# guidance for submitting an individual communication to the UN treaty bodies

## 1. Committees that can receive individual communications

Please identify **only one Treaty Body** (“Committee”) to which you are submitting your communication. Treaty Bodies that can receive individual communications are: the Human Rights Committee (CCPR), the Committee against Torture (CAT), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Rights of the Child (CRC), the Committee on Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of Persons with Disabilities (CRPD), the Committee on Elimination of Racial Discrimination (CERD), and the Committee on Enforced Disappearances (CED).

2. State party concerned

Please make sure that the State party in question has recognized the competence of the Committee to receive individual communications by ratifying the relevant Optional Protocol to a human rights treaty or making a declaration under the relevant treaty article establishing the individual communications procedures. To check whether a State has made such a recognition, please see <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

Please make sure that the events that are at the origin of the alleged violation occurred after the State party’s recognition of the Committee’s competence to receive individual communications (after the State’s ratification of the relevant Optional Protocol or declaration), or that such violation continued beyond that date.

3-7. Complainant and victim

The complainant is the person submitting the communication to the Committee, usually alleging a violation of his/her own rights. In such cases, the complainant is at the same time the victim. The complainant is referred by most Committees as “author” in their final decisions. A complainant may also be acting on behalf of another person who cannot submit the complaint for justified reasons (for eg. for being dead, disappeared or held in incommunicado detention), as long as the complainant is a family member of the victim or can otherwise justify a legitimate interest.

8-9. Representative

The complainant may be represented, either legally (counsel) or non-legally (human rights organization, for eg.). It is not necessary to have a lawyer prepare the case, though legal advice may improve the quality of the submissions. Complainants must be aware that the United Nations does not provide legal aid under these procedures.

10. Anonymization of a complainant’s/victim’s name

The communication must not be anonymous. The identity of the complainant and the victim and their contact information need to be provided to the Committees and are generally necessary in order for the State party to be able to respond to the allegations. Anonymous communications will not be accepted. However, the victim(s) and/or the author may request that their identity is not disclosed in the Committee’s final decision. Final decisions adopted by the Committees are made public. Therefore, if complainants do not wish their identity to be disclosed in final decisions, they should indicate this at the earliest opportunity. Owing to the level of publicity that the decisions usually receive (including dissemination via the Internet, which makes it virtually impossible to correct and/or delete data), it may not be possible for the United Nations to satisfy requests for anonymity submitted after the publication of final decisions.

11. Use of other international mechanisms

If the same case has been submitted to another Treaty Body or to a regional mechanism, such as the European Court of Human Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, or the African Commission or Court on Human and Peoples’ Rights, the majority of Committees cannot examine the communication. The Human Rights Committee, however, may consider such case as long as it is no longer pending consideration before the other instance of international settlement and the concerned State party has not opposed this at the time of ratification or accession.

This rule does not apply to individual communications submitted to the Committee on the Elimination of Racial Discrimination.

12. Interim and protection measures

**Interim or provisional measures** may be adopted in urgent cases to request that the State in question adopt measures to prevent irreparable harm to the alleged victim while the case is still pending consideration by the Committee. “Irreparable harm” refers to a harm which, due to its nature, cannot be susceptible to reparation. The author requesting interim measures must demonstrate the risk is real and that, should it materialize, the damage would be irreparable. He/she must also demonstrate that the risk is personal (and not merely based on a general context). Typical interim measures include, for example, the suspension of the execution of a death sentence or of the deportation to a country where the author faces a risk of torture or ill treatment.

The complainant may ask the Committee to request interim measures at any time before the adoption of a final decision or ‘Views’. Any such request should reach the Secretariat as early as possible before the action that the complainant is seeking to prevent could materialize.

A complainant may also, at any stage of the process, request the adoption of **protection measures** to protect individuals involved in the communication from reprisals, including lawyers, witnesses and family members. The risk must relate to the filing of the communication. This request may even be submitted in the context of the procedure of follow up to views (after the adoption of a decision finding a violation).

13. Facts, including exhaustion of domestic remedies

Complainants should present the main facts of the case in a chronological order, including the remedies sought at the domestic level and the decisions adopted by domestic authorities. Complainants must have first exhausted all relevant remedies that are available in the State party before bringing a claim to a Committee. This usually includes pursuing the claim through the national court system until the highest instance, unless complainants can justify that such remedies are unduly prolonged or otherwise ineffective, or that they are unavailable to the complainant. Detailed reasons must be provided as to why the complainant considers that the general rule should not apply. Mere doubts about the effectiveness of a remedy do not dispense with the obligation to exhaust it. Please do not include your claims in this part as this should be included in paragraph 14 below.

It is important to submit the communication as soon as possible after domestic remedies have been exhausted. Delays in doing so may make it difficult for the State party to respond properly and for the Committee to evaluate the facts thoroughly. In some cases, submission after a protracted period may result in the case being considered an abuse of the right to petition and therefore inadmissible.

Time limits to submit a communication from the moment of exhaustion of domestic remedies vary depending on the Committee:

* CERD: 6 months;
* CESCR, CRC: 1 year;
* CCPR: 5 years

There is no fixed time limit for submitting a communication to other Committees.

14. Claim

Complainants should state why they consider that the facts described constitute a violation of their rights under the treaty in question. Complainants are encouraged to cite specific treaty articles, in particular if they are legally represented. Complainants are required to specify the rights set out in the treaty that have allegedly been violated and how the State party, through the facts described, has violated them. It is also advisable to indicate the specific remedies that the author would like to obtain from the State party, should the Committee conclude that the facts before it disclose a violation.

Lack of sufficient substantiation of facts and allegations may result in the rejection of the registration of a communication.

15 – 17. Submission of communications

The communication should be in writing, legible, preferably typed, and signed. Communications sent electronically should have an electronic signature or be signed manually, scanned and attached to an email addressed to the OHCHR Petitions and Urgent Actions Section (PUAS) (**petitions@ohchr.org**). An unsigned word version should also be submitted. **No paper communications will be processed unless it is justified that it would be impossible to submit the communication electronically.**

Only communications presented in one of the Secretariat’s working languages (**English, French, Russian and Spanish**) can be accepted. If annexes are not in one of these languages, an unofficial translation summary should be provided. **Only copies should be submitted, not originals. No documents will be returned.**

Annexes should include any decision adopted at the national or international level, as well as other relevant official documents, such as medical reports.

If the description of facts or claims is unclear or lacks essential information to be processed under the individual communications procedures, the PUAS may contact the complainant with a request for additional details or resubmission. Authors should be diligent in their correspondence with the PUAS and the information requested should be sent as soon as possible. If the information is not received within two years from the date of the request, the file will be closed.