

IV. HUMAN RIGHTS TREATY BODIES



Human rights treaty bodies at a glance

What are they?

The **human rights treaty bodies** are the committees of independent experts that monitor the implementation of the United Nations human rights treaties by States parties. They do this by reviewing reports submitted periodically by States parties on steps taken to implement treaty provisions. Most human rights treaty bodies are competent to receive and consider individual complaints, while several may conduct inquiries. One, the **Subcommittee on Prevention of Torture**, is mandated to conduct visits to places where persons may be

deprived of their liberty in order to prevent torture.

How do they work?

In addition to its obligation to implement the substantive provisions of the treaties to which it is a party, each State party is required to submit regular reports on how it has implemented treaty provisions. The relevant human rights treaty body considers these reports in the presence of a delegation of the State party and in the light of all information, including further written information provided by the State party, as well as information provided orally during the

consideration of the report. The committees also receive information from United Nations agencies, national human rights institutions (NHRIs) and civil society actors, in particular non-governmental organizations (NGOs), professional associations and academic institutions.

Based on this process, human rights treaty bodies adopt what are generally known as “concluding observations”, which refer to the positive aspects of a State’s implementation of the treaty and the areas where the treaty body recommends the State to take further action.

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<http://www.ohchr.org/civilsocietyhandbook/>

There you will find the Handbook’s chapters available for download, as well as links to all the references contained in the publication.

In addition to considering States parties' reports, treaty bodies exercise other functions to strengthen the implementation of treaties:

- The **Human Rights Committee**, the **Committee on the Elimination of Racial Discrimination**, the **Committee against Torture**, the **Committee on the Elimination of Discrimination against Women**, the **Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families**, the **Committee on the Rights of Persons with Disabilities**, and the Committee on Enforced Disappearances (by September 2008, not yet established) may consider complaints or communications from individuals (or groups of individuals in the case of the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the

Committee on the Rights of Persons with Disabilities) who claim their rights have been violated by a State party. When it enters into force, the Optional Protocol to the **International Covenant on Economic, Social and Cultural Rights** will also allow for individual complaints. Within these complaint mechanisms, treaty bodies can adopt interim measures in urgent cases to preserve a situation until they can make a final decision on the matter.

- The Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances may initiate inquiries if they have received reliable information containing well-founded indications of serious, grave or systematic violations of the treaties in a State party.
- The Committee on the Elimination of Racial

Discrimination, the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers have procedures for addressing either inter-State complaints or disputes; and

- The Committee on the Elimination of Racial Discrimination has developed procedures relating to early warning measures and urgent action.

Human rights treaty bodies also adopt general comments and convene thematic discussions on a particular subject to provide substantive guidance on implementation.

How to access and work with the human rights treaty bodies

Working with human rights treaty bodies has proved to be an effective way for civil society to contribute to the implementation of human



rights and the development of human rights measures.

There are a number of ways in which civil society can engage with the human rights treaty bodies system, while taking into account the specific arrangements of each treaty body, for instance:

- Promoting the ratification of a treaty;
- Monitoring compliance by States parties with their reporting obligations;
- Submitting written information and material to human rights treaty bodies, including through written reports;

- Depending on the rules of each human rights treaty body, participating in human rights treaty body sessions as observers or through oral submissions;
- Following up on human rights treaty bodies' concluding observations;
- Submitting an individual complaint to human rights treaty bodies (Human Rights Committee, Committee on the Elimination of Discrimination against Women, Committee against Torture, Committee on the Elimination of Racial

- Discrimination, and Committee on Migrant Workers);
- Providing information to generate confidential inquiries (Committee against Torture and Committee on the Elimination of Discrimination against Women);
 - Providing information for early warning and urgent procedures (Committee on the Elimination of Racial Discrimination); and
 - Making submissions to the annual inter-committee of the human rights treaty bodies.



Contacting the human rights treaty bodies

All the committees can be contacted through the Office of the United Nations High Commissioner for Human Rights in Geneva at:

[Name of the committee]

c/o Office of the United Nations High Commissioner for Human Rights
 Palais des Nations
 8-14, avenue de la Paix
 CH-1211 Geneva 10 - Switzerland
 Fax: +41 (0)22 917 90 29

A. What are the human rights treaty bodies?

The nine international human rights treaties monitored by the human rights treaty bodies create legal obligations for States to promote and protect human rights. When a State accepts a human rights treaty through ratification⁵ or accession,⁶ it becomes a State party to that treaty and assumes the legal obligation to implement the rights set out in it.⁷ The treaties provide for the creation of **international committees of independent experts** (human rights treaty bodies) to monitor the implementation of their provisions in those countries that have ratified or acceded to them.⁸

The United Nations treaty body system plays a pivotal role in strengthening the protection of human rights nationally. The primary mandate, common to all human rights treaty bodies, is to **monitor the implementation of the relevant treaty** by reviewing the reports submitted periodically by States parties.

By September 2008, there were nine human rights treaty bodies:

- The **Human Rights Committee**, which monitors the implementation of the **International Covenant on Civil and Political Rights** (1966) and its Optional Protocols;
- The **Committee on Economic, Social and Cultural Rights**, which monitors the implementation of the **International Covenant on Economic, Social and Cultural Rights** (1966);
- The **Committee on the Elimination of Racial Discrimination**, which monitors the implementation of the **International Convention on the Elimination of All Forms of Racial Discrimination** (1965);

⁵ Ratification, acceptance and approval all refer to the act whereby a State establishes its consent to be bound by a treaty. As a step preceding ratification, the signature of a treaty also creates an obligation on a State, in the period between signature and ratification, acceptance or approval, to refrain in good faith from acts that would defeat the object and purpose of the given treaty (see article 18 of the 1969 **Vienna Convention of the Law of Treaties**).

⁶ Accession is the act whereby a State that has not signed a treaty expresses its consent to become a party to that treaty by depositing an “instrument of accession” with the United Nations Secretary-General. Accession has the same legal effect as ratification, acceptance or approval.

⁷ Save for provisions of the treaty against which the State has entered a reservation. A reservation is a statement made by a State by which it purports to exclude or alter the legal effect of certain provisions of a treaty in their application to that State. A reservation may enable a State to participate in a multilateral treaty that it would otherwise be unable or unwilling to participate in. States can make reservations to a treaty when they sign, ratify, accept, approve or accede to it. Reservations cannot be contrary to the object and purpose of the treaty.

⁸ The International Covenant on Economic, Social and Cultural Rights does not explicitly provide for the creation of a treaty body, but gives the Economic and Social Council (ECOSOC) a general mandate to monitor its implementation. In 1985, a sessional working group established by ECOSOC to assist in the consideration of States parties’ reports was reconstituted on the model of the treaty bodies and renamed the “Committee on Economic, Social and Cultural Rights” (ECOSOC resolution 1985/17). The Committee, which first met in 1987, is regarded as a treaty body.

- The **Committee on the Elimination of Discrimination against Women**, which monitors the implementation of the **Convention on the Elimination of All Forms of Discrimination against Women** (1979);
- The **Committee against Torture**, which monitors the implementation of the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (1984);
- The **Subcommittee on Prevention of Torture**, created by the **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (2002);
- The **Committee on the Rights of the Child**, which monitors the implementation of the **Convention on the Rights of the Child** (1989) and its Optional Protocols;
- The **Committee on Migrant Workers**, which monitors the implementation of the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (1990); and
- The **Committee on the Rights of Persons with Disabilities**, which monitors the implementation of the **Convention on the Rights of Persons with Disabilities** (2006).⁹

A tenth human rights treaty body, the **Committee on Enforced Disappearances**, will be established once the **International Convention for the Protection of All Persons from Enforced Disappearance** (2006) enters into force.¹⁰

As indicated above, some treaties are supplemented by **optional protocols**, which States parties to the treaty may ratify.¹¹ Optional protocols provide further substantive rights or include further monitoring procedures. There are seven optional protocols to international human rights treaties:

- The **Optional Protocol to the International Covenant on Civil and Political Rights**;
- The **Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty**;
- The **Optional Protocol to the Convention on the Elimination of Discrimination against Women**;

⁹ Ratification of and accession to human rights treaties by States has increased significantly in recent years. By 30 September 2008, there were: 162 States parties to the International Covenant on Civil and Political Rights; 159 to the International Covenant on Economic, Social and Cultural Rights; 173 to the International Convention on the Elimination of All Forms of Racial Discrimination; 185 to the Convention on the Elimination of All Forms of Discrimination against Women; 145 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 193 to the Convention on the Rights of the Child; 39 to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and 40 to the Convention on the Rights of Persons with Disabilities.

¹⁰ By 30 September 2008, there were five States parties to the International Convention for the Protection of All Persons from Enforced Disappearance. The treaty will enter into force once it has been ratified or acceded to by 20 States.

¹¹ A State may ratify the Optional Protocols to the Convention on the Rights of the Child if it is a signatory to the Convention but has not ratified or acceded to it.

- The **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**;
- The **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**;
- The **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**; and
- The **Optional Protocol to the Convention on the Rights of Persons with Disabilities**.¹²

The Human Rights Council adopted the Optional Protocol to the **International Covenant on Economic, Social and Cultural Rights** on 18 June 2008.¹³

Committees consist of 10 to 23 independent experts with recognized competence in the field of human rights. They are nominated and elected by States parties for fixed, renewable terms of four years. The more recent treaties limit the number of terms a treaty body member may have to two.

All human rights treaty bodies are serviced by the Treaties and Follow-up Unit of the **Human Rights Treaties Branch** of the **Office of the United Nations High Commissioner for Human Rights** (OHCHR), which receives submissions, reports and correspondence for the treaty bodies, prepares reports, carries out research, provides technical cooperation, guidance and advice to States parties, organizes meetings and undertakes any other logistical work required by the treaty bodies.

The sessions of all of the treaty bodies are held in Geneva or New York¹⁴ (in Geneva, usually at the main OHCHR building—Palais Wilson—but also on occasion at Palais des Nations). OHCHR is working to ensure the accessibility of its meeting rooms, documents and technology so that experts, delegates, and civil society representatives with disabilities are able to engage in the work of the treaty bodies.

¹² By 30 September 2008, there were: 111 States parties to the Optional Protocol to the International Covenant on Civil and Political Rights; 68 to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; 92 to the Optional Protocol to the Convention on the Elimination of Discrimination against Women; 123 to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; 129 to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; 35 to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and 24 to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

¹³ The General Assembly is also expected to adopt it in 2008.

¹⁴ The Human Rights Committee's March ("spring") sessions take place in New York; sessions of the Committee on the Elimination of Discrimination against Women take place in both New York and Geneva.

THE HUMAN RIGHTS TREATY BODY SYSTEM		
Human rights treaty body	Founding treaty	Optional protocol(s) to founding treaty
Human Rights Committee , established in 1977	International Covenant on Civil and Political Rights (ICCPR) , adopted in 1966	Optional Protocol to the International Covenant on Civil and Political Rights (which allows for individual complaints), adopted in 1966 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty , adopted in 1989
Committee on Economic, Social and Cultural Rights , established in 1985	International Covenant on Economic, Social and Cultural Rights (ICESCR) , adopted in 1966	The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was adopted by the Human Rights Council in June 2008. Expected to be adopted by the General Assembly in 2008, the Optional Protocol will allow for individual complaints once it has entered into force.
Committee on the Elimination of Racial Discrimination , established in 1970	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) , adopted in 1965	No optional protocol
Committee on the Elimination of Discrimination against Women , established in 1982	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) , adopted in 1979	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (which allows for individual complaints and inquiries), adopted in 1999
Committee against Torture , established in 1987	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) , adopted in 1984	See next box



Human rights treaty body	Founding treaty	Optional protocol(s) to founding treaty
Subcommittee on Prevention of Torture , established in 2006	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (which establishes national and international monitoring mechanisms), adopted in 2002	
Committee on the Rights of the Child , established in 1991	Convention on the Rights of the Child (CRC) , adopted in 1989	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict , adopted in 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography , adopted in 2000
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families , established in 2004	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) , adopted in 1990	No optional protocol
Committee on the Rights of Persons with Disabilities , established in 2008	Convention on the Rights of Persons with Disabilities , adopted in 2006	Optional Protocol to the Convention on the Rights of Persons with Disabilities (which allows for individual complaints), adopted in 2006
Committee on Enforced Disappearances (by September 2008, not yet established)	International Convention for the Protection of All Persons from Enforced Disappearance , adopted in 2006 (by September 2008, not yet in force)	No optional protocol



OHCHR information on the human rights treaty bodies

More information about international human rights treaties and the human rights treaty bodies is available on the **OHCHR website** and in the following OHCHR **fact sheets**:

- **No. 10 (Rev.1): The Rights of the Child**
- **No. 12: The Committee on the Elimination of Racial Discrimination**
- **No. 15 (Rev.1): Civil and Political Rights: The Human Rights Committee**
- **No. 16 (Rev.1): The Committee on Economic, Social and Cultural Rights**
- **No. 17: The Committee against Torture**
- **No. 22: Discrimination against Women: The Convention and the Committee**
- **No. 24 (Rev.1): The International Convention on Migrant Workers and its Committee**
- **No. 30: The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies; and**
- **No. 7 (Rev.1): Complaint Procedures.**

Please visit the OHCHR website for a current list of OHCHR fact sheets.

To learn more about State party reporting, see the *Report on the working methods of the human rights treaty bodies relating to the State party reporting process* (HRI/MC/2008/4).

B. How do the human rights treaty bodies work?

The human rights treaty bodies perform a number of functions to monitor how States parties implement treaties. Although they coordinate their activities, their procedures and practices differ. Some of the key differences relevant to the work of civil society are set out in the annex at the end of this chapter.

1. State party reporting obligations

Once a State has ratified or acceded to a treaty, in addition to its obligation to implement the substantive provisions of the treaty, it assumes the obligation to submit **periodic reports** to the relevant committee concerning the measures taken towards implementation. The reports must set out the legal, administrative, judicial and other measures that the State has adopted to implement the treaty provisions and provide information on the difficulties it has encountered. These reports are ultimately examined by the relevant committee in the presence of a delegation representing the State.

An **initial report** is usually required one to two years after the entry into force of the treaty in the State concerned. The periodicity of subsequent reports varies from two to five years depending on the treaty provisions and the decisions taken by the committees. Several

committees accept combined reports, meaning that a State party may submit two or more of its periodic reports due to a given committee in one combined report. Most treaty bodies identify when the next report is due in their concluding observations.

States parties are encouraged to see the preparation of their reports for the treaty bodies not only as the fulfilment of an international obligation, but also as an opportunity to assess the state of human rights protection within their countries for the purpose of policy planning.

2. Consideration of States parties' reports by the treaty bodies

Lists of issues

In advance of the session at which a committee will consider a State party's report(s), the committee prepares a **list of issues** and questions, which is transmitted to the State party. A State party will usually submit its responses to this list in writing; these answers are posted on the OHCHR website.

The written responses to lists of issues supplement the State party's report and are especially important when there has been a long delay between the submission of the periodic report and its examination.

The Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child each convene a one-week, pre-sessional working group to prepare lists of issues and questions with respect to the reports of the States parties that they will consider in the immediate future. The Human Rights Committee assigns this to its **country report task forces**,¹⁵ which meet during the session preceding the one at which the given State's report will be examined.

Most committees appoint one of their members as **country rapporteur** to take the lead in drawing up the list of issues for a specific country.

Other sources of information

In addition to the State party's report, human rights treaty bodies may receive information on the implementation of treaty provisions from United Nations agencies, funds and programmes and other intergovernmental organizations, national human rights institutions (NHRIs), as well as from civil society, particularly NGOs (both national and international), professional associations and academic institutions.

¹⁵ Country report task forces consist of a country rapporteur and four to six other members of the Committee nominated by its Chairperson.

Consideration of States parties' reports

States parties are invited to the committee's session to present their reports, to respond to committee members' questions, and to provide the committee with additional information. In the light of all the information available, the committee examines the report together with Government representatives. The aim is to engage in a constructive dialogue in order to assist a State in its efforts to implement a treaty as fully and effectively as possible. Treaty bodies are not judicial bodies; they monitor treaty implementation and provide encouragement and advice to States.



Regularly updated information on **upcoming human rights treaty body sessions** and the States scheduled to appear at those sessions is available on the human rights treaty bodies section of the OHCHR website.

Concluding observations and recommendations

Based on their dialogue with a State, and any other information they have received, human rights treaty bodies adopt what are generally known as **concluding observations**,¹⁶ which refer to both positive aspects of a State's implementation of a treaty and areas where the treaty body recommends the State to take further action. It is important for the State party to report back to the committee in subsequent periodic reports on the steps taken to implement these recommendations, as well as the treaty's provisions.

Follow-up to recommendations

In order to assist States in implementing their recommendations, the human rights treaty bodies have begun to introduce procedures to ensure effective follow-up to their concluding observations. Some committees request, in their concluding observations, that States report back to the country or follow-up rapporteur within an agreed time frame on the measures taken in response to specific recommendations or "priority concerns". The rapporteur then reports back to the committee.

Some members of treaty bodies have undertaken visits to countries, at the invitation of the State party, in order to follow up on the report and the implementation of concluding observations.

¹⁶ Also referred to as "concluding comments" by some committees in accordance with the wording of their treaties.

3. Consideration of complaints from individuals claiming that their rights have been violated by a State party

Seven human rights treaty bodies may, if certain conditions have been fulfilled, consider complaints or **communications from individuals** claiming that their rights have been violated by a State party. These committees are the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on Migrant Workers, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances. **By September 2008, the complaints mechanism of the Committee on Migrant Workers was not yet in force and that of the Committee on Enforced Disappearances had not yet been established.** Upon its entry into force, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights will also allow for individual complaints.

A treaty body cannot consider complaints relating to a State party unless that State has expressly recognized its competence to do so, either by making a **declaration** under the relevant treaty article or by accepting the relevant optional protocol.



For more information on **individual complaints**, please refer to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this Handbook.

Detailed information about individual complaints to treaty bodies (also called petitions), including advice and instructions on how to submit a complaint, is also available on the human rights treaty bodies section of the OHCHR website.

4. Inter-State complaints and disputes

Several human rights treaties contain provisions to allow for States parties to complain to the relevant treaty body about alleged violations of the treaty by another State party. **By September 2008, these procedures had never been used.**

5. Inquiries

Four treaty bodies—the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances (once established)—may initiate confidential inquiries if they receive reliable information containing well-founded indications of serious, grave or systematic violations of their respective conventions in a State party. Inquiries may not be undertaken with respect to States parties that have opted

out of this procedure, and have thereby explicitly excluded the competence of the relevant committee to conduct an inquiry.¹⁷

Where warranted and with the consent of the State party, inquiries may also include a visit to a State. After examining the findings of such an inquiry, the committee transmits them to the State party concerned, together with any comments and recommendations.

The inquiry procedure is confidential and the cooperation of the State party must be sought throughout the proceedings.



Current information on **inquiries** can be found in **Fact Sheet No. 30 *The United Nations Human Rights Treaty System***.

6. Early warning and urgent action procedures

Since 1993, the Committee on the Elimination of Racial Discrimination has developed procedures relating to **early warning and urgent action**.¹⁸ Early warning procedures aim to prevent existing problems in States parties from escalating into new conflicts, or to prevent a resumption of conflicts. Urgent action procedures aim to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the International Convention on the Elimination of All Forms of Racial Discrimination. In practice, these procedures are used simultaneously. They may be invoked by the Committee itself or by interested parties, including civil society actors, such as indigenous groups.

7. General comments

Each of the human rights treaty bodies publishes its interpretation of the provisions of the human rights treaty it monitors in the form of **general comments** (the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women use the term “general recommendations”).

General comments provide guidance on the implementation of a convention. They cover a variety of subjects ranging from comprehensive interpretation of substantive provisions to general guidance on the information on specific articles of the treaty that States should submit in their reports.

¹⁷ At the time of ratification or accession States parties to the Convention against Torture may opt out by making a declaration under article 28; States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women may similarly exclude the competence of the Committee by making a declaration under article 10. Any State which opts out of the procedure may decide to accept it at a later stage.

¹⁸ See A/48/18, annex III.



The **general comments and general recommendations** adopted by the human rights treaty bodies are compiled annually. To access them and information on upcoming **days of discussion** visit the **human rights treaty bodies** section of the OHCHR website.

8. Days of general discussion/thematic debates

A number of human rights treaty bodies hold days of general discussion on a particular theme or issue of concern. These thematic discussions are usually open to external participants, such as United Nations partners, delegations from States parties and civil society actors, particularly NGOs, academic institutions, professional associations and individual experts. Their outcome may assist the human rights treaty body in the drafting of a new general comment. It can also help States and other stakeholders understand the treaty's requirements.

9. Annual meeting of chairpersons of human rights treaty bodies and inter-committee meeting

The **Annual Meeting of Chairpersons of the human rights treaty bodies** takes place in Geneva and provides a forum for members of the human rights treaty bodies to discuss their work and consider ways to make the treaty body system as a whole more effective. Issues addressed at these meetings have included the streamlining and overall improvement of human rights reporting procedures, harmonization of the committees' methods of work, follow-up to world conferences and financial issues. Informal consultations with States parties as well as United Nations partners and NGOs have also been a feature of the meeting of chairpersons.

Inter-committee meetings include the chairpersons of each of the human rights treaty bodies and two additional members from each committee. The larger committee representation at inter-committee meetings allows for more detailed discussion of recommendations on issues relating to working methods and other issues than is possible at the annual meetings of chairpersons.



For current information on the **annual meeting of chairpersons of human rights treaty bodies and inter-committee meeting** visit OHCHR's website.

10. Treaty body reform

The procedures and working methods of the human rights treaty bodies have been under discussion as part of the system-wide reform that the United Nations has undertaken in recent years.¹⁹ Human rights treaty body reform has to date focused on the coordination and harmonization of working methods, including the adoption of “best practices” and the streamlining of State party reporting requirements through the use of a **common core document** and targeted treaty-specific reports.²⁰

Additionally, the human rights treaty bodies are working to establish effective cooperation between themselves and the **Human Rights Council**, in particular with regard to the new **universal periodic review**, and to develop modalities for enhanced interaction with **special procedures** mandate-holders.²¹ In the light of the proliferation of human rights treaty bodies and procedures, more structural reforms have also been discussed, including, as proposed in 2005 by the then High Commissioner for Human Rights, Ms. Louise Arbour, the creation of a unified standing treaty body.

¹⁹ In his 2002 report, “Strengthening the United Nations: an agenda for further change” (A/57/387 and Corr.1), the then United Nations Secretary-General, Mr. Kofi Annan, called on the human rights treaty bodies to craft a more coordinated approach to their activities. In March 2005, in his report “In larger freedom: towards development, security and human rights for all”, the Secretary-General requested that “harmonized guidelines on reporting to all treaty bodies should be finalized and implemented so that these bodies can function as a unified system” (A/59/2005, para. 147).

²⁰ See “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific targeted documents” (HRI/MC/2005/3).

²¹ See “Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights” (A/62/224).

C. How to access and work with the human rights treaty bodies

Working with human rights treaty bodies has proved to be a very effective way for civil society to contribute to the implementation of human rights and the development of concrete human rights guidelines. Nationally, civil society plays a critical role through monitoring, promotional and follow-up activities relevant to the work of treaty bodies. The work of the human rights treaty bodies has benefited from the active participation of civil society actors in the various stages of the reporting cycle and in processes such as petitions, inquiries and early warning.

NGOs have traditionally been the main civil society actors engaging with the human rights treaty bodies, in particular at treaty body sessions. Other civil society actors, such as individual experts and human rights defenders, representatives of academic and research institutions, and members of professional groups, also frequently contribute to the treaty reporting process. Their involvement, in particular with regard to submitting information to a committee or attending a session, is often facilitated by NGOs familiar with and active in the reporting system of the human rights treaty bodies.

The Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities expressly envisage a role for “other competent bodies” in the work of their respective treaty bodies, which in the case of the first two has been interpreted to mean NGOs. Furthermore, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have adopted guidelines regarding civil society participation in their work (in these cases focused specifically on NGOs).²²

The modalities for the interaction of civil society actors vary from one human rights treaty body to another. **They are set out in the annex to this chapter.**

1. Promoting the adoption of new international instruments and the ratification of or accession to existing treaties

Civil society can play an important role in the development and adoption of new international instruments. By advocating for the development of a new treaty and promoting its adoption by States, civil society actors can help to bolster international norms and the protection of human rights.

²² See “NGO participation in the activities of the Committee on Economic, Social and Cultural Rights” (E/C.12/2000/6) and the Guidelines for the participation of partners (NGOs and individual experts) in the pre-sessional working group of the Committee on the Rights of the Child (CRC/C/90, annex VIII).



The role of civil society in developing new international human rights standards

Convention on the Rights of Persons with Disabilities and its Optional Protocol

In December 2006, the General Assembly adopted the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Civil society, in particular persons with disabilities and their representative organizations, played a vital role at every stage in the lead-up to the adoption of these instruments. Representatives of civil society participated in the

negotiations of the texts and are now active in promoting their ratification by States.

The Convention on the Rights of Persons with Disabilities was negotiated from 2002 to 2006, making it the fastest negotiated human rights treaty. On the occasion of its adoption, the then High Commissioner, Ms. Louise Arbour, noted the unprecedented collaboration between States, the United Nations, civil society and NHRIs in the drafting of this new treaty, stating:

I want to... pay tribute to the disabilities community that provided the unwavering impetus for this momentous occasion. Their role was a transformative one. More so than by any declaration or statement, the disabilities movement proved able—in every sense of the word—to fight inertia, indifference and often open resistance, in order to achieve, by the force of the law, their legitimate aspiration for equality and justice.



International Convention for the Protection of All Persons from Enforced Disappearance

Civil society actors, in particular associations of the families of victims of enforced disappearance, were active participants in the sessions of the Working Group of the former Commission on Human Rights which drafted the Convention. Ms. Marta Ocampo de Vásquez, whose daughter was a victim of enforced disappearance in Argentina, had been advocating an end to the practice of enforced disappearance and for the adoption of an international instrument addressing this issue for 30 years, representing the American Federation of Associations for Relatives of the Detained-Disappeared (FEDEFAM) at Working Group sessions. At the

inaugural session of the Human Rights Council, on 22 June 2006, before the adoption of the Convention, Ms. de Vásquez said:

In May 1977 I joined the fledging movement of the Mothers of the Plaza de Mayo... Together with those fellow women I began a learning process. I began to realize that I was not only searching for my own daughter and son-in-law, but for all the disappeared sons and daughters of Argentina, and of Latin America, and today for all the “Desaparecidos” around the world.

I would like you to know that after the occurrence of the detention and disappearance of a loved one, we came to the

painful conclusion that there were no answers to be found. No recourse existed, nor was the habeas corpus writ or judiciary protection order valid. It was then in our despair that we reached out to the international community but only to discover that no suitable instruments existed there. That is why we are here once again, Mr. President, requesting you and the distinguished delegates of the Human Rights Council to finally approve the Convention. We have travelled a long road with both achievements and disillusionments but today we turn to all of you in order that in our world there be no more victims of the crime against humanity of enforced disappearances.

If a State has not yet ratified or acceded to a treaty or an optional protocol, national civil society actors can encourage the Government to do so by coordinating their efforts with NHRIs and the national media and/or by raising public awareness of the issue.



To see the **ratification status** of human rights treaties and optional protocols visit OHCHR's website.

2. Monitoring the reporting obligations of States parties

States parties are not always able—for different reasons—to meet their reporting obligations. Civil society may work to encourage Governments to meet reporting deadlines, and can raise public awareness about a State's obligation to submit a report at a given time. Civil society actors can also provide States with complementary information on treaty implementation gathered in the course of their activities, and work in partnership with States towards treaty implementation.

If a State party has not submitted a report for an excessive period of time and has not responded to a committee's requests for a report, human rights treaty bodies may consider the situation in the country at one of its sessions in the absence of a report from the State party. This procedure is known as the **review procedure**.

Civil society actors, along with United Nations partner organizations, can contribute information towards the review procedure. On the basis of this information and the dialogue with the State party, the committee will issue its concluding observations, including recommendations.

3. Submitting written information

Throughout the reporting cycle, committees welcome additional information on all areas covered by their respective treaties in order to effectively monitor implementation in States. The most effective way for civil society actors to submit additional information is through a **written report**. The most useful reports are often those produced through the cooperation and coordination of many civil society actors. Civil society actors are thus encouraged to submit jointly written information on a given country.

The modalities for submitting information vary from one human rights treaty body to another. Generally, civil society actors should submit information and material following the submission of the State party report to a treaty body and before its consideration.

The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child welcome written information from national and international NGOs, as well as from other civil society actors (in particular individual experts, academic institutions, professional associations and parliamentarians) at their pre-sessional working groups for the preparation of lists of issues. The Committee on the Rights of the Child requires written information to be submitted two months before its pre-sessional working group. Civil society actors, including academic institutions and professional associations, can also submit written information to the country report task forces of the Committee against Torture and the Human Rights Committee.

Written information submitted to human rights treaty bodies is generally regarded as public information. However, committees will keep information confidential if specifically requested to do so.

Written reports submitted by civil society actors do not become official United Nations documentation, nor are they edited or translated. It is therefore important for civil society actors to consider which language(s) to submit their information in and to ensure that their submissions are in one of the working languages of the relevant committee(s).

Before submitting written information, it is important to check:

- Whether the State has **ratified or acceded** to the relevant instrument, and, if so, the extent of any reservations the State has made to its provisions. (Generally, reservations do not prevent civil society actors from addressing specific issues and from bringing them to the attention of the committee);
- **When the next State report is due** and when the next session of the relevant committee is scheduled. These dates are subject to change at short notice so it is important to be in regular contact with the relevant committee's secretariat in the lead-up to each session;
- The main issues which are or have been under consideration. It is important for civil society actors to familiarize themselves with the **contents of previous States parties' reports, as well as the previous concluding observations and previous lists of issues**; and
- The **reporting guidelines** of each human rights treaty body (so that civil society actors can help monitor the extent to which States parties' reports conform to them).



Submitting a written report

The most useful way for civil society actors to submit information to human rights treaty bodies is by producing a written report alongside the State report.

Before civil society actors begin drafting their reports, they are advised to familiarize themselves with the specific reporting guidelines of the given human rights treaty body. Written reports should aim to resemble the structure of official State reports. Their aim should be to systematically analyse the extent to which law, policy and practice in the State party comply with the principles and standards of the treaty.

Written reports should:

- Be clear and precise, accurate and objective;
- Highlight what the authors see as problems in implementation, and should make concrete recommendations to improve the human rights situation in the given country; and
- Be submitted as early as possible before the scheduled examination of the State's report, as this allows human rights treaty bodies to take the written report into consideration when preparing lists of issues, preparing for sessions and drafting concluding observations.

Guidelines:

- The information that civil society actors provide must be country-specific and relevant to the mandate of the human rights treaty body to which it is addressed. If possible, it should make direct reference to the article of the treaty providing the specific right that is allegedly violated;
- Allegations of human rights violations should always be supported by relevant evidence and documentation;
- All information should be correctly referenced. When referencing a United Nations document, paragraph numbers should be referred to, as page numbers vary from one language to another. This should apply also to citations of State reports, which must be referred to in their official United Nations version;
- An electronic version and multiple hard copies should be provided to the relevant human rights treaty body secretariat, as the secretariat does not have the capacity to reproduce materials from civil society;
- Documents that contain language deemed to be abusive will not be accepted.

Written civil society submissions to specific treaty body sessions are available on the **human rights treaty bodies section of the OHCHR website** or, in the case of the Committee on the Rights of the Child, the website of the **Child Rights Information Network (NGO Group for the Convention on the Rights of the Child)**.

Please consult the boxes at the end of this chapter for information on the submission of written information specific to each human rights treaty body.



Training workshop on writing a report on the implementation of the International Covenant on Economic, Social and Cultural Rights

In June 2007 the OHCHR field presence in **Georgia** convened a workshop in Tbilisi for 20 NGO representatives on submitting a report to the Committee on Economic, Social and Cultural Rights. The workshop was facilitated by two members of the Committee and sought to:

- Raise awareness of international human rights instruments, their monitoring mechanisms and the specific role of NGOs;
- Enhance understanding of the principles of equality, non-discrimination and participation in implementing the International Covenant

on Economic, Social and Cultural Rights; and

- Increase knowledge of the role of civil society in monitoring progress in the implementation of the Covenant.

As a follow-up to this capacity-building training, several round-table meetings were held with local NGOs during 2007.

4. Attending and contributing to human rights treaty body sessions

Attending sessions

States party reports are considered at public meetings, which civil society actors may attend as observers. Attending human rights treaty body sessions enables civil society actors to:

- Brief the committee as a whole or its individual members;
- Observe the dialogue between the committee and the State; and
- Learn first-hand about the issues raised and the recommendations made by the committee.

The rules and practices governing the participation of civil society in committee sessions, as well as in the pre-sessional period, vary between committees.

Accreditation to attend human rights treaty body sessions should be requested from the relevant secretariat in advance.

Contributing to sessions

Civil society actors, including individual experts, academics and representatives of professional groups, may have an active role in committee sessions. While they do not participate in the dialogue between the State party and the committee, they may make presentations to committee members on the issues contained in their written submissions.

Most committees set aside time for oral submissions by civil society actors. See the annex to this chapter for more information on oral submissions at committee sessions and pre-sessional working groups.

Committee sessions

The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers allocate time to oral submissions during their reporting sessions. This provides civil society actors with an opportunity to present to the committees the key issues contained in their written reports.

Please note that, with the exception of the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, whose meetings are open, oral briefings by civil society actors take place in closed meetings.

Pre-sessional working groups

The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child allocate a specific time to civil society actors to contribute to pre-sessional working groups. While other committees may not provide a formal channel for such contribution, it may still be possible to arrange informal meetings with the committee members by contacting the relevant committee's secretariat.

Civil society contributions to pre-sessional working groups may be incorporated into the lists of issues to be sent to States parties. Pre-sessional working groups also provide an opportunity for civil society actors to submit written information or reports. Most committees do not allow Government delegations to be present at the pre-sessional meetings.



Guidelines for oral submissions at human rights treaty body sessions and pre-sessional working groups

- Oral submissions must be relevant to the specific treaty;
- Oral statements must respect the time limits established by the committee;
- Interpretation facilities are usually available at these sessions, and civil society representatives should make sure that they have a written text of their oral submissions to be provided to interpreters;
- Small well-coordinated delegations are usually more effective than large groups of single-issue delegations; and
- Language that is deemed abusive or offensive will not be accepted and anyone using such language may be excluded from sessions.

NGOs and other civil society actors are reminded to contact the secretariat of the relevant committee well in advance to inform it officially of their planned participation.

Informal briefings

Committee sessions normally provide opportunities for civil society actors to meet informally with committee members. **Informal briefings**, generally arranged by NGOs, may be organized as side events in the margins of official meetings, most often during the lunch break from 1 to 3 p.m. Please note that interpretation facilities are not available for “lunchtime” briefings.

The focus of informal meetings should be on the issues and States that the given committee is addressing. Informal briefings normally take place on the day preceding or on the day of the consideration of the State report of the relevant country. Well-organized and coordinated briefings are more likely to be well attended by committee members and will be more effective than numerous briefings on many different issues. Civil society actors are thus encouraged to coordinate their activities.

In some instances, committee secretariats may facilitate briefings by providing rooms and equipment, and by informing committee members about the briefings.

5. Following up on human rights treaty bodies’ concluding observations

Once the committee session has taken place and the concluding observations have been adopted, civil society can undertake follow-up activities at the national level to raise awareness of the recommendations and to encourage the State party to implement the concluding observations.

It is therefore important that civil society actors familiarize themselves with the concluding observations adopted by committees.



Visit OHCHR’s website to subscribe to an **e-mail notification of treaty body recommendations**.

Civil society may work on follow-up to human rights treaty body concluding observations by:

- **Working** together with the Government to help it meet its obligations; civil society often acts as a catalyst to promote national legislative reforms and to establish national policies. Civil society actors can also use the concluding observations of committees as a basis for their dialogue with Governments and their own programmes of action;
- **Monitoring** the human rights situation in particular countries and the steps taken locally to implement the concluding observations of committees;
- **Raising awareness** about the proceedings of committee meetings, the recommendations that States parties are required to implement, and how concluding

observations can be used to strengthen the enjoyment of human rights nationally. This may be done by organizing thematic discussions, round tables, seminars and workshops; by translating and publishing concluding observations; or by collaborating with NHRIs and the national media.

- **Contributing to the work of the human rights treaty bodies** by informing committees about Governments' progress in implementing concluding observations and recommendations, and providing them with focused and targeted information.

6. How to submit an individual complaint to the human rights treaty bodies

Any individual who alleges that her or his rights under a treaty have been violated by a State party to that treaty may transmit a complaint to the relevant committee, **provided that the State has recognized the competence of the committee to receive such complaints**. Complaints may also be brought by **third parties**, including civil society actors, on behalf of an individual, if that individual has given written consent to this end ("power of attorney", authority to act) or is incapable of giving such consent.

Individual complaints can be submitted only if domestic remedies have been exhausted and all other eligibility criteria are fulfilled.



For more information on **individual complaints**, please refer to **the annex to this chapter** and to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this Handbook.

7. Providing information for confidential inquiries

Civil society actors, by providing information to committees, may influence the decision of a committee to undertake a confidential inquiry. Confidential inquiries are important mechanisms which allow civil society actors to bring violations and situations of concern to the attention of committees.

Most confidential inquiries have been instigated by information submitted by NGOs. For example, the seven confidential inquiries undertaken by the Committee against Torture (on Brazil, Egypt, Mexico, Peru, Serbia and Montenegro, Sri Lanka and Turkey) were all initiated on the basis of information received from NGOs. The Committee on the Elimination of Discrimination against Women has completed one inquiry (Mexico).

Civil society actors may also contribute further information once a confidential inquiry is under way.



NGO participation in the initiation of a confidential inquiry

The first inquiry under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was initiated on the basis of information provided to the Committee on the Elimination of Discrimination against Women by three NGOs—**Equality Now**, **Casa Amiga** and the **Mexican Committee for the Defence and Promotion of Human Rights**—concerning the killings and disappearances of more than 200 women in Ciudad Juarez in **Mexico**. The NGOs submitted detailed

information containing allegations of the abduction, rape and murder of women since 1993. The Committee found that this information was reliable and that it contained substantiated indications of grave or systematic violations of rights set out in the Convention.

During the course of the inquiry, undertaken in October 2003, the NGOs submitted additional information and actively participated in the visit to Mexico of two members of the Committee. The active participation of the NGOs and the State party resulted

in a comprehensive report addressing both the violations and the socio-cultural background against which the events took place, focusing on the root causes of violence against women and making firm recommendations to ensure that the rights set out in the Convention on the Elimination of All Forms of Discrimination against Women are realized.

The report and the reply from the Government of Mexico are posted on the **Division for the Advancement of Women's website**.



Civil society actors wishing to submit information for **confidential inquiries** should send it to:

[Name of Committee]

c/o Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

8. Providing information for early warning and urgent action procedures

Information submitted by civil society actors can help trigger the Committee on the Elimination of Racial Discrimination's early warning and urgent action procedures. In the past, these procedures have been initiated as a result of information received from NGOs and indigenous groups.



For more information on **individual complaints**, please refer to the **annex to this chapter** and to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

9. Attending and contributing to the annual meeting of chairpersons and the inter-committee meeting

These meetings are open to the participation of civil society actors as **observers**.

The inter-committee meeting has an agenda item which allows NGOs to interact directly with committee members on general themes related to the functioning, procedures and working methods of the treaty bodies.

D. OHCHR resources

OHCHR human rights treaty body web pages

Information and documentation relating to the human rights treaty bodies are publicly available on the **OHCHR website**. Each treaty body has a dedicated web page with information on the treaty itself, recent ratifications, past and upcoming committee sessions, working methods and more.

Furthermore, the **Treaty Bodies Database** on the OHCHR website provides access to a range of documents related to the treaty bodies, including States parties' reports, concluding observations, general comments and decisions on individual communications.

OHCHR fact sheets

OHCHR fact sheets also provide information on international human rights treaties and the human rights treaty bodies. A current and regularly updated list of OHCHR fact sheets is available on the publications section of the OHCHR website.

OHCHR Treaty Bodies DVD “Bringing Human Rights Home”

OHCHR has produced a training tool on the work of the treaty bodies in the form of a DVD, entitled “The Treaty Bodies: Bringing Human Rights Home”. It is available on request from the **OHCHR Publications and Information Desk**. Contact publications@ohchr.org.

Extranet

Three human rights treaty bodies have dedicated pages on the OHCHR Extranet: the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers. The Extranet page on each treaty body records details of State reports, civil society reports, information relating to committee meetings and other relevant information.



To access the password-protected Extranet page, fill in the online form available on the Human Rights Council page of OHCHR's website. When you have done this you will receive a username and password by e-mail.

Universal Human Rights Index

The Universal Human Rights Index (Index) is an on-line information tool, designed primarily to facilitate access to human rights documents issued by the United Nations **human rights treaty bodies** and the **special procedures** of the Human Rights Council. This new website (which can be accessed via OHCHR's website) contains all the concluding observations issued by the treaty bodies from the year 2000, as well as conclusions and recommendations of the Human Rights Council's special procedures concerning specific countries adopted since 2006. The Index will soon provide access to recommendations made in the framework of the Human Rights Council's Universal Periodic Review mechanism.

Annex: Human rights treaty body profiles

While the committees have common activities, procedures and practices, each also has its own requirements. The information below provides a snapshot of each human rights treaty body.

HUMAN RIGHTS COMMITTEE

Monitors

International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocols.

Membership

Eighteen independent experts elected for four-year renewable terms.

Sessions

The Committee meets three times a year for three-week sessions, normally in March at United Nations Headquarters in New York and in July and October/November at the United Nations in Geneva.

Reporting requirements

States parties must report initially one year after becoming a party to the Covenant and then whenever the Committee requests (between three to five years). The concluding observations of the previous report usually confirm when the next report is due.

Submitting written information

NGOs and other civil society actors, such as academic or research institutes and professional associations, may submit written information or reports to the Committee's secretariat. This may be done at any time, but preferably two weeks before the session at which the given country report is to be examined and six weeks before the meeting of the country report task force

which determines the list of issues to be addressed at the Committee's next session. All information must be submitted in electronic form and in hard copy (at least 25 copies) to the Committee's secretariat at the address below.

Attending the Committee's sessions

NGOs and other civil society actors may attend the Committee's meetings as observers. To do so, they first need to write to the secretariat at the address below to request accreditation. On the first day of the session at which the State party's report will be considered, the Committee sets aside time for civil society actors, in particular NGOs, to brief it orally in closed meetings. Additional breakfast and lunchtime briefings are regularly convened to allow NGOs and other civil society actors to provide up-to-date, country-specific information.

The country report task force meets in private during the Committee's sessions to prepare the list of issues regarding State reports which will be examined at the Committee's next session. To this end, civil society actors can arrange to hold informal briefings with Committee members.

Individual complaints

Individual complaints under the First Optional Protocol to the Covenant may be sent to:



Petitions Team

Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: + 41 (0)22 917 90 22
(particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

Secretariat contact details

Human Rights Committee
c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix

CH–1211 Geneva 10 - Switzerland
Fax: + 41 (0)22 917 90 29
Phone: +41 (0)22 917 93 32 or
+41 (0)22 917 93 95

To learn more about the **Human Rights Committee**, consult **Fact Sheet No. 15 (Rev.1)**. To learn more about the First Optional Protocol to the Covenant please visit the treaty bodies section of the OHCHR website.

A **model complaint form** is contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Monitors

International Covenant on Economic, Social and Cultural Rights (ICESCR). Note that the Human Rights Council adopted the Optional Protocol to the Covenant in June 2008. The General Assembly is also expected to adopt it in 2008.

Membership

Eighteen independent experts elected for four-year renewable terms.

Sessions

The Committee convenes twice a year for three-week sessions with a one-week pre-sessional working group, normally in May and November at the United Nations in Geneva.

Reporting requirements

Although the Covenant does not state the periodicity of reporting, it is customary for

States parties to initially report within two years of becoming a party to the Covenant and thereafter every five years, or as otherwise requested by the Committee.

Submitting written information

NGOs and other civil society actors, such as research foundations, professional associations and indigenous groups, may submit written information or reports to the secretariat for both the reporting sessions and the pre-sessions. Information may be submitted at any time, but preferably at least one week in advance in both electronic form and hard copy to the address below. For reporting sessions at least 25 hard copies should be submitted and for the pre-sessional working group at least 10.

Please note that the secretariat will make any written information formally submitted by civil society actors in relation to the



consideration of a specific State party report available to a representative of that State as soon as possible, unless specifically marked “confidential”.

NGOs in consultative status with the United Nations Economic and Social Council (ECOSOC) (or that are in partnership with an NGO that has such status) may submit written statements to the secretariat for publication in the working languages of the Committee at its reporting sessions. NGO statements must be specific to the articles of the Covenant, focusing on the most pressing issues from the civil society perspective, and must arrive at the secretariat no later than three months before the session for which they are intended.

Attending the Committee’s sessions

Civil society actors may attend the Committee’s meetings as observers. To do so, they will need to write to the secretariat at the address below to request accreditation. NGOs, NHRIs and individual experts may make oral statements during the first morning of the pre-sessional working group meeting, which is usually held on a Monday from 10.30 a.m. to 1 p.m., as well as during the NGO hearings which take place on the first day of each

reporting session, from 3 to 4 p.m. The time limit for statements is 15 minutes.

At each session, the Committee devotes one day, usually the Monday of the third week, to a general thematic discussion of a particular right or a particular aspect of the Covenant. Specialized NGOs and other civil society participants, including academics, researchers and members of professional groups, may submit background documents or attend the day of general discussion.

Secretariat contact details

Committee on Economic, Social and Cultural Rights

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

To learn more about the **Committee on Economic, Social and Cultural Rights**, consult **Fact Sheet No. 16 (rev. 1)**.

To learn more about civil society engagement with the Committee, please visit the treaty bodies section of the OHCHR website.

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Monitors

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Membership

Eighteen independent experts elected for four-year renewable terms.

Sessions

The Committee meets at the United Nations in Geneva and holds two three-week sessions in February and August each year.

Reporting requirements

States parties must report initially one year after becoming a party to the Convention and then normally every two years. However, the last paragraph of the concluding observations usually specifies when the next report is due.

Submitting written information

NGOs and other civil society actors, such as professional associations, academic institutions, indigenous groups and specialized institutions dealing with issues relevant to the remit of the Committee, may submit written information or reports to the secretariat. This may be done at any time, but preferably two months before the Committee's session.

An electronic version of the written information as well as 37 hard copies should be submitted to the secretariat at the address below. National civil society actors with limited resources that have difficulties complying with these requirements may seek assistance from the **Anti-Racism**

Information Service (ARIS), an international NGO in Geneva which helps to transmit information to and from the Committee; ARIS provides this service for regional and national NGOs, other human rights groups and individuals.

The Committee also accepts written submissions from civil society in relation to the review, without a report, of the implementation of the Convention by States parties whose reports are at least five years overdue, and in relation to its **early warning and urgent action procedures**. Civil society actors, in particular NGOs, may send information to the Committee requesting it to deal with a situation that they deem urgent under these procedures.

Attending the Committee's sessions

Civil society actors may attend the Committee's meetings solely as observers. To do so, they will need to write to the secretariat at the address below to request accreditation. The Committee does not convene meetings with NGOs or other civil society actors during its formal meeting hours, but civil society actors may organize informal lunchtime briefings on the first day of consideration of each report between 1.45 and 2.45 p.m. and invite the Committee's members. Civil society actors should request the secretariat to book a room for such briefings. They may also seek assistance from ARIS, which organizes the briefings.

The Committee also holds regular thematic discussions on issues related to racial discrimination and the Convention, and invites civil society actors, such as



academics, individual experts, NGOs and specialized institutions, to attend and express their views on the given subject.

The Committee also holds regular thematic discussions on issues related to racial discrimination and the Convention, and invites civil society actors, such as academics, individual experts, NGOs and specialized institutions, to attend and express their views on the given subject.

Individual complaints

Individual complaints under article 14 of the Convention may be sent to:

Petitions Team

Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 22
(particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

Secretariat contact details

Committee on the Elimination of Racial Discrimination

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

Further information about ARIS is available from:

Website: <http://www.antiracism-info.org>²³

E-mail: centre-docs@antiracism-info.org

To learn more about the **Committee on the Elimination of Racial Discrimination**, consult **Fact Sheet No. 12**.

A **model complaint form** is contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

²³ OHCHR is not responsible for the content of external websites and the provision of links on this page does not imply that OHCHR associates itself with such content.

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Monitors

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol.

Membership

Twenty-three independent experts elected for four-year renewable terms.

Sessions

The Committee meets two to three times a year, in both Geneva and New York, for two-week sessions that are usually supplemented by a one-week pre-sessional working group.

Reporting requirements

States parties must report initially one year after becoming a party to the Convention and then at least every four years and whenever the Committee so requests.

Submitting written information

NGOs and other civil society actors, such as women's groups, faith-based organizations, independent experts and parliamentarians, may submit written information or reports to the secretariat. This may be done at any time, but preferably two weeks before the pre-sessional meeting, or two months before the Committee's session. An electronic copy and at least 35 hard copies should be submitted to the secretariat at the address below. NGOs and other civil society actors, such as academic institutions, may also choose to send copies of their submissions

to the **International Women's Rights Action Watch Asia Pacific** (IWRAP-AP), a specialized NGO which helps to transmit information to and from the Committee.²⁴

Attending the Committee's sessions

Civil society actors may attend the Committee's meetings as observers. To do so, they will need to write to the secretariat at the address below to request accreditation. Civil society actors, in particular NGOs, may make oral presentations to the pre-sessional working group (usually on the first morning). The pre-sessional working group meets at the end of the session before the one at which a given Government's report will be reviewed. NGOs may also make oral presentations to the Committee on the first day of each week of its session. Informal meetings with the Committee's members may sometimes be arranged by contacting the secretariat at the address below.

Individual complaints

Individual complaints under the Optional Protocol to the Convention may be sent to:

Petitions Team

Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8-14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 22
(particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

²⁴ OHCHR is not responsible for the content of external websites and the provision of links on this page does not imply that OHCHR associates itself with such content.

Complaint guidelines under the Optional Protocol to the Convention are contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*. A model communication form is available online in all United Nations languages on the website of the Division for the Advancement of Women.

Confidential inquiries

Civil society actors, in particular NGOs, may submit written information on serious, grave or systematic violations of the Convention to the secretariat. The information must be reliable and indicate that the State party is systematically violating the rights contained in the Convention.

Secretariat contact details

Committee on the Elimination of Discrimination against Women

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29
E-mail: cedaw@ohchr.org

To **learn more** about the **Committee**, consult **Fact Sheet No. 22** and **Fact Sheet No. 7**. For a **procedural guide** on producing written reports for the Committee, see the **IWRAW-AP** website.

COMMITTEE AGAINST TORTURE

Monitors

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Membership

Ten independent experts elected for four-year renewable terms.

Sessions

The Committee meets in Geneva and normally holds two sessions a year consisting of a plenary (of three weeks in May and two weeks in November) and a one-week pre-sessional working group.

Reporting requirements

States parties must report initially one year after becoming a party to the Convention and then every four years.

Submitting written information

NGOs and other civil society actors, such as victims' groups, faith-based organizations, representatives of trade unions and professional associations, may submit written information or reports to the secretariat. This may be done at any time, but preferably six weeks before the Committee's session. Inputs to lists of issues should be submitted three months before the given list is due to be finalized. All information must be submitted in electronic form and at least 15 hard copies should be sent to the secretariat at the address below.

Please note that the secretariat will make any written information formally submitted by civil society actors in relation to the consideration of a specific State party report

available to a representative of that State as soon as possible, unless specifically marked "confidential".

Attending the Committee's sessions

Civil society actors may attend the Committee's meetings as observers. To do so, they will need to write to the secretariat at the address below to request accreditation. Civil society actors, in particular NGOs, may brief the Committee orally during its sessions. The attendance of individual victims at briefings is normally facilitated by NGOs. Briefings focus on one country at a time and usually take place from 5 to 6 p.m. on the day before the dialogue of the State party with the Committee.

Individual complaints

Individual complaints under article 22 of the Convention may be sent to:

Petitions Team

Office of the United Nations High Commissioner for Human Rights
Palais des Nations
8-14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 22 (particularly for urgent complaints)
E-mail: tb-petitions@ohchr.org

A **model complaint form** is contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

Confidential inquiries

Civil society actors may submit information on serious, grave or systematic violations of the Convention to the secretariat. The information



must be reliable and contain well-founded indications that torture is systematically practised in the territory of the State party.

Secretariat contact details

Committee against Torture

c/o Office of the United Nations
High Commissioner for Human Rights

Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

To learn more about the **Committee**, consult **Fact Sheet No. 17**.

SUBCOMMITTEE ON PREVENTION OF TORTURE

Monitors

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Membership

Ten independent experts elected for four-year terms, renewable once. Membership will increase to 25 after the fiftieth ratification or accession to the Optional Protocol (see art. 5).

Sessions

The Subcommittee convenes three times a year for sessions of one week's duration at the United Nations in Geneva. It also undertakes regular visits to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

State requirements

States parties must set up, designate or maintain at the domestic level one or several visiting bodies (which can include NHRIs, ombudsmen, parliamentary commissions or NGOs) for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. States parties must also allow visits of the Subcommittee and their own domestic visiting bodies to any place under their jurisdiction and control where persons are or may be deprived of their liberty. These visits are undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

To learn more about the **Subcommittee on Prevention of Torture** visit OHCHR's website.

COMMITTEE ON THE RIGHTS OF THE CHILD

Monitors

Convention on the Rights of the Child (CRC) and its Optional Protocols.

Membership

Eighteen independent experts elected for four-year renewable terms.

Sessions

The Committee convenes three times a year for sessions of three weeks' duration and three one-week pre-session working groups, in January, May and September at the United Nations in Geneva.

Reporting requirements

States parties must report initially two years after the entry into force of the Convention and then every five years. States parties to its Optional Protocols must also submit reports under these instruments, initially two years after their entry into force, and then in conjunction with their regular reports to the Committee (or every five years if the State is a party to one or both of the Optional Protocols but not the Convention).

Submitting written information

NGOs and other civil society actors, such as children's organizations, faith-based organizations, professional associations and social service organizations, may submit written information or reports to the secretariat. This may be done at any time, but preferably at least two months before the relevant pre-session working group. At least 20 hard copies should be submitted to

the secretariat at the address below, in addition to an electronic copy. Civil society actors may request their written submissions to be kept confidential.

NGOs submitting information to the Committee may also wish to contact the **NGO Group for the Convention on the Rights of the Child**, a coalition of international NGOs which works to facilitate the implementation of the Convention. The NGO Group has a liaison unit that supports the participation of NGOs, particularly national coalitions, in the Committee's reporting process. Civil society actors other than NGOs are encouraged to contribute information in coordination with their national CRC coalition, if one exists in their country.

The NGO Group may be contacted at:
NGO Group for the Convention on the Rights of the Child Secretariat

1, rue de Varembé
CH-1202 Geneva - Switzerland
Phone: +41 (0)22 740 4730
Fax : +41 (0)22 740 1145
E-mail : secretariat@childrightsnet.org
Website: <http://www.childrightsnet.org>²⁵

Attending the Committee's sessions

Civil society actors may attend the Committee's reporting sessions solely as observers. To do so, they will need to write to the secretariat at the address below to request accreditation.

²⁵ OHCHR is not responsible for the content of external websites and the provision of links on this page does not imply that OHCHR associates itself with such content.

Civil society actors are also invited to the pre-sessional working group for the three-hour meeting at which partners may provide additional information. Individual experts and members of youth organizations are important contributors to the Committee's pre-sessional working group. Requests to participate should be sent to the secretariat at least two months before the beginning of the relevant pre-sessional working group. Based on the written information submitted, the Committee will issue a written invitation to select civil society actors, usually NGOs (whose information is particularly relevant to the consideration of the State party's report), to participate in the pre-sessional working group. Introductory remarks by participants are limited to a maximum of 15 minutes for civil society actors from the country concerned and 5 minutes for others, allowing time for a constructive dialogue. Each year the Committee also holds a day of general discussion, in which civil society

actors, including children and experts, are welcome to take part.

Secretariat contact details

Committee on the Rights of the Child

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8–14, avenue de la Paix
CH–1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29

Please visit the **NGO Group's website** to access its **guidelines on how to report to the Committee on the Rights of the Child**.

To access the **Committee's guidelines for the participation of NGOs and individual experts** in its pre-sessional working group visit OHCHR's website.

To learn more about the **Committee on the Rights of the Child**, consult **Fact Sheet No. 10 (Rev. 1)**.

COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Monitors

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

Membership

At present 10 independent experts elected for four-year renewable terms. This number will increase to 14 on the ratification of the Convention by its forty-first State party. For further details, see article 72.

Sessions

The Committee meets in Geneva and normally holds two sessions a year, usually in April and November.

Reporting requirements

States parties must report initially one year after becoming a party to the Convention and then every five years.

Submitting written information

NGOs and other civil society actors, such as social service organizations, individual experts and trade unions, may submit written information or reports to the secretariat at any time.

All information should be submitted in electronic format and at least 15 hard copies should be sent to the secretariat at the address below.

Civil society actors submitting information to the Committee may also wish to contact the

International NGO Platform for the Migrant Workers Convention, a coalition of international NGOs that work together to facilitate the promotion, implementation and monitoring of the Convention. It may be contacted at:

NGO Platform

c/o December 18
Rue de Varembe 1
P.O. Box 96
CH-1211 Geneva 20 - Switzerland
Phone: +41 (0)22 919 10 42
Fax: +41 (0)22 919 10 48
E-mail: ipmwc@december18.net
Website: <http://www.december18.net>²⁶

Attending the Committee's sessions

Civil society actors can attend the Committee's public sessions as observers. To do so, they will need to write to the secretariat at the address below to request accreditation.

In preparation for the examination of a State party's report, civil society actors, in particular NGOs, are invited to participate in a private meeting with the Committee to report orally on the situation of migrant workers in the given State, and to answer its members' questions. This meeting takes place at the session preceding that at which a State party report will be examined by the Committee.

At the session at which the State party report is examined, civil society actors that have

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submitted written information are given the opportunity to provide oral information to the Committee in a public meeting before the Committee's examination of the State party's report. NGOs, academics and representatives of professional groups, among others, are invited to participate in the days of general thematic discussion held periodically by the Committee.

Individual complaints

The Committee will be able to consider individual complaints or communications once 10 States parties have accepted this procedure in accordance with article 77 of the Convention.

Secretariat contact details

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8-14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29
E-mail: cmw@ohchr.org

To **learn more** about the **Committee**, consult **Fact Sheet No. 24 (Rev.1)**.

COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

Monitors

Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Membership

The Committee will initially consist of 12 independent experts elected for four-year terms, renewable once, and should include experts with disabilities. After an additional 60 ratifications or accessions to the Convention, the Committee's membership will increase to 18. States parties are invited to actively involve persons with disabilities and their representative organizations when nominating candidates for appointment to the Committee.

Sessions

By September 2008, Committee members had not yet been appointed.

Reporting requirements

States parties must report initially within two years after becoming a party to the Convention and then at least every four years, or whenever the Committee so requests.

Individual complaints

The Committee will be able to consider communications from individuals or groups of individuals. A **model complaint form** is contained in the annexes to **chapter VIII (Submitting a complaint on an alleged human rights violation)** of this *Handbook*.

Confidential inquiries

Civil society actors, in particular NGOs, may submit information on serious, grave or

systematic violations of the Convention to the secretariat. The information must be reliable and indicate that the State party is systematically violating the rights contained in the Convention.

Article 33

The Convention contains a unique provision regarding the role of civil society in monitoring its implementation. Article 33 states that civil society shall be involved and participate fully in the monitoring process established by States parties, thus giving civil society a central role in promoting the implementation of the Convention.

Secretariat contact details

Committee on the Rights of Persons with Disabilities

c/o Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
8-14, avenue de la Paix
CH-1211 Geneva 10 - Switzerland
Fax: +41 (0)22 917 90 29
E-mail: crpd@ohchr.org

For more information on the **work of OHCHR on the Convention and on disability issues** in general visit OHCHR's website.

To learn more about the **Convention and its Optional Protocol**, see the OHCHR publication ***From Exclusion to Equality: Realizing the Rights of Persons with Disabilities*** (HR/PUB/07/6).

COMMITTEE ON ENFORCED DISAPPEARANCES (by September 2008, not yet established)

Will monitor

International Convention for the Protection of All Persons from Enforced Disappearance.

Membership

The Committee will consist of 10 independent experts elected for four-year terms, renewable once.

Reporting requirements

States parties must report initially within two years after becoming a party to the Convention.

Urgent action

The Committee will be able to receive urgent requests from individuals that a disappeared person should be sought and found. The person in question must be subject to the jurisdiction of a State party to the Convention.

Individual complaints

The Committee will be able to consider individual communications with regard to States parties that have accepted this procedure in accordance with article 31 of the Convention.

Inquiries

Civil society actors, in particular NGOs, will be able to submit information indicating that a State party is seriously violating the provisions of the Convention, in accordance with article 33. Additionally, the Committee is empowered to urgently bring to the attention of the General Assembly information indicating that the practice of enforced disappearances is widespread or systematic in a State party.

To **learn more** about **enforced or involuntary disappearances**, consult **Fact Sheet No. 6 (Rev.2)**.

