



A SIMPLE GUIDE TO THE UN TREATY BODIES



ISHR

INTERNATIONAL SERVICE
FOR HUMAN RIGHTS

EDITORIAL TEAM

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Founded in 1984, and with offices in Geneva and New York, ISHR has a proven track record of achieving human rights change: from facilitating global civil society input to the Vienna Declaration and Programme of Action (1993), and leading the development of the United Nations (UN) Declaration on Human Rights Defenders (1999), to contributing to the establishment of the UN Human Rights Council (2006), and catalysing and coordinating the adoption of the Yogyakarta Principles on Human Rights and Sexual Orientation and Gender Identity (2007).

ISHR's Simple Guide to the UN Treaty Bodies is a tool for those interested in better understanding the UN human rights treaty body system and the opportunities it presents for civil society engagement.

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ABBREVIATIONS

International treaties and optional protocols

UDHR	Universal Declaration of Human Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Their Families
CRPD	Convention on the Rights of Persons with Disabilities
ICPED	Convention for the Protection of All Persons from Enforced Disappearance
ICCPR-OPI	Optional Protocol to ICCPR (on individual complaints)
ICCPR-OP2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
OP-CAT	Optional Protocol to CAT
OP-CEDAW	Optional Protocol to CEDAW
OP-CRPD	Optional Protocol to CRPD
OP-ICESCR	Optional Protocol to ICESCR
OP-CRC-AC	Optional Protocol to CRC on children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on sale of children, child pornography and child prostitution
OP-CRC-IC	Optional Protocol to CRC on a communications procedure

Treaty bodies

CAT	Committee against Torture
SPT	Subcommittee on Prevention of Torture
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRC	Committee on the Rights of the Child
HRC	Human Rights Committee
CRPD	Committee on the Rights of Persons with Disabilities
CED	Committee on Enforced Disappearances

Other

ECOSOC	Economic and Social Council
NGO	Non-governmental organisation
NHRI	National human rights institution
OHCHR	Office of the High Commissioner for Human Rights



What are treaties?

Adopted in 1948, the **Universal Declaration of Human Rights (UDHR)** elaborated upon and systematised for the first time the idea of 'human rights' derived from the United Nations (UN) Charter. The UDHR enumerated a variety of civil, political, economic, social and cultural rights, that were subsequently separated and incorporated into two binding treaties – the *International Covenant on Civil and Political Rights (ICCPR)* and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.

The UDHR and the two covenants together form the minimum standard of international human rights protection, known as the **International Bill of Rights**.

Several other international human rights conventions followed, which focused on more specific thematic concerns (such as racial discrimination) or on the protection of vulnerable groups (such as women, children, migrant workers, or disabled persons), and which substantively complement and expand upon particular rights guaranteed in the International Bill of Rights.

A **'treaty', 'convention' or 'covenant'** is an international legal instrument. A treaty imposes binding legal obligations upon a State that is a party to that treaty. A State can become party to a treaty by ratifying it, which means the State voluntarily decides to be bound by its provisions. The State therefore becomes **obligated under international law to uphold and implement the provisions of the treaty**. This implies that the domestic legislation of the State party must be in conformity with the provisions of the treaty and cannot contradict them in any way.

In some cases, a State may declare a reservation to a particular article of a treaty it has ratified. If the reservation to the relevant article is deemed admissible, then the State is no longer considered bound to fulfil that particular provision. If the reservation is found to be contrary to the spirit of the relevant treaty, however, it will be deemed inadmissible and the State will be considered bound by that particular provision.

Some of the international human rights treaties have been expanded upon by the creation of an optional protocol, which may increase protection in a particular area, or contain additional procedures that allow for further monitoring or receipt of individual communications. In order to be bound by an optional protocol, a State must ratify it separately in the same manner that it ratifies a treaty.

The main international human rights treaties are sometimes referred to as the 'core' treaties because they take their inspiration from the provisions enshrined in the UDHR. The current nine core international human rights treaties are:

- *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD)
- *International Covenant on Economic, Social and Cultural Rights* (ICESCR)
- *International Covenant on Civil and Political Rights* (ICCPR)
- *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW)
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT)
- *Convention on the Rights of the Child* (CRC)
- *International Convention on the Protection of the Rights of All Migrant Workers and Their Families* (ICRMW)
- *Convention on the Rights of Persons with Disabilities* (CRPD)
- *Convention for the Protection of All Persons from Enforced Disappearance* (ICPED)

The ratification status of these treaties on a country-by-country basis is available on the OHCHR website: <http://indicators.ohchr.org>.

Mandate of the treaty bodies?

The **treaty bodies** were created to monitor and encourage States to uphold and implement their international obligations under the above-mentioned international human rights treaties.

The treaty bodies are international committees of independent experts who monitor State parties' implementation of each of the nine core human rights treaties and their optional protocols.

The implementation of each of the international treaties is monitored by its own committee based on reports from State parties and information from non-governmental organisations (NGOs) and other relevant sources (refer to Table I). At present, there are ten treaty bodies monitoring the implementation of the nine core international human rights treaties and one optional protocol.

TABLE I INTERNATIONAL CONVENTIONS AND THEIR TREATY BODIES

TREATY	RELATED TREATY BODY
ICERD	Committee on the Elimination of Racial Discrimination (CERD)
ICCPR	Human Rights Committee (HRC)
ICESCR	Committee on Economic, Social and Cultural Rights (CESCR)
CEDAW	Committee on the Elimination of Discrimination against Women (CEDAW)
CAT	Committee against Torture (CAT)
OP-CAT	Subcommittee on Prevention of Torture (SPT)
CRC	Committee on the Rights of the Child (CRC)
ICRMW	Committee on the Protection of Migrant Workers (CMW)
CRPD	Committee on the Rights of Persons With Disabilities (CRPD)
ICPED	Committee on Enforced Disappearances (CED)

All the treaty bodies receive secretariat support from the Treaties and Follow-up Unit of the Treaties and Council Branch of the UN Office of the High Commissioner for Human Rights (OHCHR).¹

Composition of the treaty bodies

The members of the treaty bodies are independent experts who should be of recognised competence in the field of human rights and 'of high moral standing' or 'of acknowledged impartiality', as stipulated by the relevant treaties. It is important to note that even though the members of the treaty bodies are elected by States, they are meant to serve in their personal capacity and to carry out their duties with absolute impartiality and objectivity. The treaty bodies are intended to serve as **autonomous expert bodies** and not political or inter-governmental bodies such as the UN Human Rights Council or the UN Security Council.

The *Addis Ababa Guidelines on the independence and impartiality of members of the human rights treaty bodies* sets out a series of principles and practical steps for ensuring the neutrality of committee members.² It is up to each of the treaty bodies to implement the Guidelines. Many have adopted them or incorporated them into their rules of procedure.

¹ For more information: www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx.

² The Addis Ababa Guidelines, HRI/MC/2012, were developed in 2012 at the 24th meeting of treaty body chairpersons.

The number of members on each treaty body committee varies from ten to 25 (refer to Table II, page 12). Members are nominated and elected by State parties to the relevant treaty from among their own nationals for fixed and renewable terms of four years each. Elections of half the membership of a committee take place every two years. Three of the treaty bodies limit membership to a maximum of two terms (SPT, CED, CRPD), while the other treaty bodies currently place no limit on the re-election of committee members.³

Equitable geographical distribution in addition to adequate representation of different legal systems and cultures is to be maintained in the selection of members of all treaty bodies. However, CESCR is the only treaty body that has a formalised geographical quota.⁴

Members of treaty bodies are unpaid but they receive a small allowance from the United Nations for the meetings of the committees.

The treaty bodies

This section provides a brief introduction to each of the treaty bodies and an overview of their primary activities and procedures.

*Committee on the Elimination of Racial Discrimination*⁵

CERD was the first treaty body to be established, in 1970, and oversees the implementation of the *International Convention on the Elimination of all forms of Racial Discrimination* (ICERD). Provision for the creation of a committee to monitor implementation of the Convention was made under ICERD, due to the conviction of States in the Third Committee of the UN General Assembly that **the treaty would not be effective unless sufficient emphasis was placed on implementation**. This set the precedent for the formation of all the other treaty bodies. CERD consists of 18 experts who meet twice a year for three weeks at a time.

*Committee on Economic, Social and Cultural Rights*⁶

CESCR monitors the implementation of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). It is composed of 18 experts, who meet twice a year for three weeks at a time.

Unlike the other treaties, ICESCR did not provide for the creation of a committee to oversee its implementation. Instead, the

3 For more information on treaty body elections: www.ohchr.org/EN/HRBodies/Pages/ElectionsofTreatyBodiesMembers.aspx.

4 ECOSOC Resolution 1985/17.

5 For more information: www.ohchr.org/en/hrbodies/cerd/pages/cerindex.aspx.

6 For more information: www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx.

Economic and Social Council (ECOSOC)⁷, the principal organ of the UN dealing with economic and social issues, was given the general mandate to monitor the implementation of the Covenant by State parties through the examination of periodic reports. ECOSOC established a working group in 1985 to assist in the examination of State reports, which subsequently became the Committee on Economic, Social and Cultural Rights in 1987. Other than this main difference, and the fact that the members of CESCR are elected through ECOSOC, there are no major differences between CESCR and the other treaty bodies in terms of their role or function. Nevertheless, there have been some attempts to 'rectify' the legal status of CESCR to make it more like the other treaty bodies. In 2014, the General Assembly recommended that ECOSOC consider replacing the existing process of electing members through ECOSOC with a meeting of States parties, as is the case with the other treaty bodies.⁸

The *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)* was unanimously adopted by the UN General Assembly on 10 December 2008. This Optional Protocol allows CESCR to receive and consider communications from individuals or groups of individuals, under the jurisdiction of a State party, claiming to be victims of a violation of any of the rights protected by the Covenant. It also creates an inquiry procedure.

Previously, CESCR did not have a complaints procedure (for more information on complaints procedures please refer to Chapter 2, pages 25 - 34). The adoption of OP-ICESCR is a significant victory after decades of campaigning and advocacy by human rights groups and academics. The Optional Protocol to ICESCR opened for signature and ratification in March 2009 and came into force on 5 May 2013, having been ratified by ten States.

Human Rights Committee⁹

The HRC monitors the implementation of the *International Covenant on Civil and Political Rights (ICCPR)* and is mandated to receive complaints under the First Optional Protocol to the ICCPR (ICCPR-OPI). It was created in 1976 and consists of 18 members who meet three times a year for up to four weeks at a time. The Committee currently holds its sessions in Geneva.

7 ECOSOC, established under the UN Charter, is the principal organ of the UN, which coordinates the economic, social, and related work of the UN and serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to member States and the UN system. In addition to looking at economic and social issues, ECOSOC is also mandated to 'encourage universal respect for human rights and fundamental freedoms'.

8 General Assembly Resolution 68/268. For information on previous discussions to rectify the legal status of CESCR refer to ISHR's Daily Update of 10 December 2007, published during the 6th session of the Human Rights Council www.escr-net.org/sites/default/files/11_december_2007_0.pdf.

9 For more information: www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx.

Committee on the Elimination of Discrimination against Women¹⁰

CEDAW, established in 1982, monitors the implementation of the *International Convention on the Elimination of Discrimination against Women* (CEDAW) and is mandated to receive complaints under its Optional Protocol (OP-CEDAW). The Committee has 23 members, who meet for three weeks, three times a year. Currently, CEDAW meets in Geneva.

Committee against Torture¹¹

CAT, established in 1987, monitors the implementation of the *International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). CAT is composed of ten independent experts who meet twice a year for four weeks at a time. It is mandated to receive individual complaints and can also conduct confidential inquiries into serious, grave or systematic violations of CAT.

Subcommittee on Prevention of Torture¹²

The SPT was established by the Optional Protocol to CAT (OP-CAT) in order to complement the aim of CAT to prevent torture, and is a separate treaty body. It is mandated to conduct visits to places of detention within the territories of all State parties to the OP-CAT, after which it will submit confidential reports containing recommendations to the State party. The SPT is further mandated to advise and assist in the establishment and functioning of National Preventive Mechanisms in all State parties. It is composed of 25 independent experts from the various fields relevant to the administration of justice or detention, including legal professionals and forensic scientists. The SPT started meeting in 2007.

Committee on the Rights of the Child¹³

CRC, created in 1990, monitors the implementation of the *International Convention on the Rights of the Child* (CRC). The Committee is comprised of 18 members, who meet three times a year for four weeks at a time – three weeks for the Committee session plus an additional week-long 'pre-sessional working group' to prepare the lists of issues and questions for the following session.

The optional protocol to the CRC establishing an individual complaint procedure came into force on 14 April 2014.

10 For more information: www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx.

11 For more information: www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx.

12 For more information: www.ohchr.org/EN/HRBodies/OPCAT/Pages/OPCATIndex.aspx.

13 For more information: www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx.

*Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*¹⁴

CMW monitors the implementation of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW). It held its first session in March 2004. It presently holds two sessions per year, and is composed of 14 independent experts.

*Committee on the Rights of Persons with Disabilities*¹⁵

The *Convention on the Rights of Persons with Disabilities*, adopted by the General Assembly in 2006, created a Committee on the Rights of Persons with Disabilities mandated to monitor the implementation of human rights obligations under the Convention. It does so through the consideration of periodic reports submitted by State parties. The Optional Protocol to the Convention allows the Committee to receive and consider complaints on behalf of individuals and groups, and provides for the Committee to conduct confidential investigations of allegations regarding grave or systematic violations of the Convention. Investigations may be carried out through country visits with the consent of the State. The Convention and the Optional Protocol entered into force on 3 May 2008. The first meeting of the Committee, which is comprised of 18 members, took place in February 2009.

*Committee on Enforced Disappearances*¹⁶

The *International Convention for the Protection of All Persons from Enforced Disappearance* (ICPED), adopted in 2006, created the Committee on Enforced Disappearances (CED). The CED is composed of ten members. It has a mandate to consider periodic reports and individual complaints, and can also undertake field inquiries and bring situations of widespread and systematic enforced disappearance to the attention of the General Assembly. It meets twice a year. Between four- and six-years after the entry into force of the ICPED (which was at the end of 2010), the State parties will meet to evaluate the functioning of the Committee and to determine whether they will transfer the monitoring of CED to another treaty body.

14 For more information: www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx.

15 For more information: www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx.

16 For more information: www.ohchr.org/EN/HRBodies/ced/Pages/CEDIndex.aspx.



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TABLE II COMPOSITION AND SESSIONS*

TREATY BODY	COMPOSITION	NUMBER AND DURATION OF SESSIONS	SESSIONS	
			PERIOD	LOCATION
CERD	18	2 sessions per year of 3 weeks' duration each	February & August	Geneva
HRC	18	3 sessions per year of up to 4 weeks' duration each	March, July & October	Geneva
CESCR	18	2 sessions per year of 3 weeks' duration each 1 week for pre-sessional working group immediately after each session to prepare lists of issues and questions for following session	May & November	Geneva
CEDAW	23	3 sessions per year of 3 weeks' duration each OP-CEDAW prior to each session for 3-5 days Pre-sessional working group for 1 week immediately after each session, to prepare lists of issues and questions for following session	February, July & October	Geneva
CAT	10	2 sessions per year of 4 weeks' duration each	May & November	Geneva
SPT	25	3 sessions per year of 1 week's duration each	February, June & November	Geneva
CRC	18	3 sessions per year of 3 weeks' duration each Pre-sessional working group for 1 week immediately after each session to prepare lists of issues and questions for following session	January, June & September	Geneva
CMW	14	2 sessions per year, of 2 weeks' duration in April and 1 week's duration in September	April & September	Geneva
CRPD	18	2 sessions per year, the first of 3.5-4 weeks and the second of 3 weeks' duration Pre-sessional working group for 1 week immediately after each session to prepare lists of issues and questions for following session	March/April & August/September	Geneva
CED	10	2 sessions per year of 2 weeks' duration each	March & September	Geneva

* From 2015, meeting times have increased across all treaty bodies following the decision made in General Assembly resolution 68/258. These changes are reflected in the table above. For the latest information on meeting times, please see the webpages of the relevant committees (see the list of e-resources at the back of this publication).



ETARY

CHAIRPERSON

The treaty bodies are mandated to carry out several activities in fulfilling their function of monitoring the implementation of State parties' obligations under the treaties.

All treaty bodies (except SPT):

- Receive and consider **reports** submitted by State parties
- Issue **concluding observations/recommendations** to assist States in implementing their obligations
- Develop **general comments/recommendations** interpreting provisions of their respective treaties both substantively and procedurally

Some treaty bodies may be mandated to perform additional functions, such as to:

- Consider **individual communications**
- Consider **inter-State complaints**
- Conduct or initiate **inquiries**
- Conduct **investigations** through country visits

These functions and activities will be discussed in further detail below, and have also been summarised in Table IV at the end of this chapter.

Consideration of reports

When States become party to one of the international human rights treaties, they are obliged to submit an **initial report**, followed by **periodic reports** to the treaty body in question (refer to Table III for periodicity of reporting). CED is the only committee that has no provision for receiving periodic reports. A periodic report is a report that a State party is required to submit at regular intervals of time, as prescribed by the relevant treaty.

The main purpose of the reporting process is for the treaty bodies to examine the level of the State's implementation of its obligations under the treaties.

Ideally, the preparation of the State report should also serve as an opportunity to assess and debate human rights issues in the country and identify problems and areas that may require further attention.

TABLE III PERIODICITY OF REPORTING

TREATY	PERIODICITY OF STATE REPORTS	
	Initial Report	Periodic Reports
ICERD	1 year	Every 2 years (but in practice generally every 4 years as two combined periodic reports)
ICESCR	2 years	Every 5 years
ICCPR	1 year	Generally every 4 years, but the HRC varies the periodicity in accordance with its follow-up procedure
CEDAW	1 year	Every 4 years, or whenever requested by CEDAW
CAT	1 year	Every 4 years, but varies due date for next periodic report
CRC	2 years	Every 5 years
CRC-OPSC	2 years	Every 5 years or integrated into the next CRC report
CRC-OPAC	2 years	Every 5 years or integrated into the next CRC report
CMW	1 year	Every 5 years, and whenever requested by CMW
CRPD	2 years	Every 4 years
CED	2 years	No provision made

Monitoring State obligations through the reporting process follows several stages (although not all treaty bodies follow all the stages):

- Preparation of the **State report** at the national level
- **Pre-sessional preparations** by the treaty bodies for the examination of the report
- **Consideration of the report** in a public meeting through a constructive dialogue with the State party
- Issuing of **concluding observations** and **recommendations**
- **Follow-up on implementation** of the concluding observations

These stages are examined in detail below.

Preparation of the State report

The preparation of the State report at the national level is a government process often involving input from various ministries and public authorities. However, the report should also be prepared in broad consultation with national human rights institutions (NHRIs), NGOs and civil society in order to make it as comprehensive and as inclusive a process as possible.

A comprehensive report ideally contains information relating to national efforts, both at the legislative and policy levels, to implement the State's human rights obligations, progress made by the State towards fulfilling its obligations, the difficulties faced in implementing its obligations, and the State's intentions to improve implementation.

OHCHR has been requested by the General Assembly to provide advisory services, technical support, and capacity building to States to help them implement their treaty obligations, including their reporting obligations.¹⁷ It is hoped that this might reduce the number of non-reporting States.

Reporting guidelines and format for the State report

Although the requirements of the State report vary according to the stipulations of each of the respective treaties, the basic format of all the reports is similar. However, there are usually different guidelines for the submission of initial vs. periodic reports. The General Assembly has now imposed word limits on State reports of 31,800 words for initial reports and 21,200 for subsequent periodic reports.¹⁸ The word limit is intended both to help reduce UN costs and encourage States to be more focused in their reporting.¹⁹

17 General Assembly Resolution 68/268 (2014).

18 *Ibid.*

19 www.universal-rights.org/wp-content/uploads/2015/02/URG_Policy_Brief_web_spread_hd.pdf.

Additionally, the treaty bodies have devised guidelines for both the format and the substantive content of the State reports.²⁰ The main aims of having guidelines to assist in the preparation of State reports are to ensure the uniformity and completeness of reports, and to obtain a comprehensive overview of the human rights situation in the country. Different treaty bodies have developed differing guidelines in this regard. For example:

- Reporting according to each article of the relevant treaty
- Reporting according to clusters of related articles
- Reporting according to pre-submitted questions prepared by the committee.
- Asking more detailed questions under particular articles
- Leaving the information to be submitted up to the State

General information regarding a country, such as basic facts and figures, its political and legal system, and other relevant information, is required in reports to all of the treaty bodies. In order to ease the reporting burden on States and assist in limiting the length of State reports, the treaty bodies allow States to submit a core document common to all the treaty bodies.²¹ The **'common core document'** – limited to 42,400 words²² – contains information relevant to all treaty bodies, and forms the first part of the State report. It is the State party's responsibility to ensure that the common core document is kept up-to-date.

The common core document contains the following information:

- Detailed background information on human rights implementation, including factual and statistical data, and a general framework for the protection and promotion of human rights
- Similar provisions relating to substantive rights of relevance to all the treaty bodies

The common core document is submitted along with the treaty-specific State report to the respective treaty bodies. The treaty-specific report provides the relevant information under the articles of the respective treaty.

Submission of reports

In most cases the treaties explicitly establish the periodicity of reporting (refer to Table III), in order to ensure the regular evaluation of the human rights situation in a State. However, due to chronic under-reporting or long delays in the submission of reports

20 The guidelines issued by the treaty bodies for preparation of State reports are compiled and contained in HRI/GEN/2/Rev.6 (June 2009). However these have not yet been revised to reflect the word limits introduced in GA Resolution 68/268.

21 The guidelines for the common core document are also contained in HRI/GEN/2/Rev.6 (June 2009). However, these have not yet been revised to reflect the word limits introduced in GA Resolution 68/268.

22 General Assembly Resolution 68/268 (2014).

by many States, some treaty bodies have begun to allow for late reports to be submitted with subsequent reports in the form of a 'combined' report. For example, a State can submit its third periodic report along with its fourth periodic report when the latter is due.

The treaty bodies have allowed for the submission of a combined report to help clear the backlog of overdue reports, while at the same time maintaining consistency of the periodic reporting procedure. Submission of a combined report by a State party is requested by the relevant treaty body in its concluding observations. ICERD requires States to report every two years, but the Committee allows for the submission of two reports every four years to ease the reporting burden on States, whilst firmly calling for the periodic assessment by States of the implementation of their obligations.

Pre-sessional preparation

All the treaty bodies carry out certain activities in preparation for the examination of State reports.

Pre-sessional working groups

A pre-sessional working group is convened prior to the main session of some of the treaty bodies. The aim of the pre-sessional working group is to draft a list of issues and questions (CEDAW, CESCR, CRC, CRPD) for upcoming sessions. The pre-sessional working groups are usually held in private, with the exception of that of CESCR, which is public and open to NGO participation. NGOs that have made written submissions on States due for review may be invited to participate in the pre-sessional working group of the CRC, while in the case of CEDAW and CRPD, NGOs working on the countries for whom lists of issues will be adopted can brief committee members during the pre-session.

List of issues and questions

All the treaty bodies (except SPT) prepare lists of issues and questions to States being examined prior to their sessions, which generally follow the structure of the relevant treaty. However, practices for developing the list and the use of the list vary across the different treaty bodies.

The State responses to the list of issues can serve as a supplemental source of information, particularly if significant information is missing from the State report. For example, it may take a year or more after its submission before a State report is considered, and some of the information provided may be out of date. The list of issues and questions can provide an opportunity for the treaty body to receive relevant and more detailed information absent in the report. The responses will be used by the treaty bodies as supplementary information for the consideration of the State report in the plenary session.

The list may also indicate to the State the nature and focus of questions that will be raised during the treaty body's examination of the report. Sometimes States are asked to submit a written response to the list of issues and questions before the consideration of the report. CEDAW, CESCR, the HRC, CRC, CRPD, CED and CAT require States to submit a written reply to the list of issues, whereas in the case of CERD there is no formal requirement to do so.

List of Issues Prior to Reporting (LOIPR)

The List of Issues Prior to Reporting (LOIPR) is an optional reporting procedure first introduced by CAT in May 2007. Under this procedure, the committee first draws up its list of issues and the State's report consists of its responses to that list of issues. The aim of this procedure is to streamline the reporting process by removing the need for States both to submit a report and subsequently respond to a list of issues. It also importantly encourages States to produce more focused reports that respond to their reporting obligations under the treaties. The LOIPR is developed on the basis of previous concluding observations adopted by the committee as well as other available information including UN and NGO reports.

The HRC decided in March 2010 to start offering States the option of reporting under the LOIPR procedure, as did CMW in April 2011 and CRPD in September 2013.²³ The CRC will begin to offer States the LOIPR option from 2016. The option only applies to reports to be submitted after the initial report.

Role of country rapporteurs

CERD, CMW, CESCR, CEDAW and CRPD²⁴ appoint one country rapporteur per State report. CRC appoints up to two country rapporteurs per report, CAT appoints two, and CED appoints two or more. The HRC and CRC appoint a 'country task force' of three to six members for each State report, one of whom is the country rapporteur who has overall responsibility for drafting the list of issues.

The role of the country rapporteur or the task force is to comprehensively examine the State report and then draft the list of issues and questions (see page 18) to submit to the State party. They will play a lead role in questioning the State delegation when it presents the report to the treaty body, and are often also responsible for preparing the first draft of the concluding observations (see page 22).

23 Other treaty bodies are considering following suit, so check the websites of each treaty body to see if this option is available.

24 CRPD appointed two country rapporteurs for the review of the European Union (EU), on an exceptional basis.

Additional sources of information

In addition to the State report and replies to the list of issues and questions, the treaty bodies receive information from other sources such as NHRIs, national, regional or international NGOs, and other civil society actors. There is no requirement of UN accreditation for NGOs to submit information to the treaty bodies. A detailed overview of how NGOs can submit information is provided in Chapter 3.

Reports from national NGOs are of particular value to the treaty bodies in examining State reports, as they provide an alternative source of information on the human rights situation in a particular country.

While NGOs working on particular themes may choose to focus their reports on issues within their areas of specialisation, NGO reports often follow the format of the State report and provide in-depth and comprehensive information on every article of the relevant treaty. This makes such reports easy and useful tools for the work of treaty body members, who can cross-check and compare information with that supplied by the State party.

Additionally, the Secretariat of the relevant treaty body prepares a country dossier, containing all available relevant information on the situation in the concerned country from within the UN system and other sources.

Further information, generally of a confidential nature, may be submitted by the UN specialised agencies such as the UN Children's Fund (UNICEF), the UN High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), and the World Health Organization (WHO).

Dialogue with the concerned country

The plenary sessions of the treaty bodies held in Geneva usually take place at Palais Wilson, which houses the OHCHR. The consideration of the country report by the treaty body in a public session provides an opportunity for a **constructive dialogue** between the experts of the treaty body and the State in question, to identify issues, solutions, best practices, further areas for implementation, and other means to implement the rights in the treaty. The terminology 'constructive dialogue' has been adopted by all the treaty bodies in order to underline the non-judgmental nature of the process.

The **basis for the dialogue** between the experts of the treaty body and the State delegation is not only the State report, but also the list of issues and questions that has been sent to the State in advance of the review (where the standard reporting procedure has been followed), along with the State's responses.

Additionally, the treaty bodies may consider information from other UN bodies, including UN field presences, NGO reports, NHRI reports, and any other relevant information that is available prior to the plenary session.

The State party usually sends a delegation to be present at the consideration of its report by the treaty body. This delegation may consist of representatives of the permanent mission in Geneva and/or ministers or government officials.²⁵ Usually, the process commences with a formal welcoming statement by the chairperson of the treaty body, followed by an opening statement from the head of the State delegation. The head of the delegation then introduces the State report. Following this introduction, committee members, usually headed by the country rapporteur or the country task force, make their comments or observations, and ask questions to the delegation.

The structure of the constructive dialogue is based on the individual practices of each of the treaty bodies.

- The HRC asks delegations to respond to the first half of the list of issues covering the first half of the ICCPR, after which committee members will pose their questions to be answered by the State delegation. The delegation then provides responses to the second half of the list of issues covering the remaining part of the ICCPR and so on.
- In the case of CERD, following the introductory remarks of the State delegation, the country rapporteur makes an initial assessment of the country report and may ask additional questions. This is followed by committee members asking a series of questions to the delegation, to which the delegation usually provides answers only the following day.
- CED also proceeds by allowing all committee members to ask questions followed by the responses by the delegation.
- CEDAW, CESCR and CRC ask delegations to respond to questions based on clusters of articles under their respective conventions, and the delegation must provide answers to each cluster before moving to the next.

In exceptional cases, if a State **fails to submit its report**, the treaty body may choose to examine the implementation of the treaty in that country in the absence of a report, in what is known as the **'review procedure'**. The treaty body may examine the extent of implementation on the basis of information received from other sources such as NGOs, UN agencies, etc. It will formulate a list of questions and issues for the State delegation to answer during

25 In 2014, the General Assembly requested that OHCHR provide an option for members of the State delegation to participate in the review through videoconference via OHCHR's country offices (General Assembly Resolution 68/268). The request aims to broaden the membership of the State delegation.

the main session. The review may even take place without the presence of a State delegation. In practice, the threat of the treaty bodies using the review procedure has frequently provided the requisite incentive for a State to submit its periodic report to the relevant committee shortly after it has been informed that it will otherwise be considered under the review procedure.

Issuing concluding observations and recommendations

The consideration of the State report by the treaty bodies culminates in the development of concluding observations and recommendations to the State.²⁶ The country rapporteur is often in charge of drafting the concluding observations,²⁷ which are debated and adopted by the treaty body in a private meeting.

The concluding observations are intended as a guide for furthering implementation of human rights obligations, but they are not legally binding. They may include the following:

- **Acknowledgement of positive steps taken** by the State to achieve its obligations
- **Identification of problematic areas** that require further action by the State to fulfil its obligations under the treaty
- **Practical steps** that the State can take in order to improve its implementation of human rights standards
- **Follow-up on implementation** of the concluding observations

The concluding observations often recommend changes in law, policy and programmes, establishment of institutions or organs to ensure implementation, and any other relevant measures.

The treaty bodies encourage the wide dissemination of the concluding observations in the concerned country to encourage their implementation by all relevant actors in the country. Civil society and others can play an important role in supporting the efforts of the State to fulfil its human rights obligations.

The adoption of the concluding observations marks the end of the examination of the report. They are usually made public through the OHCHR website at the end of the treaty body session, or soon after, but are typically shared with the concerned country before being made public.

The implementation of human rights obligations is an evolving process, and the subsequent periodic reports provide an opportunity for the State to inform the treaty bodies of how they have followed up on the previous concluding observations and recommendations.

26 The concluding observations of all the treaty bodies can be accessed at www.universalhumanrightsindex.org.

27 The concluding observations must respect a limit of 10,700 words (General Assembly Resolution 68/268).

Follow-up of concluding observations and recommendations

Follow-up to the concluding observations and recommendations of the treaty bodies is essential to improving the human rights situation on the ground in a particular country. States bear the primary responsibility for implementing the human rights obligations. However, other actors, including NGOs, also play an important role in this process.

Treaty bodies have developed **different procedures for monitoring the implementation of their recommendations** by States. The following provides an overview.²⁸

All the treaty bodies request that States include, as part of their next report, information on the follow up to concluding observations and recommendations. To strengthen the effectiveness of this request, seven treaty bodies have developed more rigorous follow-up procedures.²⁹ Six of them utilise the practice of stipulating a fixed time period (usually one year, but up to two in the case of CEDAW) within which the State must report back on the implementation of certain priority concluding recommendations.³⁰

The criteria for selecting these priority recommendations vary:

- The HRC and CERD mainly focus on recommendations requiring immediate action.
- CEDAW concentrates on issues that constitute an obstacle to the implementation of the Convention as a whole and which can be feasibly implemented within the follow-up period (one to two years).
- CAT reviewed its procedure in 2011 after finding that too many recommendations were being identified for follow-up and now primarily pinpoints recommendations aimed at (a) ensuring or strengthening the legal safeguards for persons deprived of their liberty; (b) conducting prompt, impartial and effective investigations; and (c) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment.
- CRPD focuses on key issues of concern and recommendations requiring immediate action.
- CED identifies recommendations that reflect issues that are particularly serious, urgent, protective, and/or can be achieved within short periods of time.

28 For a detailed description of the follow-up procedures of different treaty bodies, please refer to *Follow-up to Concluding Observations – Overview of follow-up procedures*, HRI/ICM/2009/6.

29 The HRC, CERD, CAT, CEDAW, CESCR, CRPD and CED. The CRC no longer uses a written follow-up procedure due to the backlog of State reports it faces and the role played by UNICEF in follow-up at the national level. CMW has yet to establish formal follow-up procedures.

30 The HRC, CERD, CAT, CEDAW, CRPD and CED. More information on these procedures can be accessed at www.ohchr.org/EN/HRBodies/Pages/FollowUpProcedure.aspx. More information on CESCR's procedure is available at www.ohchr.org/EN/HRBodies/CESCR/Pages/WorkingMethods.aspx#ftn3.

- CESCR does not focus on specific recommendations. However, it may request additional information from the State party to be provided before the submission of the next periodic report.

The number of recommendations selected for follow-up varies between treaty bodies and between country reviews but it seems that a minimum of three recommendations are generally identified.

Many treaty bodies have tasked one or more members with specific responsibilities relating to follow-up. They have appointed a follow-up rapporteur, a follow-up coordinator or allocated follow-up responsibilities to the respective country rapporteurs responsible for the review of a State. This person is generally mandated to monitor measures taken by the State to implement the recommendations of the treaty body and to report on the activities and implementation of the follow-up procedure in the annual report of the treaty body. Further, the HRC, CAT, CERD, CEDAW, CRPD, and CED have dedicated follow-up sections on their webpages.³¹

Assessment of implementation

There is limited information available about how implementation of follow-up recommendations is evaluated in the follow-up procedure. As with most other activities of the treaty bodies, the basis of this evaluation is information supplied by the State, NHRIs, NGOs, and other relevant actors such as UN agencies.

The HRC has adopted a new procedure for a qualitative assessment of follow-up information provided by States. The Committee will analyse and classify the information under five categories: satisfactory, partially satisfactory, not satisfactory, no cooperation with the Committee, the measures taken are contrary to the recommendations of the Committee.³²

CEDAW uses a classification of implemented, partially implemented, not implemented, and lack of sufficient information to make an assessment.³³

CERD has issued a set of guidelines to follow up on concluding observations and recommendations, elaborating upon ways in which the country can implement the above, such as dissemination of the concluding observations, regular reporting on progress in implementation, and coordinating with NHRIs and NGOs.³⁴

31 These pages can all be accessed from www.ohchr.org/EN/HRBodies/Pages/FollowUpProcedure.aspx.

32 For more information on these categories see the HRC's paper on its follow-up procedure http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f108%2f2&Lang=en.

33 Information on the follow-up procedure, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/I_Global/INT_CEDAW_FGD_7103_E.pdf.

34 Guidelines to follow up concluding observations and recommendations, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fFGD%2f5554&Lang=en.

CAT and CED simply state that the follow-up rapporteur will assess the information received to determine whether it responds to the concerns identified by the committee. This might result in requests for further clarification from the State. CESCR considers the follow-up information in a pre-sessional working group, which can recommend specific action by the Committee.

Other tools to ensure follow-up

One of the main weaknesses of the treaty body system is the lack of enforcement mechanisms available to the treaty bodies when States do not abide by their obligations. In response, the treaty bodies have devised certain strategies for placing some pressure on States to follow up and implement their recommendations. The committees are increasingly publishing all information pertaining to the follow-up procedure, including reminder letters, progress reports and all information provided by the State and NGOs. Publicity about the non-cooperation of a State might help facilitate increased engagement.

CERD has a procedure by which it can request further information or even an additional report from State parties regarding the implementation of its recommendations.

CAT is limited to requesting clarification on specific issues through public letters submitted to the State party.

The HRC may request a meeting with a State representative in the event that no information is submitted.

CESCR may utilise a number of different pressure mechanisms in order to ensure a satisfactory response to its recommendations. As a reaction to information submitted by the State, the Committee may adopt additional concluding observations, request further information, or decide to address specific issues during its next session. In the event that the State does not submit information, the Committee may either pursue the matter with the State or request its permission to conduct a technical assistance mission, but these practices are rarely used. In situations where the State does not accept a technical assistance mission, the Committee may make appropriate recommendations to the Economic and Social Council.

Individual communications

Several of the treaty bodies can receive **complaints, communications or ‘petitions’** regarding violations of a right or rights under the relevant treaties.

The **procedure for submission** of individual complaints may either be contained within an article of the treaty, or it may be established by a separate optional protocol to the treaty (See Table IV, page 27). For example, the HRC, CESCR, CRPD,

CEDAW, and the CRC can consider complaints through their respective optional protocols. In the case of CAT, CERD, and CED, individual communications can be considered when States have made the required declaration under Article 22 of CAT, Article 14 of ICERD, and Article 31 of ICPED. The complaint procedures for each of the treaty bodies may vary slightly, and detailed information about each of the procedures is available on the OHCHR website.³⁵

In order to be able to submit an individual complaint against a State to a treaty body, two basic conditions have to be met:

- The State must have **ratified the relevant treaty**, and
- The State must have **explicitly recognised the competence of the treaty body** through ratifying the optional protocol or through making the required declaration under the appropriate article of the respective convention

In addition, some treaty bodies may stipulate a formal **time limit** within which submission of complaints must be completed. CERD, for example, will deem a complaint inadmissible if it is submitted after six months have lapsed between the exhaustion of domestic or international remedies and the submission of the complaint. Even when there are no formal time limits announced, it is advisable that a complaint be submitted as soon as possible after the exhaustion of domestic remedies.

Where a State has recognised the competence of the treaty body to consider individual communications, the treaty body can consider complaints from any **individual** claiming a violation of their rights, or from any third party on behalf of an individual who has either given their written consent or who is incapable of doing so. In some cases, complaints can also be submitted on behalf of **groups of individuals** (CESCR, CERD, CEDAW, CRPD or CRC) whose rights have been violated.

Even though treaty bodies are quasi-judicial mechanisms, there is no way to enforce their recommendations and decisions. Nevertheless, the State party is expected to implement the recommendations of the treaty bodies and provide an appropriate remedy to the complainant.

35 The procedures for individual complaints or communications for each of the treaty bodies can be accessed through www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx. The complaints procedure of the CMW is Article 77 of the ICRMW.

TABLE IV COMPLAINTS PROCEDURES

TREATY BODY	COMPLAINTS PROCEDURE
HRC	First Optional Protocol to ICCPR (ICCPR-OPI)
CERD	Article 14 of ICERD
CAT	Article 22 of CAT
CEDAW	Optional Protocol to CEDAW (OP-CEDAW)
CMW	Article 77 of ICRMW (not yet in force)
CRPD	Optional Protocol to CRPD (OP-CRPD)
CESCR	Optional Protocol to ICESCR (OP-ICESCR)
CRC	Optional Protocol to the CRC (OP-CRC-IC)

Criteria for admissibility

In order to submit an individual communication, it has to fulfil certain formal criteria for admissibility, which vary across the different treaty bodies.

The following is a general overview of the admissibility criteria set out in the treaties (please consult the relevant treaty for the applicable criteria):

- The complainant, if not the same person as the victim of the alleged violation, must have received authorisation or the consent of the victim to submit the complaint on his or her behalf. However, in some cases exceptions to this rule may be made if the complainant can provide convincing arguments as to why obtaining the authorisation of the victim to submit the complaint was not possible. Anonymous complaints cannot be submitted
- The complainant must have exhausted all domestic remedies. This means that the complainant should have attempted to pursue the complaint through the domestic legal system. There are some exceptions to this rule, if a complainant can prove that pursuing domestic remedies would be unduly prolonged or ineffective in the specific case
- Similarly, the complaint cannot be pending consideration by any other international or regional settlement mechanism, such as the African Commission on Human and Peoples' Rights or the Inter-American Commission on Human Rights. Some treaty bodies may further specify that the complaint must not have already been considered by an international mechanism³⁶

³⁶ However, this does not preclude also submitting a communication to one of the special procedures of the Human Rights Council, as a communication to the special procedures is a non-judicial process and involves no consideration of the merits of the case

- If the State party has declared a reservation to the particular article of the relevant treaty applicable to the case, then a complaint alleging violation of that particular article will not be admissible
- The complaint should not constitute an abuse of the complaints procedure, that is, through the submission of frivolous complaints or otherwise inappropriate use of the procedure
- Some treaty bodies state that the complaint must not be 'manifestly ill-founded', meaning that it is insufficiently substantiated
- The incident that is the subject of the complaint must have occurred after the entry into force of the relevant treaty with regard to the concerned State party. However, if the incident occurred prior to the entry into force of the treaty but its effects have continued to be felt after the date of entry, then a complaint may be submitted on this basis

Form and content of the communication

Usually, treaty bodies consider complaints submitted in written form, and do not use oral or audio-visual evidence. Communications should generally also be submitted in one of the official UN languages: **Arabic, Chinese, English, French, Russian and Spanish.**

Several of the treaty bodies have provided a 'model complaint questionnaire' on their individual web pages in order to guide complainants on what information should be contained within the complaint.³⁷

The general content of a complaint should include the following pieces of information:

- Facts of the case describing the basis of the complaint
- Basic personal information about the complainant
- Proof of consent of the victim, if the complainant is a third party
- Steps taken to exhaust domestic remedies in the concerned country
- Steps taken to submit the complaint to any other international body
- Reasons why the complainant considers that his or her rights have been violated, preferably including the articles of the treaty which have allegedly been violated
- All documents relevant to substantiation of the complaint (preferably with relevant translations)

³⁷ Model complaints questionnaires for each of the treaty bodies are available at www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#whatinfo.

INDIVIDUAL COMMUNICATION EXAMPLE

The following individual communication by the Human Rights Law Centre (2013) to the Human Rights Committee may be a useful reference:

www.hrlc.org.au/wp-content/uploads/2013/05/UN_Communication_regarding_TylerCassidy_May2013.pdf

TIPS FOR SUBMISSION OF INDIVIDUAL COMMUNICATIONS

- 1 CHECK if the concerned country has ratified the relevant optional protocol, or made the requisite declaration under the relevant article of the treaty, recognising the competency of the committee to consider an individual communication regarding the concerned country. Make sure the State has not submitted a reservation to any relevant articles of the treaty ✓
- 2 CHECK that domestic remedies in the concerned country have been exhausted ✓
- 3 CHECK that the complaint is not pending before another international or regional body ✓
- 4 CHECK that the complaint falls under the scope of the relevant convention ✓

SUBMIT THE COMPLAINT AS SOON AS POSSIBLE!

Procedure for consideration of individual communications

The general **procedure** of the complaints process is as follows. The complainant checks to the best of his or her abilities that the complaint fulfils the admissibility criteria, and submits an individual communication to the treaty body via the petitions unit of OHCHR.

The petitions unit of OHCHR conducts an initial **pre-screening process** of the thousands of communications that it receives every year. If the relevant communication contains all the required information, the unit prepares a summary of the case and submits it to the Special Rapporteur on new communications, who is a member of the relevant treaty body. This process takes a few weeks.

The Special Rapporteur on new communications will then decide, based on the summary of the case from the petitions unit, whether there is **sufficient information to proceed with registering the communication**. If so, the case is assigned a number and added to the docket of communications of the

relevant treaty body. If there is insufficient information, the communication is not registered and is simply archived. A reply is also sent to the complainant stating why the process could not continue. This process takes around four months.

The official consideration of the complaint by the committee then begins, and takes place in two stages – **consideration of admissibility** and **consideration of the merits** of the case. These two stages may take place simultaneously, or consecutively, as decided by the committee or as requested by the concerned State.

In the first stage, the relevant treaty body will consider whether the complaint is formally admissible for consideration, that is, whether it fulfils the admissibility criteria specified above. The communication is sent to the State, which has six months to respond regarding the admissibility of the communication. The complainant may also be asked for further information on admissibility.

If the treaty body then decides that the complaint is **inadmissible**, it will communicate this to the complainant and the State party, and the procedure will come to an end. If the complaint is deemed **admissible**, the committee will send the complaint to the State party, asking for **clarification or a response by the State** regarding the complaint, usually within six months. The State should respond with information regarding the case. If the State does not reply, the committee's decision will be based on the complaint alone. The complainant may also be asked to provide further information on the merits or invited to respond to the State's response.

The committee will then consider the **merits** of the case in a closed session, based on the response of the State and the material submitted by the complainant. To examine the 'merits of the case' means that the committee will look at whether the complaint substantively falls under the scope of the relevant treaty. The general comments or general recommendations (see page 34) provide a good guide to what the treaty bodies consider to fall within the scope of the relevant treaty and how they interpret its provisions.

If the committee considers there has been a violation of the rights of the complainant under the relevant treaty, it will submit its findings to both the State and the complainant. It will call on the State to give effect to these findings and recommendations within three months. If the committee finds that no violation has taken place, this decision is communicated to both the State and the complainant and the procedure comes to an end.

In **special circumstances requiring urgent attention**, a treaty body may issue a request to the State to take interim measures in order to prevent irreparable harm to the victim. This may apply, for example, in a case where an order of execution is

to be carried out, or an individual who may face the threat of torture is about to be deported. If the complainant wishes for the committee to make the request for interim measures, it is advisable that this be explicitly stated in the complaint.

NGOs may not only play an important role by assisting victims in using the complaints procedure, but may also submit complaints on behalf of victims.

PROCEDURE FOR CONSIDERATION OF INDIVIDUAL COMMUNICATIONS

- 1 The committee receives an individual communication, and checks if it fulfils the admissibility criteria.
- 2 If the complaint is deemed **admissible**, the committee submits the complaint to the State party and seeks information/clarification from the State regarding the complaint. If the complaint is deemed **inadmissible**, this is communicated to the complainant and the State, and the process comes to an end. No appeals to the committee are possible.
- 3 If the complaint is deemed admissible, the committee then proceeds to examine the **merits** of the case in closed session.
- 4 If the committee considers that there is a **violation** of a right or rights under the relevant convention, the committee will send its findings to the State party and call upon it to give effect to the findings within three to six months. If the committee considers that **no violation** has occurred, this decision will be communicated to both State and complainant simultaneously, and the process ends.

Follow-up procedure to decisions on individual communications

Eight of the treaty bodies have developed a procedure to follow-up on States' implementation of their decisions,³⁸ and these procedures are largely similar.³⁹ All eight of them have appointed a Special Rapporteur or a Working Group with the formal responsibility for coordinating follow-up. In their decisions, the treaty bodies will stipulate a period of either 90 days (CAT and CERD) or 180 days (the HRC, CEDAW, CRPD, CED, CESCRC, CRC), within which the State is requested to provide information regarding implementation of the relevant decision. Subsequently, the complainant may be requested to comment on the information provided by the State, and based on this, the committee will analyse the degree of implementation of its decision.

Some treaty bodies, for example the HRC and CRPD, have developed a procedure for qualitatively assessing the degree of

38 CAT, CEDAW, CED, CERD, CESCRC, CRC, CRPD, HRC.

39 Follow-up to decisions, HRI/ICM/2009/7.

implementation of decisions by the State. The action taken will be categorised in one of five categories: action satisfactory or largely satisfactory, action partially satisfactory, action not satisfactory, no cooperation with the Committee, the measures taken are contrary to the recommendations of the Committee.⁴⁰

All follow-up information is considered to be public and will be included in the annual reports of the respective committees.

The treaty bodies generally have limited measures available to ensure compliance with their decisions. These include publicity, reminder letters, meetings with State representatives, and follow-up during the regular examination of State reports. In addition, the HRC and CAT have undertaken follow-up visits to facilitate implementation of their decisions, but this measure has been used in very few cases.

State-to-State complaints

The procedure of State-to-State complaints allows for a State to submit a complaint to a treaty body about alleged **violations of a treaty committed by another State**. Both States must be parties to the treaty in order to invoke this procedure. In view of the political repercussions of such a complaint, it is easy to understand why this procedure has never, to date, been used by any State. The basis of State-to-State complaints varies slightly across the different treaty bodies.

Under the ICCPR (Article 41), ICERD (Article 11), CAT (Article 21), ICRMW (Article 76), OP-ICESCR (Article 10), OP-CRC-IC (Article 12), CED (Article 32) complaints can be made regarding a State that is **not giving full effect to the provisions** of the treaty in question. The State's recognition of the competence of the committee in this regard is a pre-requisite for the use of this procedure. Under ICERD (Articles 11-13) and the ICCPR (Articles 41-43) a procedure for the resolution of State-to-State complaints has been established through the creation of an **ad-hoc conciliation commission**.

Under CEDAW (Article 29), CAT (Article 30) ICRMW (Article 92), ICERD (Article 22), and ICPED (article 42) there is another provision for the resolution of inter-State disputes regarding the interpretation or application of a treaty through negotiation or arbitration. States can opt out of this procedure through declarations at the time of ratification, but if they do so they cannot bring complaints against any other State, due to the principle of reciprocity, i.e. both States must be subject to the procedure.

⁴⁰ HRC, bit.ly/OHCHR-HRCdoc; CRPD, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f11%2f5&Lang=en.

Inquiry procedure

CAT, CEDAW, CRPD, CESC, CED, and the CRC can also **initiate inquiries into well-founded allegations of ‘serious, grave or systematic’ human rights violations** by a State party. The entire inquiry process is confidential, and is undertaken in consultation with the concerned State. As in the case of individual complaints, treaty bodies can only initiate such an inquiry if the State party has recognised its competence to do so.⁴¹

If CAT, CEDAW, CRPD, CESC, CED or CRC receive reliable information regarding the systematic violation of rights by a State party (or in the case of CESC by a State party that has issued a declaration under Article 11 of OP-ICESC) they may first invite the State to cooperate by submitting observations regarding the information the committee has received. On the basis of this information, the committee may decide to deploy one or more of its members to conduct a confidential inquiry and submit an urgent report. Committee members may also conduct country visits, with the consent of the concerned State.

The findings and recommendations of the committee are submitted to the concerned State. A six-month deadline is established for the State to respond and inform the committee of measures taken in light of the inquiry procedure. The committee can decide to include a summary of the proceedings in its annual report, after consultation with the State.

NGOs can submit valuable information to the treaty bodies regarding systematic violations of human rights, to enable a treaty body to initiate the inquiry procedure.

Early warning and urgent action procedure

CERD⁴² and CRPD⁴³ have established an early warning procedure that aims to prevent problems from escalating. CERD, CRPD and CED have also established an urgent action procedure. In the case of CERD and CRPD, the purpose of the procedure is to respond to issues requiring immediate attention to prevent or limit the scale of serious violations of ICERD. For CED the urgent action procedure aims to ensure that a State takes, as a matter of urgency, all necessary measures to seek and find a disappeared person.

41 When a State ratifies CAT, OP-CEDAW, OP-CRPD, OP-ICESC, ICPE, or OP-CRC-IC it recognises the competency of the respective committees to initiate inquiry procedures at any time. This is automatic under Article 6 of OP-CRPD and Article 33 of ICPE. However, others contain a provision to allow States to ‘opt out’ of provisions, which allows State parties to withdraw their consent to allow the respective committees to conduct this procedure. This is done by making an explicit declaration under Article 28 of CAT, Article 10 of OP-CEDAW, or Article 13 of OP-CRC-IC. OP-ICESC under Article 11 allows a State to opt in simply by declaring that it recognises the competency of the Committee in this regard.

42 For more information, see www.ohchr.org/EN/HRBodies/cerd/pages/EarlyWarningProcedure.aspx.

43 For more information, see http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/5/4&Lang=en, paragraphs 26-29.

For CERD, the early warning and urgent action procedures can be initiated by the treaty body itself or by NGOs and other stakeholders. The Committee has adopted guidelines for the procedures, setting out criteria and indicators for action and possible measures to be taken.⁴⁴ It has also established a five-member working group on early warnings and urgent action.

CED will respond to requests submitted by the relatives of a disappeared person or their legal or other representatives.⁴⁵ The person submitting the request may also, in particularly serious cases, request the Committee to call on the State to adopt interim measures to prevent irreparable harm to the disappeared person, or to witnesses, relatives, investigators, or defence counsel.⁴⁶

General comments/ recommendations

The treaty bodies produce **general comments** or **general recommendations** that are meant to serve as **authoritative guides for States on how to implement and interpret the conventions** to which they are a party. Such general comments can provide substantive guidance on specific articles of the convention, or may provide more general guidance for States, on topics such as how to prepare their reports to the treaty bodies.⁴⁷

General comments may vary in length and complexity, and can sometimes take the form of 'commentaries' on particular articles of a convention. They may also be revised or replaced in accordance with the increased experience of the treaty bodies or developments in a particular area.

The process for developing and adopting the general comments includes three basic stages – consultations, drafting, and adoption. Some committees may choose to incorporate expert advice from various stakeholders and NGOs into the drafting of the general comments.

44 A/62/18, Annex III.

45 Including their counsel or any person authorised by them, or any other person having a legitimate interest.

46 Guidance for the submission of a request for urgent action to the Committee (CED): www.ohchr.org/Documents/HRBodies/CED/ModelUrgentRequest_en.doc.

47 For example, the HRC has developed general comments not only on substantive provisions of the ICCPR, such as on the rights of minorities or the right to life, but also on reporting guidelines and the reporting obligations of the State. Information regarding the general comments of the treaty bodies can be found on the OHCHR website: www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx.



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TABLE V ACTIVITIES OF THE TREATY BODIES

ACTIVITIES & FUNCTIONS OF TREATY BODIES	TREATY BODIES										NGO INPUT	
	CERD	CESCR	HRC	CEDAW	CAT	SPT	CRC	CMW	CRPD	CED		
Examination of State reports	■	■	■	■	■		■	■	■	■	■	Through consultations regarding preparation of State reports Through submission of NGO reports both in relation to the adoption of list of issues and the actual examination
Concluding observations	■	■	■	■	■		■	■	■	■	■	Through providing draft recommendations to treaty body members and the secretariats
Individual communications	■	■	■	■	■		■	■	■	■	■	By assisting victim to submit a complaint By submitting complaint on behalf of the victim
Inter-State complaints	■		■		■		■	■	■	■	■	N/A
General Comments or General Recommendations	■	■	■	■	■		■	■	■	■	■	By raising relevant issues during general days of discussion By submitting information and comments for the drafting process
Inquiry procedure through country visits to investigate well-founded allegations of systematic violations of human rights		■		■	■	■	■	■	■	■	■	Through submission of relevant information
Follow-up procedure	■	■	■	■	■	■	■	■	■	■	■	By providing information on progress of implementation and follow-up Supporting and monitoring State implementation of recommendations of treaty body
Early-warning or urgent action procedure	■											Submitting information on violations



Time and again, members of the treaty bodies have affirmed the importance of NGO input and actively encouraged the participation of NGOs in their work

Generally, NGOs working in the field of human rights can interact with the treaty bodies, and do not require ECOSOC accreditation in order to do so.⁴⁸ There are a number of ways in which civil society can contribute to the work of the treaty bodies, both in formally institutionalised ways and informally. Many of the treaty bodies have specific guidelines for NGO participation in their work.⁴⁹

In order to take full advantage of the opportunities available, NGOs should view their engagement with the work of the treaty bodies in as **constructive and non-adversarial** a manner as possible, especially since this is how the committees themselves engage with States. Such an approach is more likely to yield tangible results by allowing genuine engagement with States and encouraging them to fulfil their human rights obligations.

Regarding formal avenues for participation, NGOs can provide input at almost every stage of the work of the treaty bodies (refer to Table V, page 36). These are discussed in further detail below.

Consideration of reports

NGOs can provide input into several crucial stages of the reporting process:

Preparation of the State report

NGOs may be invited to participate in **national consultations** preceding the drafting of the State report, if the State concerned encourages the participation of all stakeholders. This can provide valuable information and recommendations for the State's report preparation. Unfortunately, not all States make the effort to include the participation of NGOs in national consultations, and NGO perspectives and information are often excluded from the State party report. The treaty bodies try to encourage States to hold broad and inclusive national consultations - drawing attention, through the concluding observations, to the consultative process employed by the State in the production of its report.

48 There may be some cases where NGOs are required to have ECOSOC accreditation in order to participate in a session of a treaty body. Please consult with the OHCHR website for up-to-date information.

49 Consult the treaty body's website or the links in 'e-resources' at the end of this text.

NGO submissions and reports

Whether or not they are involved in the preparation of the State report, **NGOs and other stakeholders can submit a report of their own to the treaty bodies**, based on their findings and views on the national implementation of the relevant treaty. Such reports can help committee members to achieve a more comprehensive picture of the human rights situation in a country and are therefore very important. If an NGO does not have the time or resources to submit a comprehensive report prior to the relevant treaty body session, it should consider at least sending a brief submission highlighting key issues that deserve the attention of the committee. In addition, NGO reports can contain suggested questions and recommendations that the treaty bodies can use in their examination of the State report.

NGOs can also submit written information to assist the committee in drawing up the **list of issues** for each State, and, for those treaty bodies that offer it, in relation to the LOIPR. Since these lists can influence the focus of the review, this is a valuable opportunity for NGO input.

NGO SUBMISSION EXAMPLES

The following NGO submissions may be useful references:

Joint NGO report (2014) on torture and ill treatment in Australia

http://hrlc.org.au/wp-content/uploads/2014/10/CAT_NGO_Report_Australia_2014.pdf

American Civil Liberties Union report (2013) on the United States' compliance with the International Covenant on Civil and Political Rights

www.aclu.org/sites/default/files/assets/american_civil_liberties_union_shadow_report_to_the_u.s._fourth_periodic_report_final.pdf

Joint NGO report (2011) on Ireland's compliance with the Convention against Torture

http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_NGO_IRL_46_9042_E.pdf

All the treaty bodies have **deadlines for submission of written information** (see Table VI, adjacent page). The deadlines can differ depending on whether the information is in relation to the country review, the list of issues, or the LOIPR. NGOs are generally required to submit information in both electronic and hard copy to the secretariat.⁵⁰ Note that in the case of the CRC, written

⁵⁰ For details on where to submit NGO reports and how many hard copies to provide consult the relevant treaty body's website.

information from NGOs is to be sent to Child Rights Connect, which works with all national non-State actors to coordinate the submission of reports to the Committee for each country.⁵¹

NGO information will be included in the relevant country file, prepared by OHCHR for each of the committee members before consideration of the concerned State. Information provided to the treaty bodies is generally considered public and made available on OHCHR's website, unless they are requested to keep it confidential.

TABLE VI DEADLINES FOR SUBMITTING WRITTEN INFORMATION

TREATY BODY	DEADLINES FOR SUBMITTING INFORMATION
CERD	For country reviews: at any time, but preferably two weeks prior to the relevant session
CESCR	For country reviews: one-and-a-half months before the Committee's session For the list of issues: two months before the pre-sessional working group
HRC	For country reviews: three weeks before the Committee's session For the LOIPR: ten weeks before the session For the list of issues: ten weeks before the session
CEDAW	For country reviews: two weeks before the Committee's session For the list of issues: five weeks prior to the pre-sessional working group
CAT	For country reviews: two weeks before the Committee's session For the LOIPR: ten weeks before the session For the list of issues: ten weeks before the session
CRC	For country reviews: three months before the relevant pre-sessional working group For the list of issues: three months before the relevant pre-sessional working group
CRPD	For country reviews: one month before the Committee's session For the list of issues: one month before the session*
CMW	For country reviews: two weeks before the Committee's session For the LOIPR: two weeks before the session For the list of issues: two weeks before the session
CED	For country reviews: four weeks before the Committee's session For the list of issues: ten weeks before the session

*As yet CRPD is only considering initial reports, hence, while it has decided to offer the LOIPR procedure, it is not yet available in practice.

51 For more information see: www.ohchr.org/EN/HRBodies/CRC/Pages/InfoPartners.aspx.

Attending the treaty body session

Generally, NGO representatives may attend the plenary sessions of the treaty bodies as observers. To do so, they are required to obtain accreditation from the secretariat of the relevant committee in advance. NGOs cannot participate in the formal dialogue between the treaty body and the concerned State.

Attending the treaty body sessions allows NGO representatives to brief committee members, either during formal or informal meetings, and to **observe the discussion**, including the issues raised, the government's replies and the recommendations made by the treaty body.

There are also several informal avenues for NGO **interaction with the members** of the treaty bodies. NGOs may hold informal meetings with committee members during or prior to the main sessions, in addition to interacting through parallel events, other NGO meetings, or simply in the corridors around where the treaty body sessions are held. Committee members are usually approachable and welcome opportunities to share information and ideas with NGO representatives.

Webcasts

Thanks to a coalition of NGOs, many of the treaty body sessions are now webcast.⁵² There are also archives of past sessions. This ensures that NGOs that are not able to send representatives to attend the sessions in person are at least able to observe the proceedings. This can be invaluable when pushing for the implementation of the committees' concluding observations.

The resolution on treaty body strengthening adopted by the General Assembly in April 2014 decided that these webcasts should be provided in principle by the UN and requested the Department of Public Information to study the feasibility of doing so.⁵³

Briefings

NGOs can participate in briefings that take place before or during the treaty body sessions. These briefings may either be informal or part of the treaty bodies' formal sessions. For example, CESCR holds a pre-session briefing that is open to NGOs, who can present oral or written submissions. Some of the treaty bodies⁵⁴ allow for NGO representatives to brief committee members orally during their formal sessions, in private sessions with interpretation. In the case of some treaty bodies,⁵⁵ NGOs can also request OHCHR to hold 'lunchtime'

52 See www.treatybodywebcast.org.

53 General Assembly Resolution A/RES/68/268. See section below on 'treaty body strengthening' for more information on this resolution.

54 Such as HRC, CAT, CED, CERD, CESCR, CEDAW, CMW, and CRPD.

55 The HRC, CRPD, CERD, CESCR, CEDAW, CED, and CMW.

briefings, which committee members are invited to attend. As the lunchtime slot is considered to be outside the formal working period of the treaty bodies, it is up to committee members to decide if they want to attend, and interpretation is not provided. Arrangements can sometimes be made for NGO representatives to participate in these informal briefings via Skype if they cannot participate in person.

TABLE VII NGO BRIEFINGS FOR TREATY BODIES

TREATY BODY	TYPE OF BRIEFING
CERD	<ul style="list-style-type: none"> • NGOs may brief the Committee at meetings held on the first day of each week of the session • NGOs may organise lunchtime briefings on States being reviewed, immediately prior to the review commencing in the afternoon
CESCR	<ul style="list-style-type: none"> • Oral briefing during the first day of the pre-sessional working group, by NGOs that have submitted written information • Afternoon of the first day of session is devoted to NGO oral briefings from those that have submitted written information • NGOs that have submitted written information may organise informal lunchtime briefings usually the day before the review
HRC	<ul style="list-style-type: none"> • Oral briefings for half an hour per State, a day or two before the review • NGOs may organise informal briefings for one hour on the day before or the day of the review
CEDAW	<ul style="list-style-type: none"> • Oral briefing by NGOs during the pre-sessional working group (usually during the first day) • Oral briefings on the first day of each week of the session • Informal briefings may be organised by contacting the Secretariat and International Women's Rights Action Watch (IWRAW) Asia Pacific to coordinate
CAT	<ul style="list-style-type: none"> • Private NGO oral briefing of the Committee during its formal session on the day before the State report is considered, only for NGOs that have submitted written information
CRC	<ul style="list-style-type: none"> • NGOs who submit particularly relevant information will be invited to participate in the pre-sessional working group
CRPD	<ul style="list-style-type: none"> • Oral briefings usually on the first day of each week of the session • NGOs may organise informal 'coffee' and 'lunchtime' briefings or side events
CMW	<ul style="list-style-type: none"> • Oral briefings on the first day of the session • NGOs may organise one-hour informal lunchtime briefings
CED	<ul style="list-style-type: none"> • Oral briefings normally a day or two before the State review • NGOs may organise informal briefings the day before or the day of the review

NGO coalitions and coordination

NGO coalitions or networks play a key role in the coordination and drafting of NGO reports and other activities pertaining to the treaty bodies.

Child Rights Connect, for example, works with over 60 international NGOs to promote the implementation of the CRC, coordinate NGO written submissions, and undertake other tasks to assist the work of the Committee. Another international organisation, IWRAW-Asia Pacific, convenes training sessions for NGOs in parallel to the sessions of CEDAW in Geneva and also coordinates the submission of NGO reports to the Committee. The Centre for Civil and Political Rights can assist NGOs interested in making submissions to the HRC, and organises in-country workshops with NGOs to facilitate coordination of stakeholder reports to the HRC. The International Disability Alliance and the International Movement Against Discrimination and Racism play similar roles for CRPD and CERD respectively.

NGO coordination is vital to maximising the limited space and time given to NGOs for interacting with the treaty bodies, and is also a way to give added weight to information submitted to those treaty bodies.

Follow-up of recommendations

For further information and strategic and practical advice, see ISHR and the Human Rights Law Centre, *Domestic implementation of UN human rights recommendations: A guide for human rights defenders and advocates*

www.ishr.ch/sites/default/files/article/files/domestic_implementation_of_un_human_rights_recommendations_-_final.pdf

NGOs can follow-up the recommendations of treaty bodies in several ways. They can **monitor** the efforts of the government to implement the concluding observations and recommendations of the treaty bodies, and report this information back to the treaty bodies either through formal submissions or informally.

Producing a follow-up report is a key means by which an NGO can help a treaty body assess the level of implementation of the concluding observations by the State party.

NGOs can also help to widely **disseminate and draw attention** to the concluding observations and other work of the treaty bodies at the national level, thus raising the visibility of the work of the treaty bodies. This can be done in a variety of ways, such as by holding press conferences and otherwise seeking media attention, and by distributing the concluding observations to

civil society, courts and members of local government. Securing publicity for the issues through short articles in newspapers or other public forums can draw public attention to the recommendations of the treaty bodies.

Members of civil society can also **lobby governments** to implement the concluding observations. This may include holding meetings or conferences with government officials and NGOs, meeting members of parliament individually, and discussing the recommendations of the treaty bodies with the State delegates. NGOs should particularly emphasise those recommendations that have been prioritised and specifically identified for follow-up within six months or a year (depending on the practice of the relevant treaty body). The shorter time limit coupled with prioritisation of the particular recommendations can help place additional pressure on the State to implement them, and also help the State to identify long-term and short-term goals.

Finally, there is a role for NGOs in working with their governments in the **implementation** of the concluding observations and recommendations, and in promoting legislative or policy reforms. NGOs can also use the concluding observations and recommendations of the treaty bodies to guide their own work at the regional, national or local levels.

Individual communications

NGOs have an important role to play at the national level in providing **assistance to victims** who wish to submit a complaint to the treaty bodies, or even by submitting the complaint on behalf of the victim.⁵⁶ This is of particular importance if the complainant does not have access to legal counsel. In such cases, an NGO with legal expertise or specialised knowledge of the international human rights system can provide valuable assistance.

Additionally, NGOs can also provide a vital service in following up on the implementation of the committee's decision on the communication, and disseminating them within the relevant country. NGOs should keep the treaty bodies informed of how their views and recommendations on individual communications have been implemented.

Submission of information to other procedures

NGOs can submit information to the treaty bodies during an **inquiry procedure**, or as part of an **early-warning** or **urgent action procedure**. In cases where no State report has been presented and a State is being examined under the **review procedure**, NGO reports are of even more significance. The submission of information is a key way for NGOs to assist the work of the treaty bodies.

⁵⁶ For more information on how to submit a complaint to the treaty bodies, please refer to www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx.

General comments/ recommendations

Some treaty bodies convene 'days of general discussion' to examine a particular theme or issue of concern.

Such days of general discussion are usually open to the public as well as external participants such as UN organisations, State delegations, NGOs, and experts.

A potential outcome of the discussion may be to assist the members of the treaty body in developing a general comment (page 34).

CESCR has held a series of days of general discussion since 1992, many of which have resulted in general comments. In 2010 it held a day of general discussion on the right to sexual and reproductive health where it examined Articles 10(2) and 12 of ICESCR with a view to drafting a general comment on the subject. NGOs and other stakeholders were able to make written submissions.

CERD, on the other hand, regularly holds 'thematic discussions' – meetings where all concerned stakeholders including NGOs can express their views on an issue related to racial discrimination and the ICERD. CED holds similar discussions on aspects of enforced disappearance. NGOs may therefore influence the substantive work of the committees either through providing input into the need for, or on the content of, a general comment, or by drawing the attention of committee members to issues of concern through a thematic discussion.

Reprisals⁵⁷

NGOs who are considering engaging in the work of the treaty bodies should undertake an assessment of the risks they may face in doing so.

Several cases of reprisals against NGOs and their representatives engaging with or attempting to engage with the treaty bodies have been reported.⁵⁸

Some of the treaty bodies are responding to these risks by appointing rapporteurs or focal points on reprisals, such as CAT, HRC, CRPD and CED. CAT has developed a webpage on reprisals, which includes letters sent to governments of countries where alleged reprisals have taken place, and any responses received.⁵⁹

57 For more information on reprisals and the obligation of treaty bodies to protect NGOs who engage or attempt to engage with them, see www.ishr.ch/sites/default/files/article/files/ishr_submission_to_tb_chairs_on_reprisals.pdf.

58 See for example, www.ishr.ch/news/china-un-committee-should-demand-government-investigate-and-end-reprisals and www.ishr.ch/news/russia-reprisals-against-ngos-breach-international-law-and-obligations-human-rights-council.

59 www.ohchr.org/EN/HRBodies/CAT/Pages/ReprisalLetters.aspx.

NGOs who experience reprisals when engaging or attempting to engage with the treaty bodies should report their case to the treaty body's focal point where relevant or to the treaty body's chairperson and to the secretariat. They should also consider submitting their case to the Secretary-General's report on reprisals.⁶⁰

For further information on practical steps that can be taken to prevent or promote accountability for reprisals see ISHR's *Reprisals Handbook*:

www.ishr.ch/reprisals-handbook



© UN Photo: Jenny Rockett

⁶⁰ For more information see www.ishr.ch/news/help-prevent-and-secure-accountability-reprisals-call-submissions-un-secretary-generals-report.



The Human Rights Council, the main human rights body of the United Nations, was created by General Assembly *Resolution 60/251*, which set down the Council's mandate and responsibilities. It is an inter-governmental, political (as opposed to expert) body, established in 2006.

While the treaty bodies and the Council are two very different types of bodies, the cross-fertilisation of their work is important.

The treaty bodies interact with the Council through two of its procedures – the Universal Periodic Review (UPR) and the special procedures.⁶¹

Universal Periodic Review

In General Assembly *Resolution 60/251*, which established the Council, paragraph 5(e) provided for the creation of a new mechanism known as the Universal Periodic Review (UPR). The general modalities of the UPR were adopted in June 2007, and revised during the review of the Human Rights Council, which concluded in March 2011.⁶²

The UPR, as its name suggests, is a process by which the human rights records of all UN member States are examined by a working group, consisting of all the members of the Council, every four-and-a-half years. The main premise of the UPR process is to 'ensure universal coverage and equal treatment of all States'.⁶³ It is an inter-governmental process that is intended to complement and not duplicate the work of other human rights mechanisms.

Some of the stated objectives of the UPR process are an 'improvement of the human rights situation on the ground', fulfilment of the State's human rights obligations and commitments, assessment of positive developments and challenges faced by the State, and enhancement of the State's capacity to fulfil its obligations and provision of technical assistance in consultation with the State concerned.

61 Special procedures refers to the Council's mechanisms established to address either specific country situations or thematic issues in all parts of the world. For more information, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx.

62 Human Rights Council Resolution 16/21, and Human Rights Council Decision 17/119.

63 That is, in order to avoid the allegations of 'selectivity' and 'politicisation' that infected the work of the former Commission on Human Rights.

The basis of the review, as established by Human Rights Council *Resolution 5/1*, is the following:

- UN Charter
- Universal Declaration of Human Rights (UDHR)
- **Human rights instruments to which the State is a party**
- Voluntary pledges and commitments made by States
- Applicable international humanitarian law

The implementation of and compliance with human rights instruments, or treaties, to which the State is a party, constitutes the most effective and concrete basis on which to conduct the review process, and the UPR focuses on how to implement the existing human rights obligations of the country concerned. The UPR process thus provides a valuable opportunity to strengthen the work of the treaty bodies by acting as a reinforcing mechanism to their own work of monitoring implementation. The main advantage offered by the UPR, keeping in mind its objectives stated above, is that it can both give weight to the recommendations of the treaty bodies and provide the means by which to do so. It can do this through the provision of technical assistance or capacity-building measures provided for by the UPR.

Assessment of the human rights records of the concerned country will be based on three sources of information, namely:

- Information prepared by the State (not more than 20 pages)
- A compilation of information prepared by OHCHR, summarising information contained in the **reports of the treaty bodies**, special procedures of the Council, and other UN documents that are relevant in examining the record of the concerned country (ten pages)
- Any other additional and credible information provided by other relevant stakeholders, which will be summarised by OHCHR (not more than ten pages)

The information presented by the State is expected to conform to the **guidelines for the submission of information** to the UPR. While it is up to the discretion of the State being reviewed as to the information provided in the national report (in conformity with the guidelines), it is encouraged to provide background information on the legislative and policy framework for the protection and promotion of human rights, and information on implementation of international human rights obligations and the challenges faced in this regard.

The second source of information directly pertains to that supplied by the treaty bodies to the UPR Working Group, as summarised by OHCHR, on the human rights record of the concerned country. Given that the UPR should not duplicate the work of the treaty bodies, it can provide added value to their work in two

ways – by **following up** and **reinforcing recommendations** of the treaty bodies, and by providing **technical cooperation** and **financial assistance** as required to implement these recommendations. In terms of follow-up, the UPR process allows for the UPR Working Group to raise questions, during the interactive dialogue, regarding the State's follow-up of the recommendations of the treaty bodies.

The treaty bodies themselves have acknowledged the importance of providing specific and concrete recommendations on the State's implementation of obligations in their concluding observations, since this information will be considered by the UPR Working Group. It is particularly important that these recommendations be prioritised in order that the main human rights concerns receive adequate attention.

Coordination with special procedures

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The **sharing of information** between the treaty bodies and the special procedures is a reciprocal and mutually beneficial process.

Information from the special procedures is made available to the treaty bodies for their examination of State reports, and some of the treaty bodies coordinate closely with particular special procedures. For example, CAT and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment share country information and information on individual communications received by CAT, and meet formally once per year. CESCR has developed close relations with the special procedures on the right to housing, the right to education, and the rights of indigenous peoples. CED regularly coordinates and meets with the Working Group on Enforced or Involuntary Disappearances.

Other interactions between special procedures and the treaty bodies include special procedures attending sessions of the treaty bodies, either during annual thematic debates or other regular meetings. For example, CEDAW has interacted with the Special Rapporteur on violence against women and the Special Rapporteur on the right to health. CMW has interacted in particular with the Special Rapporteur on migrants.

Additionally, the **annual joint meeting** of treaty bodies and the special procedures also allows for dialogue and interaction between the mandate holders and committee members so they may discuss contemporary issues of mutual concern.



Enhancing the effectiveness of the treaty bodies

In the **annual meeting of chairpersons of the human rights treaty bodies**,⁶⁴ the chairpersons of all the committees come together to discuss the coordination of their activities and how to enhance the work of the treaty bodies individually and collectively. Streamlining of reporting procedures, harmonisation of methods of work, financial matters and other issues pertaining to the work of the treaty bodies are examined. Informal consultations with States and civil society are also held alongside.

Treaty body strengthening

Discussions begin

Discussions of treaty body strengthening⁶⁵ gathered momentum after the issue was highlighted in the 2002 report of the UN Secretary-General entitled *Strengthening of the United Nations: an agenda for further change*. The report highlighted that the exclusive focus of each of the treaty bodies on the concerns of their respective treaties had resulted in the imposition of a heavy reporting burden on States. 'Non-reporting' and late reports therefore severely undermined the effectiveness of the work of the treaty bodies, by undercutting efforts to monitor implementation of States' human rights obligations.

The report proposed two ways this problem could be addressed:

- Through **increased coordination** and the **standardisation of the reporting requirements** across all the treaty bodies.
- By allowing each State party to produce a **single report** summarising its compliance with the full range of human rights treaties.

While the latter suggestion for a single report was rejected, the Secretariat developed a set of 'harmonised guidelines' instead. These guidelines proposed that States report under an 'expanded common core document', that could be submitted to all the treaty bodies, accompanied by a shorter treaty-specific document to be submitted under each treaty.⁶⁷

64 Up until 2011, the Inter-Committee Meeting was held twice a year. This meeting brought together the chairpersons of the treaty bodies with two additional members from each of the committees to discuss the harmonisation of treaty body working methods. It was discontinued due to lack of resources and has now been replaced with a meeting of chairpersons only.

65 All documents relating to treaty body strengthening can be found at www.ohchr.org/EN/HRBodies/HRTD/Pages/TBStrengthening.aspx.

66 A/57/387, presented at the 57th session of the General Assembly, 9 September 2002, paragraphs 52 - 54.

67 For more information on the expanded core document and the new reporting guidelines, please see Chapter 2, pages 16 - 17.

The report further recommended that the High Commissioner for Human Rights (the High Commissioner) should consult with the members of the treaty bodies to develop new 'streamlined reporting procedures' and submit recommendations regarding the same to the Secretary-General by September 2003.

The proposal for a single, unified treaty body

In another report from the Secretary-General in 2005, entitled *In larger freedom: towards development, security and human rights for all*,⁶⁸ attention was again drawn to the need for harmonised reporting guidelines across all the treaty bodies, to enable them to function as a unified system and thereby address the problem of chronic under-reporting by States and the weak implementation of treaty body recommendations.

In 2006, the High Commissioner put forward a proposal for a '**unified standing treaty body**'.⁶⁹ In presenting her proposal, the High Commissioner highlighted some of the major challenges facing the treaty bodies, including:

- Failure of States to submit reports, or considerable delays in submission
- An increase in ratifications and treaties has seen an increase in the workload of treaty bodies, creating a backlog of reports and individual complaints, which require additional resources
- Duplication in the work of the treaty bodies
- Uneven expertise and independence of committee members, and inadequate geographical representation and gender balance
- Different working methods and limited coordination between different treaty bodies, making it difficult for States and others to engage with the system
- Infrequent use of individual complaint system
- Complex procedures that are not accessible to victims
- Limited use of inquiry and inter-State complaint procedures

The proposed 'unified treaty body', which was ultimately rejected, was presented as a solution to many of these challenges. Some of the key features of this proposed body were as follows:

- The unified treaty body would reflect the crosscutting nature of human rights violations, and would allow for a single reporting cycle for monitoring of all State human rights obligations
- It would allow for a comprehensive and holistic assessment of the implementation of human rights obligations to take place, with all recommendations and key concerns of the treaty bodies consolidated in one document

68 A/59/2005, presented at the 59th session of the General Assembly, 21 March 2005, paragraph 147.

69 Concept Paper on the High Commissioner's Proposal for a Unified Standing Treaty Body, HRI/MC/2006/2, 22 March 2006.

- It would enable a more consistent approach to interpretation of the provisions of treaties, also allowing for complainants to invoke one or more provisions of several treaties when a violation has occurred
- Treaty body members of the new body would be professional and remunerated full-time members available on a permanent basis
- The unified body would allow for extended and more intensive dialogue with States
- As a more authoritative body, it would raise the profile of the work of the treaty bodies and receive more visibility at the international and national levels
- The proposed body would allow more flexibility with the venue and timing of sessions as it would be a single body and would not require coordination between several committees

However, this proposal did not receive broad support and the idea has been abandoned. While it offered some ideas on how to improve the treaty body system as a whole, it did not adequately address the key challenges that afflict the work of the treaty bodies, such as how to improve timely reporting by States and how to strengthen implementation of concluding observations.

The creation of a standing unified treaty body would have also raised many complex new issues.⁷⁰ For example, NGOs and some States expressed concern at the potential loss of the specific focus held by each of the treaty bodies, on certain vulnerable groups or clusters of rights, if a single body replaced the different treaty bodies.

On the other hand, several NGOs and treaty bodies themselves were in favour of considering creation of a single body to consider individual complaints under any of the treaties. Such a body would allow for the consistent interpretation and application of jurisprudence generated by the treaty bodies. Additionally, this body would lighten a substantial workload from the treaty bodies, time which could then be devoted to examining State reports.

The Addis Ababa Guidelines

While the treaty body system continues to grow and develop, **harmonisation of working methods and coordination** between the treaty bodies remains a challenge to be addressed. Additionally, the quality of the work of the treaty bodies depends on the quality of the individual committee members. Until now, this has been uneven, with members sometimes not exhibiting the requisite independence from their governments, or not having sufficient expertise in the particular areas of their committee's work.

70 For further information on the High Commissioner's proposal and its reception, please refer to ISHR's Human Rights Monitor 2006 (no 64/2006), available at http://olddoc.ishr.ch/hrm/hrm_documents/hrm_2006_complete1.pdf.

The *Addis Ababa Guidelines* developed by the treaty body chairpersons were intended to address this but, while adopted by many of the treaty bodies, need to be fully implemented. Furthermore, the lack of any term limit in the case of most treaty bodies on the re-election of committee members has meant the retention of some committee members for extended periods of time. This can be of particular concern if the renewed members have insufficient expertise, are not independent, or are simply no longer effective as committee members.

In order to strengthen the work of the treaty bodies, and thereby ensure the implementation of the human rights obligations of States parties, such issues will need to be addressed through any reform of the treaty bodies. It is notable that newly created treaty bodies, including SPT, CRPD and CED, have a two-term limit on membership.

The 'Dublin process'

The Dublin process on treaty body strengthening was launched in Dublin in November 2009. At the initiative of the University of Nottingham, more than 20 present and former members of the treaty bodies were invited to consider how best to move forward in strengthening the treaty body system following the last attempt by the former High Commissioner in 2006. The Dublin meeting was also attended by the then High Commissioner, who presented what she saw as the two challenges of resources and coherence. She considered that treaty body experts were 'optimally placed to initiate such reflection and achieve the requisite balance between specificity of tasks and coherence of outcome'.

The outcome of the meeting was the '**Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System**', which was signed by the participants of the meeting, and subsequently endorsed by other treaty body members.⁷¹ The statement recognises the need for strengthening of the treaty body system beyond simply harmonising working methods in order to enhance protection of human rights at the national level. It noted that reform must be a continual process involving all stakeholders at multiple levels, and that the treaty bodies act as a 'central anchor'. It also called on States and NGOs to multilaterally consider reform proposals. It finally invited the High Commissioner to 'facilitate consultation among them with a view to devising a process to develop specific proposals for the strengthening of the treaty body system'.

Following on from this meeting a series of consultations were held, with academics, NGOs (both national level and international level), NHRIs, and States, through the course of which numerous recommendations were made. The process concluded in a report from the High Commissioner in June 2012.⁷² The report

71 Available at www.nottingham.ac.uk/hrlc/documents/specialevents/dublinstatement.pdf.

72 High Commissioner's report on treaty body strengthening www2.ohchr.org/english/bodies/HRTD/docs/HCreportonTBstrengthening210612.doc.

compiled all the recommendations made throughout the process as well as the High Commissioner's reflections on those recommendations. It is an extremely useful resource for treaty bodies, some of whom have adopted recommendations or reforms suggested in the report, keeping in mind that each treaty body is independent and must devise its own working methods.

The General Assembly launches an intergovernmental process

Earlier in the same year that the High Commissioner's report was launched, in February 2012, the General Assembly passed a resolution creating the **Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system**.⁷³ This process was initiated by Russia together with fellow members of the Like Minded Group, with the argument being made that States had not had sufficient opportunity to feed into the consultations that were reflected in the High Commissioner's report.

The intergovernmental process on treaty body strengthening commenced its negotiations in July 2012.⁷⁴ It was primarily a State process, although limited space was made on the side-lines for comments from treaty body members and civil society. The process concluded in April 2014 with the adoption of a resolution by the General Assembly.⁷⁵ The resolution is relatively limited in scope, since the mandate of the General Assembly with respect to the treaty bodies extends only as far as meeting time and budget.

Much of the work of NGOs had been directed towards ensuring the results of this process did not undermine the work of the treaty bodies. For example, there had been an attempt by some States to impose a 'code of conduct' on treaty body members, which would have compromised their independence. Nevertheless, some positive developments resulted, such as the allocation of an extra 20 weeks' meeting time divided across the treaty bodies and capacity building for States to assist them in submitting their reports on time. These measures are aimed at helping to address the original concerns of a backlog of reports and non-reporting States.⁷⁶

As was made clear by NGOs and many States throughout the intergovernmental process, treaty bodies are ultimately independent and responsible for determining their own working methods. The recommendations in the High Commissioner's report, as well as the many recommendations made by NGOs throughout the intergovernmental process, provide the treaty bodies with ample ideas that can now begin to be implemented to make their work more effective. At this stage the onus lies on the treaty bodies to carry the process of treaty body strengthening forwards.

73 For more information see www.ishr.ch/news/66-states-abstain-ga-resolution-creating-treaty-body-strengthening-process.

74 For more information see www.ishr.ch/news/general-assembly-extends-intergovernmental-process-treaty-body-strengthening#_ftnref1.

75 General Assembly Resolution A/RES/68/268.

76 For more information see www.ishr.ch/news/general-assembly-takes-modest-important-step-strengthen-treaty-bodies.

GLOSSARY

Key words & phrases	Definition
Accession	When a State becomes party to a treaty that has already entered into force.
Accreditation	The process by which an NGO that fulfils certain criteria is granted the 'credentials' to attend or participate in UN meetings by an authorising body.
Alternative report	See 'NGO report'.
Capacity-building	Refers to the activity of enhancing the skills or competencies of a State to address a particular problem. This could be achieved through providing financial or technical assistance.
Common core document	Refers to the document submitted by the State party to the treaty bodies containing general information about the country, which is relevant to all of the treaties. It has been introduced to reduce repetition of information in State reports to the various treaty bodies.
Concluding observations	The official observations and recommendations issued by a treaty body after consideration of a State report.
Constructive dialogue	The official exchange between committee members and the State party delegation at the plenary session, which allows for oral responses to questions and the exchange of additional information.
Country rapporteur or task force	Designated committee member(s) appointed to take the lead on the examination of a particular State, by taking primary responsibility to draft the list of issues, question the delegation, and formulate the concluding observations for that State.
Early warning and urgent action procedures	A procedure that allows CERD to act to prevent the further deterioration of the human rights situation in a country. CED also has an urgent action procedure.
Entry into force	When a treaty becomes legally binding upon all States that have ratified it.
Exhaustion of domestic remedies	Refers to pursuing all available national mechanisms, such as local courts or other complaint procedures, to seek redress for violations of human rights.
Follow-up	Monitoring through dialogue, reporting, question and answers, country visits or any other means, the extent to which a State party has implemented its obligations and recommendations that have been directed towards it by the treaty bodies.

General comment/ recommendation	The official interpretation issued by a treaty body on the scope of a right contained in the treaty which it is monitoring, on a broader thematic issue, or even regarding a procedural matter; that can provide guidance on the implementation of the particular treaty.
Human Rights Council	The main UN inter-governmental human rights mechanism and a subsidiary organ of the General Assembly, responsible for promoting and protecting human rights.
Individual communication	A complaint on behalf of an individual who claims that his/her rights under one of the treaties have been violated by a State party.
Inquiry procedure	Procedure where a treaty body can investigate well-founded allegations of systematic violations of human rights by a State party.
Inter-governmental body	A political organisation whose membership is comprised of national governments.
International human rights obligations	Provisions of an international human rights treaty or international human rights treaties, which a State party is legally bound to respect, protect, and fulfil.
List of issues/questions	A list of issues/questions is formulated by the treaty body on the basis of the State report and information from specialised agencies, NGOs etc; it is transmitted to the State party in advance of the session at which the treaty body will consider the State report.
List of Issues Prior to Reporting (LOIPR)	A simplified reporting procedure whereby a list of issues is formulated by the treaty body before the State submits its report, and the responses from the State to the list of issues constitute the State's report.
Mandate	Refers to the collective objectives, powers and procedures that an individual or group is authorised to employ or undertake.
NGO report	Information provided by NGOs relating to the implementation of a treaty in a particular country. Also known as an 'alternative report'.
Optional Protocol	A separate treaty linked to a principal treaty, which imposes additional legal obligations on States that ratify it, such as individual communications procedures.
Oral submission	A formal statement made by an NGO representative at the plenary session of a treaty body.

Parallel event	Event organised by one or more NGOs regarding a specific issue that is held in parallel to the sessions of the treaty bodies (also known as a 'side event').
Periodicity	Refers to the timetable for submission of reports by State parties to the treaty body; set out in accordance with the terms of the treaty.
Plenary session	Regularly scheduled main meeting of a treaty body (or other relevant mechanism) attended by all committee members.
Pre-sessional working group	A sub-committee convened before a plenary session or prior to a subsequent session, in order to plan a committee's future work.
Ratification	A definitive, legal expression of consent that fully binds a State to the provisions of a treaty.
Reporting guidelines	Written guidelines produced by each treaty body giving advice on the necessary form and content of State reports.
Reservation	A declaration made by a State party, which excludes or alters the legal effect of certain provisions of a treaty in their application to the State.
Review procedure	A procedure by which a treaty body is mandated to consider the situation in a country in the absence of a report from the State party.
Side event	See 'parallel event'.
Signature	A preparatory step indicating a State's intention to be fully bound by a treaty at a later date.
Simplified reporting procedure (SRP)	See 'List of issues prior to reporting'.
Special procedures	The group of independent experts appointed by the Human Rights Council to examine, monitor and publicly report on human rights situations in specific countries or on specific human rights themes through reports, interactive dialogues and country missions.
State party	A State that has ratified or otherwise expressed its consent to be bound by an international treaty.
State report	The report that each State party is required to submit regularly to the treaty body regarding steps it has taken to implement its obligations under the treaty. Also known as a 'national report'.
Technical assistance	A cooperative measure by which a State is provided the expertise, technology or any other form of appropriate technical capacity by the UN or bilaterally by another State for the purposes of more effectively addressing a given problem or issue.

Treaty body or committee	A group of independent experts appointed to monitor implementation of an international human rights treaty.
Treaty/convention/ covenant	An international legal instrument that imposes binding legal obligations on States that have become party to it.
Treaty specific document	A document that contains information on issues specifically related to the treaty concerned; submitted together with a common core document (see above).
Universal periodic review	A new mechanism of the Human Rights Council, which comprehensively reviews the implementation of all the human rights obligations of a given State.
Working group	A group formed expressly for the purpose of addressing a specific issue.
Written submission	A formal statement on a particular issue submitted by an NGO to a treaty body.

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E-RESOURCES

Where can I find general information on the treaty bodies?

‘Working with the United Nations Human Rights Programme: A Handbook for Civil Society?’ (OHCHR):

www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

OHCHR Fact Sheet No.30 - The United Nations Human Rights Treaty System:

www.ohchr.org/Documents/Publications/FactSheet30Rev1.pdf

OHCHR treaty body webpage:

www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx

Other reference material (OHCHR):

www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx

Where can I find basic documents on individual treaty bodies?

OHCHR fact-sheets on all the treaty bodies can be accessed at:

www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx

CERD

General:

www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx

General Recommendations:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11

State reports:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=29

Information for NGOs:

www.ohchr.org/EN/HRBodies/CERD/Pages/CivilSociety.aspx

CESCR

General:

www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx

General Comments:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11

State reports:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=29

Information for NGOs:

www.ohchr.org/EN/HRBodies/CESCR/Pages/NGOs.aspx

HRC

General:

www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx

General Comments:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11

State reports:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=45&DocTypeID=29

Information for NGOs:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&SymbolNo=CCPR/C/104/3

CAT

General:

www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx

General Comments:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=11

State reports:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=45&DocTypeID=29&DocTypeCategoryID=1

Information for NGOs:

www.ohchr.org/EN/HRBodies/CAT/Pages/NGOsNHRIs.aspx#section3

CEDAW

General:

www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx

General Recommendations:

www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx

State reports:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29

CRC

General:

www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx

General Comments:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

State reports:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=29&DocTypeCategoryID=1

Information for NGOs:

www.ohchr.org/EN/HRBodies/CRC/Pages/InfoPartners.aspx

CMW

General:

www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx

General comments:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=11

State reports:

http://tbinternet.ohchr.org/_Layouts/Treatybodyexternal/TBSearch.aspx?lang=En&treatyid=7&doctypeid=45&doctypeid=29

CRPD

General:

www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx

General comments:

www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx

State reports:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=29

Information for NGOs:

www.ohchr.org/EN/HRBodies/CRPD/Pages/NoteonCivilSocietyParticipation.aspx

CED

General:

www.ohchr.org/EN/HRBodies/ced/Pages/CEDIndex.aspx

State reports:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=2&DocTypeID=29

Information for NGOs:

www.ohchr.org/EN/HRBodies/CED/Pages/CivilSociety.aspx

Where can I search for ratification status, documents due, reports submitted, or reviews scheduled?

UN treaty body database:

<http://tbinternet.ohchr.org/SitePages/Home.aspx>

Ratification status by country or by treaty:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx

Reports submitted by country:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

All documents by treaty, by country or by document type:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx?Lang=en

Documents due by country, by treaty body, or by document type:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx

Documents overdue by country or by treaty body:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx

Reviews scheduled by country or by treaty body:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En

Where can I search for concluding observations, recommendations and other information generated by the treaty bodies?

Treaty Bodies Database (OHCHR):

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en

Universal Human Rights Index:

<http://uhri.ohchr.org/>

To sign up for free email notification of treaty body recommendations (OHCHR):

<http://visitor.constantcontact.com/manage/optin/ea?v=0015de0j6wVWFJ4-CxbRgTKZbQ%3D%3D>

Where can I find summaries and other records of the past sessions of the treaty bodies?

Select summary records in the search fields:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx?Lang=en

Treaty body webcast archives:

www.treatybodywebcast.org/category/webcast-archives/

How can NGOs engage with the treaty bodies?

Working with the United Nations Human Rights Programme: A Handbook for Civil Society, Chapter IV: Treaty Bodies (OHCHR):

www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

How can I contact the treaty bodies?

Working with the United Nations Human Rights Programme: A Handbook for Civil Society, Chapter IV: Treaty Bodies (OHCHR):

www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

How can I submit a complaint to the treaty bodies?

For information on the complaints procedure (OHCHR):

www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx

Where can I find information on treaty body strengthening?

Enhancing the human rights treaty body system (OHCHR):

www.ohchr.org/EN/HRBodies/HRTD/Pages/TBStrengthening.aspx

For reports on latest developments:

www.ishr.ch/news/treaty-bodies

The outcome of the General Assembly's treaty body strengthening process: an important milestone on a longer journey:

www.universal-rights.org/wp-content/uploads/2015/02/URG_Policy_Brief_web_spread_hd.pdf

NGOs that may be able to provide expert advice or support

CESCR

Global Initiative on Economic, Social and Cultural Rights

www.globalinitiative-escr.org

HRC

Centre for Civil and Political Rights

www.ccprcentre.org

CAT

World Organisation Against Torture

www.omct.org

CEDAW

IWRAW Asia Pacific

www.iwraw-ap.org

OP-CAT

Association for the Prevention of Torture

www.apt.ch

CRC

Child Rights Connect

www.childrightsconnect.org

CRPD

International Disability Alliance

www.internationaldisabilityalliance.org

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or any of the issues covered in this
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