Admissibility Criteria

Language is not abusive & the complaint is not exclusively based on media reports

Domestic remedies are exhausted - unless ineffective or unreasonably prolonged

Does not refer to a consistent pattern of violations already being dealt with by a special procedure, a treaty body or other UN or similar regional complaints procedure in the field of human rights