

Taking Human Rights Complaints to UN Mechanisms

A MANUAL - SECOND EDITION



Kerim Yildiz and Catriona Vine

TAKING HUMAN RIGHTS COMPLAINTS TO UN MECHANISMS

A MANUAL

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ABBREVIATIONS

Advisory Committee	Human Rights Council Advisory Committee
CAT	Committee against Torture
CCPR	Human Rights Committee
CED	Committee on Enforced Disappearances
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
Committee(s)	Treaty-based body(ies) established to monitor the implementation of human rights treaties
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
CSW	Commission on the Status of Women
ECOSOC	Economic and Social Council
HRC	Human Rights Council
ICAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	First Optional Protocol to the ICCPR
ICCPR-OP2	Second Optional Protocol to the ICCPR
ICEDAW	International Convention on the Elimination of All Forms of Discrimination against Women
ICERD	Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPED	International Convention for the Protection of All Persons from Enforced Disappearance
ICRC	International Convention on the Rights of the Child
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICRPD	Convention on the Rights of Persons with Disabilities

IDPs	Internally Displaced Persons
NGO	Non-governmental organisation
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CEDAW	Optional Protocol to the International Convention on the Elimination of All Forms of Discrimination against Women
OP-CESCR	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
OP1-CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
OP2-CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
SPT	UN Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodic Review
WGAD	Working Group on Arbitrary Detention
WGC	Working Group on Communications
WGEID	Working Group on Enforced or Involuntary Disappearances
WGS	Working Group on Situations

INTRODUCTION

This manual was inspired by a desire to inform individuals, groups, human rights defenders and legal practitioners about the different avenues available for bringing human rights abuses to the attention of UN mechanisms.

In terms of UN Charter-based bodies, this includes how to use the new Human Rights Council Complaint Procedure to highlight patterns of gross human rights violations, how to make stakeholder submissions to the Universal Periodic Review, how to lodge a complaint with a special procedure (i.e. a Special Rapporteur, Working Group or Independent Expert), how to submit a communication to the Commission on the Status of Women and how to submit written statements to the Human Rights Committee Advisory Council.

With regard to treaty-based bodies, it includes guidelines for submitting a report to a convention-based committee, how to use the individual complaint procedure for those committees which accept them and how to submit a petition to initiate investigation in response to allegations of human rights violations. The manual seeks to complement the two other publications in this series entitled, *‘Taking Human Rights Complaints to the OSCE, European Parliament and Council of Europe: A Manual’* and *‘Taking Cases to the European Court of Human Rights: A Manual’*.

Chapter 1 gives an overview of the different Charter-based bodies and treaty-based bodies, some of which have been introduced very recently. Chapters 2 and 3 give detailed guidelines on how to take complaints to these bodies.

In addition, the manual also includes key texts such as texts of the key reservations and decelerations, model complaint forms and guidelines for the submission of complaints.

HUMAN RIGHTS AND THE UNITED NATIONS

Article 1 of the UN Charter¹ proclaims that one of the purposes of the UN is to achieve international co-operation ‘in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion...’ The first major achievement in the field of human rights was the adoption of the Universal Declaration of Human Rights² by the General Assembly resolution 217 A (III) of 10 December 1948. To this day the anniversary of the adoption, 10 December, is observed internationally as Human Rights Day.

The UN’s role in respect of human rights is carried out by a number of human rights bodies. Significant bodies in the UN include the Office of the High Commissioner for Human Rights,³ which was created in 1993 by the General Assembly, and the Human Rights Council, which in June 2006 replaced the UN Commission on Human Rights. Many of the committees and special procedures which previously existed under the Commission on Human Rights umbrella continue to function in their same capacity under the Human Rights Council.

To gain an overview of the different bodies a distinction has to be made between those that are Charter-based and those that are treaty-based. The Charter-based bodies were established from provisions contained in the UN Charter. They hold broad human rights mandates, address an unlimited audience and take action based on majority voting. The treaty-based bodies derive their existence from provisions contained in a specific legal instrument (for example, the International Covenant on Civil and Political Rights). Their mandates are narrower, address a limited audience (dependent on the legal instrument involved and the countries that ratified it) and base their decision-making on consensus.

Both systems make a valuable, and complementary, contribution to the worldwide protection of human rights. The work of the Charter-based bodies is visible and thus widely effective through on-the-spot and high profile visits. There is a high level of State Party compliance with the views of the Committees under treaty-based bodies.

1 See: <http://www.un.org/aboutun/charter/>.

2 See: <http://www.unhchr.ch/udhr/lang/eng.htm>.

3 See: <http://www.unhchr.org>.

1. OVERVIEW OF DIFFERENT MECHANISMS

1.1 Charter-Based Bodies

1.1.1 Human Rights Council (HRC)

The HRC was established by General Assembly resolution 60/251 of 15 March 2006.

On 19 June 2006, the HRC replaced the UN Commission on Human Rights (UNCHR). Upgrading the body was seen as a way to reform the UNCHR, which was criticised as ineffectual and overly politicised, and to promote effective resolution of human rights crises around the world. The new HRC is a standing body whose 47⁴ members, represented by geographical region, are elected by an absolute majority of the General Assembly for three-year terms. Unlike its predecessor, which met once a year for six weeks, the HRC meets at regular intervals throughout the year. The HRC seeks novel ways to respond to the world's worst human rights problems by a peer review system designed to engage each member.

1.1.2 Key Processes and Mandates of the Human Rights Council

(1) Universal Periodic Review (UPR):

The UPR was established by HRC resolution 5/1 of 18 June 2007. This mechanism assesses the human rights situations in all 193⁵ UN Member States in rotation.

4 As at September 2011, Libya's membership was suspended by General Assembly resolution A/65/265 adopted on 1 March 2011.

5 The Republic of South Sudan formally seceded from Sudan on 9 July 2011 and was admitted as a new UN Member State by the General Assembly on 14 July 2011.

(2) **Human Rights Council Advisory Committee (Advisory Committee):**

The Advisory Committee was established by HRC resolution 5/1 of 18 June 2007. It serves as the HRC's 'think tank' providing it with expertise and advice on thematic human rights issues and the revised Complaints Procedure mechanism (which allows individuals and organisations to bring complaints about human rights violations to the attention of the HRC).⁶

(3) **Special Procedures:**

The HRC works closely with the UN 'special procedures', a system of extra-conventional mechanisms mandated to address specific thematic human rights issues or human rights situations in specific countries. Many of the mandates were established by the former UNCHR and were assumed by the HRC:⁷

(i) **Special Rapporteurs with Thematic Mandates:**

These special procedures examine specific types of human rights violations. This list shows the date on which their mandate was extended for a further three years:

- Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography (March 2011);
- Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health (September 2010);
- Special Rapporteur on the Right to Education (June 2011);
- Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (June 2011);
- Special Rapporteur on the Right to Food (March 2010);
- Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context (September 2010);

⁶ See section 2.1 below for more details on the Complaints Procedure.

⁷ For detailed information on the extra-conventional mechanisms see: <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

- Special Rapporteur on the Rights of Indigenous People (September 2010);
- Special Rapporteur on the Independence of Judges and Lawyers (June 2011);
- Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (March 2011);
- Special Rapporteur on Freedom of Religion or Belief (June 2010);
- Special Rapporteur on the Human Rights of Migrants (June 2011);
- Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (March 2011);
- Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (March 2011);
- Special Rapporteur on the Adverse Effects of the Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights (September 2008);
- Special Rapporteur on Trafficking in Persons, Especially in Women and Children (June 2011);
- Special Rapporteur on Violence against Women, its Causes and Consequences (March 2011);
- Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences (September 2010);
- Special Rapporteur on the Situation of Human Rights Defenders (March 2011);
- Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (September 2010);
- Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association (September 2010);
- Special Rapporteur on the Human Rights of Internally Displaced Persons (June 2010);
- Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation (March 2011);
- Special Rapporteur on Extreme Poverty and Human Rights (June 2011).

(ii) Special Rapporteurs or Independent Experts with Country Mandates:

These special procedures examine the human rights situation in specific countries, which currently comprise the Sudan, Burundi, Cambodia, Democratic People's Republic of Korea, Haiti, Myanmar, Palestinian territories occupied since 1967, Somalia and Iran.

(iii) Other Thematic Mandates:

- Working Group of Experts on People of African Descent (September 2008);
- Working Group on Arbitrary Detention (WGAD) (September 2010);
- Independent Expert in the Field of Cultural Rights (March 2009);
- Working Group on Enforced or Involuntary Disappearances (WGEID) (March 2011);
- Independent Expert on the Effects of Foreign Debt and Other Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, Particularly Economic, Social and Cultural Rights (March 2011);
- Working Group on the use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination (September 2010);
- Independent Expert on Minority Issues (March 2011);
- Independent Expert on Human Rights and International Solidarity (June 2011);
- Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises (June 2011);⁸
- Working Group on the Issue of Discrimination against Women in Law and In Practice (October 2010).

8 The mandate for the Special Representative of the Secretary-General on Human Rights and Transnational Corporations and other Business Enterprises expired in June 2011. Rather than extending that mandate, in resolution 17/4 passed on 16 June 2011 during its seventeenth session, the Human Rights Council decided to establish a Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises for a period of three years, to be appointed by the Human Rights Council at its eighteenth session.

1.1.3 Commission on the Status of Women (CSW)

The CSW was established as a functional commission of the Economic and Social Council (ECOSOC)⁹ by ECOSOC resolution 11(II) of 21 June 1946 and is dedicated exclusively to gender equality and the advancement of women. The CSW consists of representatives of 45 Member States, which are elected by ECOSOC on the basis of equitable geographical distribution for a period of four years. CSW holds its annual meeting in late February to early March in New York.

1.1.4 UN Entity for Gender Equality and the Empowerment of Women (UN Women)

On 2 July 2010, the General Assembly established UN Women in Resolution 64/289, heralding a significant development in the UN structure directed towards the advancement of women and girls. The new entity consolidates the work of four former UN entities:

- Division for the Advancement of Women;
- International Research and Training Institute for the Advancement of Women;
- Office of the Special Advisor on Gender Issues and Advancement of Women; and
- United Nations Development Fund for Women.

UN Women had three key roles:

- Supporting inter-governmental bodies such as the CSW in their formulation of policies, global standards and norms;
- Assisting Member States to implement these standards by providing suitable technical and financial support to those countries that request it, as well as developing effective partnerships with civil society; and
- Assisting the UN system to be accountable for its own commitments on gender equality, including regular monitoring.

⁹ ECOSOC was established under Article 60 and Chapter X of the UN Charter. It is the principal UN organ responsible for coordinating and developing the UN's economic and social work streams.

1.2 Treaty-Based Bodies (Conventional Mechanisms)

1.2.1 Human Rights Committee (CCPR)

The CCPR was established pursuant to Article 28 of the International Covenant on Civil and Political Rights (ICCPR)¹⁰ and is tasked with monitoring the implementation of ICCPR by the State Parties. It meets three times a year and consists of 18 independent experts who are elected for terms of 4 years.

1.2.2 Committee against Torture (CAT)

CAT was established pursuant to Article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ICAT)¹¹ to supervise the implementation of ICAT by the State Parties. It meets bi-annually and consists of 10 independent experts who are elected for terms of 4 years.

1.2.3 Committee on the Elimination of Discrimination against Women (CEDAW)

CEDAW was established pursuant to Article 17 of the Convention on the Elimination of All Forms of Discrimination against Women (ICEDAW)¹² to supervise the implementation of ICEDAW. It meets bi-annually and comprises 23 experts who are elected for terms of 4 years.

1.2.4 Committee on the Elimination of Racial Discrimination (CERD)

CERD was established pursuant to Article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)¹³ to supervise the implementation of ICERD. It meets bi-annually and comprises 18 independent experts who are elected for terms of four years.

1.2.5 Committee on Economic, Social and Cultural Rights (CESCR)

CESCR was established by ECOSOC resolution 1985/17¹⁴ of 28 May 1985 to supervise the implementation of the International Covenant on Economic,

10 See: <http://www2.ohchr.org/english/law/ccpr.htm#part4>.

11 See: <http://www2.ohchr.org/english/law/cat.htm#part2>.

12 See: <http://www2.ohchr.org/english/law/cedaw.htm>.

13 See: <http://www2.ohchr.org/english/law/cerd.htm#part2>.

14 See: <http://ap.ohchr.org/documents/E/ECOSOC/resolutions/E-RES-1985-17.doc>.

Social and Cultural Rights (ICESCR).¹⁵ It meets bi-annually and comprises 18 independent experts who are elected for terms of 4 years.

1.2.6 Committee on the Rights of the Child (CRC)

CRC was established pursuant to Article 43 of the Convention on the Rights of the Child (ICRC)¹⁶ to supervise the implementation of ICRC. It meets three times a year and comprises of 18 independent experts who are elected for terms of 4 years.

1.2.7 Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)

CMW was established by Article 72 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)¹⁷ to monitor the implementation of the ICRMW. It normally meets annually and comprises of 14 independent experts who are elected for terms of 4 years.

1.2.8 Committee on the Rights of Persons with Disabilities (CRPD)

CRPD was established pursuant to Article 34 of the Convention on the Rights of Persons with Disabilities (ICRPD)¹⁸ to supervise the implementation of ICRPD. It meets twice a year and comprises 18 independent experts who are elected for terms of 4 years.

1.2.9 Committee on Enforced Disappearances (CED)

CED was established pursuant to Article 26 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED),¹⁹ which came into force on 23 December 2010. The CED is tasked with monitoring the implementation of the ICPED and consists of 10 independent experts who are elected for terms of 4 years.

15 See: <http://www2.ohchr.org/english/law/cescr.htm>.

16 See: <http://www2.ohchr.org/english/law/crc.htm#art43>.

17 See: <http://www2.ohchr.org/english/law/cmw.htm#p7>.

18 See: <http://www2.ohchr.org/english/law/disabilities-convention.htm>.

19 See: <http://www2.ohchr.org/english/law/disappearance-convention.htm>.

1.3 Other United Nations Entities Involved in Human Rights

There are many other UN entities that are involved in the promotion and protection of human rights in some way. These include certain principal organs of the UN and related committees, such as:

- UN General Assembly;
- Social, Humanitarian and Cultural Affairs Committee (or the Third Committee of the General Assembly);
- ECOSOC; and
- International Court of Justice.

These also include certain UN programmes, funds, specialised agencies, related organisations and partners, such as:

- United Nations High Commissioner for Refugees (UNHCR);²⁰
- Office for the Coordination of Humanitarian Affairs (OCHA);²¹
- International Labour Organisation (ILO);²²
- World Health Organisation (WHO);²³
- United Nations Educational, Scientific and Cultural Organisation (UNESCO);²⁴
- Joint United Nations Programme on HIV/AIDS (UNAIDS);²⁵
- Inter-Agency Standing Committee (IASC);²⁶
- Department of Economic and Social Affairs (DESA);²⁷
- Commission on the Status of Women (CSW);²⁸
- United Nations Population Fund (UNFPA);²⁹
- United Nations Children's Fund (UNICEF);³⁰
- United Nations Development Programme (UNDP);³¹

20 See: <http://www.unhcr.org.uk/>

21 See: <http://www.unocha.org/>

22 See: <http://www.ilo.org/global/lang-en/index.htm>

23 See: <http://www.who.int/en/>.

24 See: <http://www.unesco.org/new/en/unesco/>.

25 See: <http://www.unaids.org/en/>.

26 See: <http://www.humanitarianinfo.org/iasc/>.

27 See: <http://www.un.org/en/development/desa/index.html>.

28 See: <http://www.un.org/womenwatch/daw/csw/>.

29 See: <http://www.unfpa.org/public/>.

30 See: <http://www.unicef.org/index.php>.

31 See: <http://www.beta.undp.org/undp/en/home.html>.

- Food and Agriculture Organisation of the United Nations (FAO);³²
- United Nations Human Settlements Programme (HABITAT);³³
- United Nations Mine Action Service (UNMAS).³⁴

32 See: <http://www.fao.org/>.

33 See: <http://www.unhabitat.org/categories.asp?catid=1>.

34 See: <http://www.mineaction.org/index.asp>.

2. HOW TO USE CHARTER-BASED BODIES

Charter-based bodies reflect the rights safeguarded by the UN Charter. They address a broad audience and are concerned with a large spectrum of human rights.

2.1 Human Rights Council: Complaints Procedure

Pursuant to HRC resolution 5/1, the new Complaint Procedure was introduced on 18 June 2007 and replaced the existing *1503 procedure* in its role of addressing consistent patterns of gross violations of human rights occurring in any country of the world. The procedure has retained its confidential nature, with a view to enhancing cooperation with the State concerned. The procedure, among other things, is to be ‘victims-oriented’ and ‘conducted in a timely manner’.

How to Complain:

- Any individual or group (who is a victim of a human rights violation or who has reliable knowledge of such violations) can submit a complaint by mail, fax or e-mail;
- The complaint must not have ‘manifestly political motivations’ and its object must be ‘consistent with the UN Charter, the Universal Declaration of Human Rights and other applicable instruments in the field of human rights law’;
- It must contain a factual description of the alleged violations, including the rights which are alleged to be violated;
- It must be submitted by a person or a group of persons claiming to be the victim of violations of human rights and fundamental freedoms or by any person or group of persons, including NGOs acting in good faith in accordance with the principles of human rights, not resorting to politically motivated stands contrary to the provisions of the UN Charter and claiming to have direct and reliable knowledge of those violations. Nonetheless, reliably attested communications shall

not be inadmissible solely because the knowledge of the individual author is second hand, provided they are accompanied by clear evidence;

- The complaint must not be exclusively based on reports disseminated by mass media or contain abusive language (although the complaint may be considered if it meets the other criteria for admissibility after deletion of the abusive language);
- It must not refer to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a special procedure, a treaty body or other UN or similar regional complaints procedure in the field of human rights. For example, if the case has already been submitted for consideration by one of the UN treaty-based bodies or a regional mechanism such as the European Court of Human Rights, it will not usually be possible for it to also be examined under the HRC complaint procedure;
- The domestic remedies should have been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged;
- The relevant facts must be described in as much detail as possible, providing names of alleged victims, dates, locations and other evidence and documents (one should not rely on a single case, one should expand on a group or series of such cases; reports in the mass media are not sufficient);
- One should submit the complaint within a reasonable time following the exhaustion of available domestic remedies in the respective country.

The communication should be addressed to:

Human Rights Council and Treaties Division
Complaint Procedure
OHCHR-UNOG
1211 Geneva 10, Switzerland
Fax: (41 22) 917 90 11
E-mail: CP@ohchr.org

Handling of the Complaint:

The Complaints Procedure involves two distinct working groups: the Working Group on Communications (**WGC**); and the Working Group on Situations (**WGS**). These working groups are established with the mandate to examine the communications and to bring to the attention of the HRC consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms.

Manifestly ill-founded and anonymous communications are screened out by the Chairperson of the WGC, together with the Secretariat, based on the admissibility criteria. Communications not rejected in the initial screening are transmitted to the State concerned to obtain its views on the allegations of violations.

The WGC is designated by the Advisory Committee from among its members for a period of three years (mandate renewable once). It consists of five independent and highly qualified experts and is geographically representative of the five regional groups. The WGC meets twice a year for a period of five working days to assess the admissibility and the merits of a communication, including whether the communication alone or in combination with other communications, appears to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. All admissible communications and recommendations thereon are transmitted to the WGS.

The WGS comprises five members appointed by the regional groups from among the HRC Member States for the period of one year (mandate renewable once). It meets twice a year for a period of five working days in order to examine the communications transferred to it by the WGC, including the replies of States thereon, as well as the situations which the HRC is already seized of under the complaint procedure. The WGS, on the basis of the information and recommendations provided by the WGC, presents the HRC with a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and makes recommendations to the HRC on the course of action to take.

Subsequently, it is the turn of the HRC to take a decision concerning each situation thus brought to its attention.

2.2 Universal Periodic Review (UPR)

This process involves a review of the human rights records of all 193 UN Member States in periodic cycles. It provides an opportunity for all of the UN Member States to declare what actions they have taken to improve the human rights situations in their countries and to share information on best human rights practices. The first four-year cycle (2008 to 2011) is due to end on 14 October 2011. On 25 March 2011, the HRC resolved³⁵ that the second cycle will begin in June 2012 and last for a period of four and a half years, with 42 Member States being considered per year.

The UPR reviews take place during the sessions of the UPR Working Group³⁶ which meets three times per year. On 17 June 2011, the HRC adopted the timetable for the sessions of the UPR Working Group for the second cycle.³⁷

Each State review is assisted by groups of three states, known as ‘troikas’, who serve as rapporteurs.

The documents on which reviews are based are:

- Information provided by the State under review, which can take the form of a ‘national report’;
- Information contained in the reports of the special procedures, human rights treaty bodies and other UN entities; and
- Information from other stakeholders including NGOs and national human rights institutions.

NGOs can attend the UPR Working Group sessions and can make statements at the regular session of the HRC when the outcome of the State reviews are considered. The Office of the High Commissioner for Human Rights (OHCHR) has released ‘Information and Guidelines for Relevant Stakeholders on the Universal Periodic Review Mechanism’³⁸ to aid NGOs in their submission of stakeholder information.

35 HRC Resolution 16/21. See <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G11/126/78/PDF/G1112678.pdf?OpenElement>.

36 The UPR Working Group consists of the 47 members of the HRC.

37 HRC Decision 17/119. See: <http://www2.ohchr.org/english/bodies/hrcouncil/17session/docs/A-HRC-DEC-17-119.pdf>.

38 See: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>.

The UPR will assess the extent to which States respect their human rights obligations set out in:

- The UN Charter;
- The Universal Declaration of Human Rights;
- Human rights treaties ratified by the State concerned;
- Voluntary pledges and commitments made by the State; and
- Applicable international humanitarian law.

The State has primary responsibility for implementing the recommendations contained in the final outcome although it is encouraged to conduct broad consultations with all relevant stakeholders in this regard. States are also encouraged to provide the HRC with a mid-term update on the implementation of the accepted recommendations. The UPR ensures that all countries are accountable for their progress or failure in implementing these recommendations. At its second review the country must provide information on action taken to implement the recommendations from the first review.

2.3 Special Rapporteurs: Thematic Mandates

The mandates are not strictly associated with ratification of the human rights treaty standards. Therefore, they cover States which have so far avoided the treaty system or their system of individual complaints. All thematic mechanisms welcome general information about human rights abuses committed within countries, relevant to their particular mandate. Many of the mechanisms mentioned here also accept information about individual cases; however, the following procedures do not:

- Special Rapporteur on the Human Rights of Internally Displaced Persons;
- Working Group of Experts on People of African Descent;
- Independent Expert on the Effects of Foreign Debt and other Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, Particularly Economic Social and Cultural Rights;
- Independent Expert on Human Rights and International Solidarity;
- Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises;
- Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation;
- Special Rapporteur on Extreme Poverty and Human Rights;
- Special Rapporteur on the Protection of Human Rights and Fundamental Freedoms While Countering Terrorism

- Independent Expert on Minority Issues;
- Independent Expert in the Field of Cultural Rights; and
- Working Group on the Issue of Discrimination against Women in Law and In Practice.

The activities of the country and thematic mechanisms are based on communications received from various sources (the victims or their relatives, local or international NGOs, etc) containing allegations of human rights violations. Such communications may be submitted in various forms (for example, letters, faxes, emails) and may concern individual cases or contain details of situations of alleged violations of human rights.

It is important to note that the findings and recommendations of the mechanisms are not legally binding and non-enforceable.

In urgent individual cases: (such as fear of imminent execution) the mechanisms (mainly used by the Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions and on Torture and the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention) may issue urgent appeals, which are transmitted to the Government to protect those concerned. These appeals are primarily of a preventive nature and in no way prejudice the conclusion. In less urgent cases, they address a letter to the Government containing a description of the allegation and request a reply.

Country visits: Mandate holders may undertake in-country visits to investigate the human right situation at a national level, at the invitation of the relevant government. This can occur on an ad-hoc basis or by ‘standing invitation’.³⁹ Such invitations are usually given following an initial request by the mandate holder to visit the country. As at 30 June 2011, 87 States had extended standing invitations to the thematic special procedures of the HRC;⁴⁰ this list includes Armenia, Iraq, the Islamic Republic of Iran and Turkey.

Contacting the thematic mechanisms: To submit information to, or for more information about, all the thematic mechanisms, write to the relevant mechanism at the following address:

³⁹ A state which gives a standing invitation is, in principle, prepared to receive a visit from any mandate holder.

⁴⁰ See: <http://www2.ohchr.org/english/bodies/chr/special/invitations.htm>.

Name of mechanism(s)
Special Procedures Division
c/o OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland
Fax: +41 22 917 9006

E-mail: SPBInfo@ohchr.org (for general communications, and specify which special procedure mechanism the information is addressed to in the subject line of the email or fax)
urgent-action@ohchr.org (for urgent actions, and mark the communication 'For Urgent Action')

Full information on the UNCHR as its work and mandate continues to shift to the HRC and the work of the thematic mechanisms, including recent reports, resolutions, access to the forms or questionnaires designed to assist those wishing to submit information and the UN Fact-Sheets can be found at the OHCHR website.⁴¹

Preparation of the communication: Many of the special procedures which accept individual complaints specify on their websites the information needed in the communication.⁴² Several mechanisms have also designed questionnaires or guidelines in order to assist those wishing to submit information. These questionnaires and guidelines are located in Annexes B to N. However, the guidelines below set out the minimal amount of information necessary for any communication with a special procedure which accepts individual complaints:

- Mechanisms will act on information that they believe to be credible and balanced, so it is important that any communication is presented in this way.
- No complaint should be politically motivated or manifestly unfounded, contain abusive language or run counter to the principles of the UN.
- The communication must be addressed to the respective mechanism, i.e. after reviewing the mandates, you should specify which special procedure mechanism(s) the information is addressed to in the subject line of the email or fax, or on the cover of the envelope.

41 See: <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

42 See: <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

- The communication must be written, printed or in electronic form.
- If the communication relates to an individual case, details about the alleged violation should be provided, including the name of the alleged victim(s), the date and place of the incident, the alleged perpetrator(s), and precise factual details about the violation (treatment involved, instruments used, parts of the body affected and injuries suffered, or if the treatment is psychological, what it consisted of and how the victim has been affected). The information must be clear and concise.
- The communication should not be exclusively based on reports disseminated by the mass media.
- If the communication relates to general circumstances, one should begin by providing information to establish a context. Thus, information about, for example, the legal framework and political situation could be relevant. One then should aim to paint an overall picture of the human rights violation. All the patterns of violations identified should be presented, supported with as many examples as possible.
- One must identify the person(s) or organisation(s) that submit the communication (full address, telephone, fax, and e-mail details of the organisation, including dialling codes). Such information will be kept confidential. Anonymous communications are inadmissible.
- Available witnesses to the alleged violation should be identified.
- Copies of supporting documentation (judgments, medical certificates, etc.) should be provided if available.
- Measures taken to seek redress domestically should be documented.
- One should indicate which aspects, if any, of the communication are confidential.
- With regard to individual cases, it should be stated whether the case is urgent.
- The mechanism should be informed about any change in the situation (for example, if a person who is arbitrarily detained is subsequently released).

Handling of communications:

- If the mechanism finds the information credible *and* within its mandate, the information will be transmitted to the respective Government (either as a 'letter of allegation' or as an urgent appeal). Please note that the mechanism the information has been directed to is under no obligation to refer the complaint elsewhere.
- The Government is expected to reply and is otherwise reminded to do so.

- The mechanisms will follow-up on the Government's response until a satisfactory answer is received.
- The replies are summarised and published in the mechanism's Annual Report.

2.3.1 Special Rapporteur on the Right to Education

- Established by UNCHR resolution 1998/33.
- Mandate endorsed and extended by HRC [resolution 17/3](#) of 16 June 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁴³

Mandate:

- To gather, request, receive and exchange information on the realisation of the right to education and on obstacles limiting effective access to education;
- To make recommendations on appropriate measures to promote and protect the right to education, including recommendations contributing to the Millennium Development Goals⁴⁴ and of the goals of the Education for All initiative agreed upon at the World Education Forum;⁴⁵
- To identify ways and means to overcome obstacles and difficulties in the realisation of the right to education;
- To integrate a gender perspective throughout his/her work;
- To review the interdependence and interrelatedness of the right to education with other human rights;
- To cooperate with UN bodies and mechanisms and regional organisations, as well as to pursue a dialogue with the World Bank;

43 See: <http://www2.ohchr.org/english/issues/education/rapporteur/index.htm>.

44 The Millennium Development Goals are a set of eight principles which the UN member states aim to achieve by 2015. They are: to eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability; and develop a global partnership for development. The principles were developed following the adoption of the Millennium Declaration by the UN General Assembly on 8 September 2000.

45 The Education for All initiative was adopted at the World Conference on Education for All in 1990 and included a set of six goals to improve education by the year 2000. The World Education Forum, which took place in Dakar, Senegal in April 2000, adopted the Dakar Framework for Action which reaffirmed and built upon the Education for All initiative by developing a set of revised goals for 2015.

- To report to the HRC on a yearly basis, in accordance with the HRC's programme of work and to report yearly to the UN General Assembly on an interim basis.

Individual Cases: More information is provided on the Rapporteur's website.⁴⁶

2.3.2 Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions

- Established by ECOSOC resolution 1982/35.
- Extended under Resolution 17/5 by the HRC on 16 June 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁴⁷

Mandate:

- To examine situations of extrajudicial, summary or arbitrary executions and to submit his/her findings on an annual basis, together with conclusions and recommendations, to the HRC and the General Assembly;
- To draw the attention of the HRC and OHCHR to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;
- To respond effectively to information which comes before him/her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;
- To enhance dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;
- To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment; and
- To apply a gender perspective to his/her work.

Individual Cases: More information (including information needed in order for the Special Rapporteur to take action) is provided on the Rapporteur's website⁴⁸ and the model questionnaire can be found in Annex B.

46 See: <http://www2.ohchr.org/english/issues/education/rapporteur/complaints.htm>.

47 See: <http://www2.ohchr.org/english/issues/executions/index.htm>.

48 See: <http://www2.ohchr.org/english/issues/executions/complaints.htm>.

2.3.3 Special Rapporteur on the Rights of Indigenous People

- Established by UNCHR resolution 2001/57.
- Extended under HRC resolution 15/14 on 30 September 2010.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁴⁹

Mandate:

- To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of indigenous peoples and to identify, exchange and promote best practices;
- To gather, request, receive and exchange information and communications from all relevant sources on alleged violations of the rights of indigenous peoples and make recommendations to prevent and remedy such violations;
- To work in close cooperation and coordination with other special procedures and subsidiary organs of the HRC, relevant UN bodies, treaty bodies and regional human rights organisations;
- To work in close cooperation with the Permanent Forum on Indigenous Issues⁵⁰ and to participate in its annual session;
- To develop a regular cooperative dialogue with all relevant actors;
- To promote the United Nations Declaration on the Rights of Indigenous Peoples⁵¹ and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate;
- To pay special attention to the human rights of indigenous children and women, and to take into account a gender perspective in the performance of his/her work;
- To consider relevant recommendations of the world conferences, summits and other UN meetings, as well as the recommendations, observations and conclusions of the treaty bodies on matters regarding his/her mandate; and
- To submit a report on the implementation of his/her mandate to the HRC.

⁴⁹ See: <http://www2.ohchr.org/english/issues/indigenous/rapporteur/>.

⁵⁰ This body was set up by the ECOSOC on 28 July 2000 with the mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.

⁵¹ See: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/512/07/PDF/N0651207.pdf?OpenElement>.

Individual Cases: More information is provided on the Rapporteur's website.⁵²

2.3.4 Special Rapporteur on the Independence of Judges and Lawyers

- Established by UNCHR resolution 1994/41.
- Extended under HRC resolution 17/2 on 16 June 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁵³

Mandate:

- To inquire into any substantial allegations transmitted to him/her and to report his/her conclusions and recommendations;
- To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations including the provision of advisory services or technical assistance when they are requested by the State concerned;
- To identify ways and means to improve the judicial system, and make concrete recommendations;
- To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers and court officials;
- To apply a gender perspective to his/her work;
- To continue to cooperate closely, while avoiding duplication, with relevant UN bodies, mandates and mechanisms and with regional organisations;
- To report regularly to the HRC, in accordance with its programme of work and annually to the General Assembly.

Individual Cases: More information is provided on the Rapporteur's website.⁵⁴

2.3.5 Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

- Established by UNCHR resolution 1993/45.

52 See: <http://www2.ohchr.org/english/issues/indigenous/rapporteur/communications.htm>.

53 See: <http://www2.ohchr.org/english/issues/judiciary/index.htm>.

54 See: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/Complaints.aspx>.

- Extended under HRC resolution 16/4 on 24 March 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁵⁵

Mandate:

- To gather all relevant information relating to violations of the right to freedom of opinion and expression, discrimination against, threats or use of violence, harassment, persecution or intimidation directed at persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, including, as a matter of high priority, against journalists or other professionals in the field of information;
- To seek, receive and respond to credible and reliable information from Governments, non-governmental organisations and any other parties who have knowledge of these cases;
- To make recommendations and provide suggestions on ways and means to better promote and protect the right to freedom of opinion and expression; and
- To contribute to the provision of technical assistance or advisory services by the OHCHR to better promote and protect the right to freedom of opinion and expression.

The right to freedom of expression includes: the right to (i) seek and receive information and ideas of any kind, and (ii) impart these, through any media of one's choice. The right to freedom of expression can only be restricted to protect (i) the rights and reputations of others, (ii) national security, (iii) public order, (iv) public health, and (v) public morals. Even in these cases the restrictions must be formally enacted in law, necessary and must be in proportion to their legitimate purpose.⁵⁶

Individual Cases: More information is provided on the Rapporteur's website and the model questionnaire can be found in Annex C.⁵⁷

The Special Rapporteur is particularly interested in receiving information about:

- Detention of, discrimination against, or threats or use of violence and harassment directed at persons seeking to exercise or promote the

⁵⁵ See: <http://www2.ohchr.org/english/issues/opinion/index.htm>.

⁵⁶ Article 19 of ICCPR.

⁵⁷ See: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Complaints.aspx>.

right to freedom of opinion and expression, including professionals in the field of information;

- Activities of political opposition parties and trade union activists, whether a group or an individual;
- Actions against the media (print and broadcast) or impediments to their independent operation;
- Actions against publishers and performers in other media, including books, magazine, film and theatre and the studio arts;
- Activities of human rights defenders, including lawyers and community activists;
- Women's human rights within the context of obstacles, including laws and practices, which impede the right of women to express their views and be heard, participate in the decision-making process, have equal standing before the law and seek and receive information on matters of particular relevance to them such as family planning and violence against women;
- Obstacles to access to information at the local, regional and national levels on projects and initiatives proposed by the Government to advance the right to development and obstacles to participation in the decision-making process, as well as obstacles to access to information on other subjects such as environmental and health impact studies, national budgets, social spending, industrial development projects and trade policies.

2.3.6 Special Rapporteur on the Freedom of Religion and Belief

- Established under UNCHR resolution 1986/20.
- Extended under HRC resolution 14/11 on 18 June 2010.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁵⁸

Mandate:

- To promote the adoption of measures to ensure the promotion and protection of the right to freedom of religion or belief;
- To identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways to overcome such obstacles;
- To examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All

⁵⁸ See: <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>.

Forms of Intolerance and of Discrimination Based on Religion or Belief⁵⁹ and to recommend remedial measures as appropriate; and

- To apply a gender perspective in the reporting process.

Individual Cases: More information is provided on the Rapporteur's website and the model questionnaire can be found in Annex D.⁶⁰

2.3.7 Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- Established by UNCHR resolution 1985/33.
- Extended by HRC resolution 16/23 of 25 March 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁶¹

Mandate:

- To seek, receive, examine and act on information from Governments, intergovernmental and civil society organisations, individuals and groups of individuals regarding issues and alleged cases of torture or other cruel, inhuman or degrading treatment or punishment;
- To conduct country visits with the consent or at the invitation of Governments;
- To study trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;
- To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;
- To integrate a gender perspective throughout his/her work;
- To cooperate with UN bodies and mechanisms, regional and national human rights institutions and civil society (including NGOs);
- To report to the HRC and General Assembly.

59 See: <http://www.un.org/documents/ga/res/36/a36r055.htm>.

60 See: <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Complaints.aspx>.

61 See: <http://www2.ohchr.org/english/issues/torture/rapporteur/index.htm>.

Individual Cases: More information is provided on the Rapporteur's website and the model questionnaire can be found in Annex E.⁶²

2.3.8 Special Rapporteur on Violence against Women, Its Causes and Consequences

- Established by UNCHR resolution 1994/45.
- Extended by HRC resolution 16/7 of 24 March 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁶³

Mandate:

- To seek and receive information on violence against women, its causes and its consequences and to respond effectively to such information;
- To recommend measures to eliminate all forms of violence against women and its causes, and to remedy its consequences;
- To work closely with all special procedures and other human rights mechanisms of the HRC and with the treaty bodies and cooperate closely with the CSW in the discharge of its functions; and
- To adopt a comprehensive and universal approach to the elimination of violence against women, its causes and consequences, including causes of violence against women relating to the civil, cultural, economic, political and social spheres.

The definition of 'violence against women' stems from the non-exhaustive definition found under Article 2 of the Declaration on the Elimination of Violence against Women:⁶⁴

- 'Physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

⁶² Please see <http://www2.ohchr.org/english/issues/torture/rapporteur/appeals.htm> for urgent appeals and <http://www2.ohchr.org/english/issues/torture/rapporteur/allegation.htm> for allegation letters.

⁶³ See: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>.

⁶⁴ See: [www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument). Document reference: A/RES/48/104.

- Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- Physical, sexual, and psychological violence perpetrated or condoned by the state, wherever it occurs.’

Individual Cases: More information is provided on the Rapporteur’s website and the model questionnaire can be found in Annex F.⁶⁵

2.3.9 Special Rapporteur on the Situation of Human Rights Defenders

- Established by UNCHR resolution 2000/61.
- Renewed under HRC resolution 16/5 on 24 March 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁶⁶

Mandate:

- To promote and implement the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms⁶⁷ through cooperation with stakeholders;
- To study trends, developments and challenges in relation to the right to promote and protect human rights and fundamental freedoms;
- To recommend strategies to protect human rights defenders using a universal approach and to follow up on these recommendations;
- To seek, receive, examine and respond to information on the right to promote and protect human rights and fundamental freedoms;
- To integrate a gender perspective throughout the work of his/her work;
- To work in close coordination with other relevant UN bodies and with other special procedures of the HRC; and
- To report regularly to the HRC and the General Assembly.

There is no specific definition of who is or can be a ‘human rights defender.’ Put simply, a human rights defender is used to describe people who, individually or with others, act to promote and protect human rights. Guid-

65 See: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/Complaints.aspx>.

66 See: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>.

67 See: <http://www2.ohchr.org/english/law/freedom.htm>.

ance can also be taken from Article 1 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms which states that ‘everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.’⁶⁸ The OHCHR’s website also provides some useful commentary as to who may qualify.⁶⁹

Individual Cases: More information is provided on the Rapporteur’s website and guidelines can be found in Annex G.⁷⁰

2.3.10 Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in this Context

- Established by UNCHR resolution 2000/9.
- Extended under HRC resolution 15/8 on 30 September 2010.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁷¹

Mandate:

- Promote the full realization of the right to adequate housing as a component of the right to an adequate standard of living;
- Identify best practices and obstacles to the full realisation of the right to adequate housing and develop practical solutions to such challenges;
- Apply a gender perspective to his/her work;
- Pay special attention to the needs of persons in vulnerable situations as well as those belonging to marginalised groups;
- Facilitate the provision of technical assistance, including through engagement with relevant stakeholders;
- Work in close cooperation with other special procedures and subsidiary organs of the HRC, relevant UN bodies, treaty bodies and regional human rights mechanisms;

68 See: <http://www2.ohchr.org/english/issues/defenders/docs/declaration/declaration.pdf>. Document reference A/RES/53/144.

69 See: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>.

70 See: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Complaints.aspx>.

71 See: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndexOld.aspx>.

- Submit a regular report on the implementation of his or her mandate to the HRC and the General Assembly.

Individual Cases: More information is provided on the Rapporteur's website.⁷²

2.3.11 Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism

- Established by UNCHR resolution 2005/80.
- Renewed under HRC resolution 15/15 on 30 September 2010.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁷³

Mandate:

- To make recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including, best practices and, at the request of States, for the provision of advisory services or technical assistance on such matters;
- To gather, request, receive and exchange information from and with all relevant sources, including through country visits, with the consent of the State concerned, on alleged violations of human rights while countering terrorism;
- To integrate a gender perspective throughout his/her work;
- To work in close coordination with UN bodies and special procedures in order to strengthen the work for the promotion and protection of human rights and fundamental freedoms;
- To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors; and
- To report regularly to the HRC and to the General Assembly.

Individual Cases: The Rapporteur does not have a formal individual complaints procedure.

2.3.12 Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health

- Established by UNCHR resolution 2002/31.
- Extended under HRC resolution 15/22 on 30 September 2010.

72 See: <http://www.ohchr.org/EN/Issues/Housing/Pages/IndividualComplaints.aspx>.

73 See: <http://www2.ohchr.org/english/issues/terrorism/rapporteur/srchr.htm>.

- The name of the current Rapporteur can be found on the website of the OHCHR.⁷⁴

Mandate:

- To gather, request, receive and exchange information from all relevant sources on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as well as policies designed to achieve the health-related Millennium Development Goals;⁷⁵
- To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors;
- To report on the status of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on developments relating to this right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation;
- To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to supporting States' efforts to enhance public health;
- To submit an annual report to the HRC and an interim report to the General Assembly on its activities, findings, conclusions and recommendations.

Individual Cases: A formal questionnaire for this special procedure has not yet been developed although more information on how to make an individual complaint and the information required in the communication is provided on the Rapporteur's website.⁷⁶

2.3.13 Special Rapporteur on the Human Rights of Migrants

- Established by UNCHR resolution 1999/44.
- Extended under HRC Resolution 17/12 on 17 June 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁷⁷

74 See: <http://www2.ohchr.org/english/issues/health/right/index.htm>.

75 See explanation in section 2.3.1 above.

76 See: <http://www2.ohchr.org/english/issues/health/right/complaints.htm>.

77 See: <http://www2.ohchr.org/english/issues/migration/rapporteur/index.htm>.

Mandate:

- To examine ways to overcome obstacle to human rights of migrants, with particular regard to the vulnerability of women, children and those undocumented or in an irregular situation;
- To request and receive information from all relevant sources on violations;
- To formulate recommendations to prevent and remedy such violations, giving particular emphasis to practical solutions;
- To promote the effective application of relevant international norms and standards on the issue;
- To take into account a gender perspective when requesting and analysing information; and
- To report regularly to the HRC and to the General Assembly.

Individual Cases: More information is provided on the Rapporteur's website and the model questionnaire can be found in Annex K.⁷⁸

2.3.14 Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance

- Established by UNCHR resolution 1993/20.
- Extended under HRC resolution 16/33 on 25 March 2011.
- The name of the current Rapporteur can be found on the website of the OHCHR.⁷⁹

Mandate:

The Rapporteur is tasked with: transmitting urgent appeals and communications to States on alleged violations regarding contemporary forms of racism, racial discrimination, xenophobia and related intolerance; undertaking fact-finding visits and publishing country reports; and submitting annual or thematic reports to the HRC and General Assembly on its work. In performing these functions, it focuses on issues such as:

- The persistent denial of individuals belonging to different racial and ethnic groups of their recognised human rights, as a result of racial discrimination;

78 See: <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/Communications.aspx>.

79 See: <http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm>.

- The promotion of the establishment of national, regional and international mechanisms to combat racism, racial discrimination, xenophobia and related intolerance;
- The role of human rights education in promoting tolerance and the elimination of racism, racial discrimination, xenophobia and related intolerance;
- Respect for cultural diversity as a means to prevent racism, racial discrimination, xenophobia and related intolerance;
- The impact of some counter-terrorism measures on the rise of racism, racial discrimination, xenophobia and related intolerance, including the practice of racial profiling and profiling on the basis of any grounds of discrimination prohibited by international human rights law;
- The efficiency of the measures taken by Governments to remedy the situation of victims of racism, racial discrimination, xenophobia and related intolerance; and
- Impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing remedies for the victims of these violations.

Individual Cases: More information is provided on the Rapporteur's website.⁸⁰

2.3.15 Special Rapporteur on the Human Rights of Internally Displaced Persons

- Established by UNCHR resolution 2004/55.
- Renewed under HRC resolution 14/6.
- The name of the current Representative can be found on the website of the OHCHR.⁸¹

Mandate:

- To engage in coordinated advocacy in favour of the protection and respect of the human rights of 'Internally Displaced Persons' (IDPs);
- To continue and enhance dialogues with Governments as well as NGOs and other actors;

⁸⁰ <http://www2.ohchr.org/english/issues/racism/rapporteur/complaints.htm>.

⁸¹ <http://www2.ohchr.org/english/issues/idp/mandate.htm>.

- To promote and disseminate the Guiding Principles on Internal Displacement at the national, regional and international levels;⁸²
- To strengthen the international response to internal displacement;
- To mainstream the human rights of IDPs into all relevant parts of the UN system;
- To raise awareness of IDP rights issues;
- To undertake country missions;
- To conduct national and regional seminars;
- To provide support for capacity building of non-governmental organisations and other relevant institutions; and
- To conduct policy-orientated research.

Individual Cases: This thematic mechanism does not take up individual cases.

2.3.16 Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

- On 30 September 2010 via resolution 15/21, the HRC decided to appoint this mandate for a period of three years.
- On April 2011, Maina Kiai, a lawyer from Kenya, was appointed as the first person to ever hold this mandate.

Mandate:

- To gather all relevant information, including national practices and experiences, relating to the promotion and protection of the rights to freedom of peaceful assembly and of association, to study trends, developments and challenges in relation to the exercise of these rights, and to make recommendations to promote and protect these rights;
- To incorporate in his/her first report an elaboration of the framework through which the mandate holder will consider best practices, including national practices and experiences, that promote and protect the rights to freedom of peaceful assembly and of association;
- To seek, receive and respond to information from relevant parties who have knowledge of these matters, with a view to promoting and protecting the rights to freedom of peaceful assembly and of association;
- To integrate a gender perspective throughout his/her work;

⁸² See: <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d2e008c61b70263ec125661e0036f36e?Opendocument>. Document reference: E/CN.4/1998/53/Add.2.

- To contribute to the provision of technical assistance or advisory services by the OHCHR to better promote and protect the rights to freedom of peaceful assembly and of association; and
- To report on violations of the rights to freedom of peaceful assembly and of association, as well as discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals directed at persons exercising these rights, and to draw the attention of the HRC and the OHCHR to situations of particularly serious concern.

Individual cases: As at September 2011, this Rapporteur did not have an official webpage. However, the current mandate holder has reported that a complaints mechanism will certainly be included.⁸³

2.4 Other Thematic Mandates: Working Groups and Independent Experts

2.4.1 Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination

- Established in July 2005 pursuant to UNCHR resolution 2005/2. It succeeded the mandate of the Special Rapporteur on the use of mercenaries, which had been in existence since 1987.
- The name of the current chairperson can be found on the website of the OHCHR.⁸⁴

Mandate:

- To elaborate and present proposals, general guidelines or basic principles encouraging the protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;
- To seek opinions and contributions from Governments and intergovernmental organisations and NGOs;
- To monitor mercenaries and mercenary-related activities in all their forms and manifestations in different parts of the world;
- To study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination; and

83 See: <http://www.icnl.org/knowledge/globaltrends/GloTrends3-2.htm>.

84 See: <http://www2.ohchr.org/english/issues/mercenaries/index.htm>.

- To monitor and study the effects on the enjoyment of human rights, particularly the right of peoples to self-determination, of the activities of private companies offering military assistance, consultancy and security services on the international market and to prepare a draft of international basic principles that encourage respect for human rights by those companies in their activities.

A mercenary can be defined as a person who is knowledgeable and experienced in military matters or the use of firearms at the service of a third party who hires the person to undermine the exercise of self-determination in a given state, destabilise its legitimate government, destroy its infrastructure, or harms persons through acts of terrorism.

Individual cases: More information can be found on the OHCHR's⁸⁵ and the model questionnaire is provided in Annex H.

2.4.2 Working Group on Arbitrary Detention (WGAD)

- Established by UNCHR resolution 1991/42.
- Extended by HRC resolution 15/18 of 30 September 2010.
- The name of the current chairperson can be found on the website of the OHCHR.⁸⁶

Mandate:

- To investigate cases of deprivation of liberty imposed arbitrarily or otherwise inconsistently with relevant international standards;⁸⁷
- To seek and receive information from Governments, intergovernmental organisations, NGOs and individuals, their families or their representatives;
- To send urgent appeals and communications to relevant Governments;
- To conduct field missions upon the invitation of Government, in order to understand better the situations prevailing in countries, as well as the underlying reasons for instances of arbitrary deprivation of liberty;

85 See: <http://www2.ohchr.org/english/issues/mercenaries/index.htm>.

86 See: <http://www2.ohchr.org/english/issues/detention/index.htm>.

87 An important international standard for the WGAD is the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. See: <http://www2.ohchr.org/english/law/bodyprinciples.htm>.

- To formulate deliberations on issues of a general nature in order to assist States to prevent and guard against the practice of arbitrary deprivation of liberty and to facilitate consideration of future cases; and
- To present an annual report to the HRC presenting its activities, findings, conclusions and recommendations.

Individual Cases: More information is provided on WGAD's website⁸⁸ and the model questionnaire can be found in Annex I.

Handling of cases:

- Cases which are considered arbitrary are transmitted to the government concerned, with an invitation to respond to the WGAD, preferably within 90 days. A reply sent by the Government to the Working Group is transmitted to the source for any final comments or observations.
- If the person is released subsequent to the WGAD taking up the case, it can decide in principle to file the case. However, the WGAD reserves the right to decide whether or not the case was arbitrary, notwithstanding the release of the person.
- If the WGAD considers that the arbitrary nature of the detention is established, it declares the detention arbitrary in an 'opinion' and makes recommendations to the government concerned. If it concludes that the detention was not arbitrary, it will still render an opinion to this effect. If further information is needed, it may keep the case pending. If it has insufficient information on the case, it may file the case definitively or provisionally.

Apart from examining individual cases the WGAD may, on its own initiative, take up cases, which constitute arbitrary deprivation of liberty via its 'urgent appeals' procedure. The WGAD may, in addition, adopt a 'deliberation' on matters of a general nature involving a position of principle in order to develop a consistent set of precedents and assist States in preventing arbitrary detentions.

2.4.3 Working Group on Enforced or Involuntary Disappearances (WGEID)

- Established in 1980 by UNCHR resolution 20 (XXXVI).
- Renewed under HRC resolution 16/16 of 24 March 2011.

88 See: <http://www2.ohchr.org/english/issues/detention/complaints.htm>.

- The name of the current chairperson can be found on the website of the OHCHR.⁸⁹

Mandate:

- To promote communication between families of disappeared persons and the Governments concerned to ensure that the cases are sufficiently documented are investigated;
- To pay particular attention to cases which: involve children; are most urgent from a humanitarian perspective; refer to ill-treatment, serious threatening or intimidation of witnesses or relatives of disappeared persons; or involve disappearance of persons working for the promotion and protection of human rights and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;
- To apply a gender perspective to their work;
- To monitor States' compliance with their obligations deriving from international standards⁹⁰ relating to enforced disappearances; and
- To report regularly to the HRC.

A 'disappeared' person is someone who has been arrested, detained, or abducted against his or her will or otherwise deprived of his or her liberty by (i) officials or different branches or levels of government, or (ii) organised groups or private individuals acting on behalf of or with the support (direct and indirect), permission or acquiescence of a government who then conceals the whereabouts of that person or refuses to disclose that person's fate or acknowledge that the person was deprived of their liberty, thus placing that person outside of the protection of the law.⁹¹

Individual Cases: More information is provided on the WGEID's website and the model questionnaire can be found in Annex J.⁹²

⁸⁹ See: <http://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx>.

⁹⁰ Inter alia, Declaration on the Protection of all Persons from Enforced Disappearances (see [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.47.133.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.47.133.En?OpenDocument)). Document reference: A/RES/47/133.

⁹¹ Cf. 'The United Nations Thematic Mechanisms 2002: An Overview of their work and mandates', Amnesty International, 2002.

⁹² See: <http://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx>.

Handling of cases:

- The chairperson of the WGEID communicates the case to the Government with the request to investigate the case.
- The WGEID transmits information from the Government containing details of the whereabouts of a 'disappeared' person to the author of the individual complaint.
- If the author does not respond within six months of the date of the communication, or if he/she contests the Government's information on grounds which are considered unreasonable by the WGEID, the case is considered to be resolved. Otherwise the case is resubmitted to the Government and kept in the files of the WGEID until the whereabouts of the disappeared person are clarified.
- Alternatively, the WGEID may decide to close the case (for example, if the relevant domestic authority issues a declaration of presumption of death and the relatives or other interested parties have expressed their desire not to pursue the case any further) or, in exceptional circumstances, discontinue the case.

2.4.4 Independent Expert on Minority Issues

- Established by UNCHR resolution 2005/79.
- Renewed by HRC resolution 16/6 in March 2011.
- The name of the current Expert can be found on the website of the OHCHR.⁹³

Mandate:

- To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;
- To identify best practices and possibilities for technical cooperation with the OHCHR, at the request of Governments;
- To cooperate closely, while avoiding duplication, with existing relevant UN bodies, mandates and mechanisms and with regional organisations;
- To apply a gender perspective in his/her work;
- To take into account the views of NGOs on matters pertaining to his/her mandate;

93 See: <http://www2.ohchr.org/english/issues/minorities/expert/index.htm>.

- To guide the work of the Forum on Minority Issues;⁹⁴ and
- To submit annual reports on his/her activities to the HRC, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities.

Individual Cases: This thematic mechanism does not take up individual cases.

2.4.5 Independent Expert in the Field of Cultural Rights

- Established by HRC resolution 10/23 on 26 March 2009.
- The name of the current Expert can be found on the website of the OHCHR.⁹⁵

Mandate:

- To identify best practices and obstacles and to submit proposals regarding cultural rights at the local, national, regional and international levels;
- Work in cooperation with States in order to bring about the adoption of measures;
- Study the relationship between cultural rights and cultural diversity, in close collaboration with States and other relevant actors;
- Integrate a gender perspective in his/her work; and
- Work in close coordination with intergovernmental organisations, NGOs, other special procedures, the CESCR and UNESCO, as well as other relevant actors.

Individual Cases: This thematic mechanism does not take up individual cases.

2.4.6 Working Group on the Issue of Discrimination against Women in Law and in Practice

- Established by HRC resolution 15/23 of 1 October 2010.
- The names of the members of the working group can be found on the OHCHR's website.⁹⁶

94 For more information about the Forum on Minority Issues, see: <http://www2.ohchr.org/english/bodies/hrcouncil/minority/forum.htm>.

95 See: http://www2.ohchr.org/english/issues/cultural_rights/index.htm.

96 See: <http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx>.

Mandate:

- To develop a dialogue with States and other relevant bodies to identify, promote and exchange views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women and to develop such best practices;
- To undertake a study, in cooperation with States and relevant UN entities, on the ways and means in which the working group can cooperate with States to fulfil their commitments to eliminate discrimination against women in law and in practice;
- To make recommendations on the improvement of legislation and the implementation of the law, to contribute to the realization of the Millennium Development Goals;⁹⁷
- To take into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions and civil society organizations; and
- To submit an annual report to the HRC on the issue of discrimination against women in law and in practice, and on good practices in eliminating such discrimination.

Individual cases: This thematic mechanism does not take up individual cases.

2.5 Special Rapporteurs: Country Mandates

On 23 March 2011, the HRC appointed a Special Rapporteur on the human rights situation in Iran.⁹⁸ The resolution was passed by twenty-two votes to seven, with fourteen abstentions. The mandate is held by Dr Ahmed Shaheed of the Maldives.

2.6 Other Complaint Procedures

2.6.1 The Procedure of the Commission on the Status of Women (CSW)

- The CSW was established in 1946 by ECOSOC resolution 11(II).
- The CSW's mandate was expanded in 1987 by ECOSOC resolution 1987/22, and its terms of reference again modified in 1996 by ECOSOC resolution 1996/6 to include, among other things, identifying

⁹⁷ For more information, see section 2.3.1 above.

⁹⁸ See: <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/122/41/PDF/G1112241.pdf?OpenElement>.

emerging issues, trends and new approaches to issues affecting equality between women and men.

- Forty-five UN Member States serve as members of the CSW at any one time. The list of members as at the CSW's fifty-sixth session (due to take place between 27 February and 9 March 2012) can be found on the CSW website.⁹⁹

Mandate:

- Assist the ECOSOC in monitoring, reviewing and appraising progress achieved and problems encountered in the implementation of the Beijing Declaration and Platform for Action¹⁰⁰ and advise ECOSOC thereon;
- Ensure support for mainstreaming a gender perspective in UN activities;
- Identify issues where UN system-wide coordination needed to be improved in order to assist ECOSOC in its coordination function;
- Identify emerging issues, trends and new approaches to issues affecting gender equality and make substantive recommendations thereon; and
- Maintain and enhance public awareness and support for the implementation of the Platform for Action.

Complaint Procedure:

- The confidential procedure is designed to identify global trends and patterns concerning women's rights. Like the HRC Complaints Procedure, it is not aimed at providing victims of human rights violations with redress. Individuals and NGOs can send communications to the CSW containing information relating to alleged violations of human rights that affect the status of women in any country in the world. A detailed outline of the procedure for submitting complaints can be found on the CSW's website.¹⁰¹
- The CSW considers such communications as part of its annual programme of work in order to identify emerging trends and patterns of injustice and discriminatory practices against women for purposes of

99 See: http://www.un.org/womenwatch/daw/csw/CSW56_Membership.pdf.

100 The Forth World Conference on Women was held in Beijing, China, in September 1995. The delegates adopted the Beijing Declaration and the Platform for Action which set out a plan to promote gender equality and to empower women.

101 See: http://www.un.org/womenwatch/daw/csw/communications_procedure.html.

policy formulation and development of strategies for the promotion of gender equality.

2.6.2 Human Rights Council Advisory Committee (Advisory Committee)

- Established by HRC resolution 5/1 of 18 June 2007.
- The Advisory Committee's inaugural session was held from 4 to 15 August 2008.
- The Advisory Committee replaced the former Sub-Commission on the Promotion and Protection of Human Rights.
- The Advisory Committee convenes up to two sessions per year.
- The name of the current members can be found on the website of the OHCHR.¹⁰²

Mandate:

- The Advisory Committee provides expertise to the HRC in the manner and form requested by the HRC, focusing mainly on studies and research-based advice. Its expertise is provided only upon the HRC's request and is performed in compliance with the HRC's resolutions and under the HRC's guidance. The Advisory Committee is implementation-oriented. The scope of its advice is also limited to thematic issues pertaining to the mandate of the HRC, namely the promotion and protection of all human rights.

Procedure:

- The Advisory Committee does not adopt resolutions or decisions. Rather, it makes suggestions to the HRC of proposals for enhancing its procedural efficiency and research topics falling within the HRC's remit.
- The HRC may request the Advisory Committee to undertake certain tasks that can be performed collectively, through a smaller team or individually. The Advisory Committee reports on such efforts to the HRC.
- Members of the Advisory Committee are encouraged to communicate between sessions, individually or in teams. However, the Advisory Committee may only establish subsidiary bodies with the HRC's authorisation.

¹⁰² See: <http://www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee/members.htm>.

- In carrying out its mandate, the Advisory Committee is encouraged to establish interaction with States, national human rights institutions, non-governmental organisations and other civil society entities.
- The HRC issues specific guidelines to the Advisory Committee when it seeks its input.
- HRC Member States and observers, including States that are not members of the HRC, specialised agencies, other inter-governmental organisations, national human rights institutions and NGOs, are entitled to participate in the work of the Advisory Committee based on arrangements, including ECOSOC resolution 1996/31 and practices observed by the former UNCHR and HRC.

3. HOW TO USE TREATY-BASED BODIES

Treaty-based bodies are committees (**Committees**) set up by nine major human rights treaties¹⁰³ in order to monitor the implementation of treaty obligations. All treaty bodies meet primarily in Geneva, except for CEDAW and CCPR which meet in New York as well as Geneva. All treaty bodies are serviced by the OHCHR.¹⁰⁴

The treaty bodies are composed of members who are elected by the State Parties to each treaty or by ECOSOC in the case of CESCR. The selection criteria for committee members are set out in the relevant treaty or in ECOSOC Resolution 1985/17 in the case of CESCR. During the selection process, consideration is normally given to factors such as the equitable geographical distribution and the representation of different cultures as well as principal legal systems. The members work as independent experts meeting regularly throughout the year.

The use of the bodies is strictly associated with ratification of the human rights treaty by the respective State. The monitoring activities of the treaty bodies are based on the examination of State reports, which have to be submitted by the States on a regular basis. In the case of ICCPR, ICERD, ICAT, ICEDAW, ICRPD and, in the future, ICMW, ICESCR and ICPED, individuals may complain of violations of their rights under the respective treaty.¹⁰⁵ Examples of decisions made by these bodies may be found on the website.¹⁰⁶

103 See Section 1.2 above.

104 Please note that until 1 January 2008, CEDAW was serviced by the UN Division for the Advancement of Women. For its old website, please see: <http://www.un.org/womenwatch/daw/cedaw/>.

105 Further requirements apply (see section 3.2 below).

106 See: <http://www2.ohchr.org/english/bodies/complaints.htm>. Follow the link for a particular treaty to see a statistical survey of individual complaints considered, jurisprudence and recent case law.

Treaty bodies also publish their interpretation of the content of human rights provisions, in the form of general comments on thematic issues.¹⁰⁷ The general comments of each treaty body are listed on their respective web pages.¹⁰⁸ The CMW, CED and CRPD have not yet issued any general comments.

ICAT and the Optional Protocol to ICEDAW (**OP-CEDAW**) also provide an inquiry procedure, which includes undertaking investigations or sending missions to State Parties in connection with concerns about systematic or grave violations of treaty rights. ICAT, ICRMW, ICERD, ICPED and IC-CPR contain provisions which allow State Parties to complain to the relevant treaty body about alleged violations of the treaty by another State Party, although these procedures have never been used.¹⁰⁹

Note that human rights treaties only impose binding obligations on State Parties if the States have officially accepted the treaty, which is commonly done through ratification or accession.

3.1 Reporting system

In general, the main function of the treaty bodies is to serve as a reviewing and commenting board on the reports which are submitted periodically by State Parties,¹¹⁰ which include, indicate or show the steps undertaken by the State Parties to implement the provisions of the treaty. Each State Party undertakes the submission of an initial report shortly after ratification or accession to the respective treaty and later undertakes to submit subsequent periodic reports at a specified interval.

General overview of the process: Despite the fact that the report procedures for all of the Committees are different, they all however, follow a similar essential process:

- **Report:** The treaty bodies issue general guidelines¹¹¹ for the preparation of the States' reports. Upon receipt of the report, the Committees prepare a list of issues, which notifies the State Party of the matters of particular interest to the Committee. The Committees also

107 See: <http://www2.ohchr.org/english/bodies/treaty/comments.htm>.

108 See: <http://www2.ohchr.org/english/bodies/treaty/index.htm>.

109 See: <http://www2.ohchr.org/english/bodies/treaty/index.htm>.

110 For the States' reporting history see the treaty bodies' database: <http://www.unhchr.ch/tbs/doc.nsf>.

111 See websites of the respective treaty body although note that the CED has yet to issue reporting guidelines.

publish the State reports. This is the time for NGOs or other groups and individuals to prepare ‘shadow’ reports on the specific country or the issue in question in order to submit it before the examination meeting of the respective Committee. The due dates of the States’ reports can be found on the website of the respective Committee.

- **Examination:** The examination of the State report is scheduled as a public meeting of the respective Committee, to which the State Party may send representatives who present the report and answer questions from members of the Committee. The Committees evaluate the State Parties’ reports in light of all information that is available to the Committee. This includes external resources, for example, reports from other UN agencies, special agencies and from NGOs that have a particular interest in and knowledge of the subject matter or the country at issue. NGOs can provide input into this examination process by way of briefings to the Committees during or between sessions, in accordance with the working methods of each treaty monitoring body.
- **Concluding Observations:** After the examination, the Committees adopt ‘Concluding Observations’ or ‘Concluding Comments’ on the State Parties’ reports. This is an opportunity for the Committees to identify concerns about non-compliance and to make recommendations for action. The Committees’ observations are always released publicly.

3.1.1 Human Rights Committee (CCPR)

- The CCPR was established under Article 28 of the ICCPR.
- The ICCPR¹¹² and its First Optional Protocol (**ICCPR-OP1**),¹¹³ which allows individuals to submit complaints to the CCPR,¹¹⁴ were adopted by General Assembly resolution 2200 A (XXI) on 16 December 1966 and entered into force on 23 March 1976.
- The Second Optional Protocol aimed at the abolition of the death penalty (**ICCPR-OP2**)¹¹⁵ was adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989.
- Names of the members of the CCPR can be found on the CCPR’s website.¹¹⁶

112 See: <http://www2.ohchr.org/english/law/ccpr.htm>.

113 See: <http://www2.ohchr.org/english/law/ccpr-one.htm>.

114 See: <http://www2.ohchr.org/english/bodies/hrc/index.htm>.

115 See: <http://www2.ohchr.org/english/law/ccpr-death.htm>.

116 See: <http://www2.ohchr.org/english/bodies/hrc/members.htm>.

Mandate:

- The CCPR was set up to monitor the implementation of the ICCPR by State Parties. Articles 6 to 27 of ICCPR encompass individual rights that may be invoked before the CCPR, as set out in the ICCPR-OP1.
- Article 40 of ICCPR establishes the obligation of the State Parties to submit reports on the measures they have adopted, which give effect to rights recognised by the ICCPR and the ICCPR-OP2, and on the progress made in the enjoyment of these rights. The first report must be submitted within one year of the entry into force of the ICCPR and thereafter reports must be submitted at the request of the CCPR (usually every 4 years).¹¹⁷
- Article 41 of ICCPR establishes an inter-state complaints procedure which allows a State Party to complain to the CCPR about a violation of an ICCPR right by another State Party. However, this procedure is not automatic as both the complainant and the accused State Party must make a declaration consenting to be subject to this mechanism. As at the date of print, this procedure has never been used.

Dates of ratification/accession:¹¹⁸

Armenia: acceded to ICCPR and ICCPR-OP1 on 23 June 1993 but has not signed ICCPR-OP2.

Azerbaijan: acceded to ICCPR on 13 August 1992, to ICCPR-OP1 on 27 November 2001 and to ICCPR-OP2 on 22 January 1999.

Iran: ratified ICCPR on 24 June 1975 but has not signed ICCPR-OP1 or ICCPR-OP2.

Iraq: ratified ICCPR on 25 January 1971 but has not signed ICCPR-OP1 or ICCPR-OP2.

Syria: acceded to ICCPR on 21 April 1969 but has not signed ICCPR-OP1 or ICCPR-OP2.

117 For the reporting guidelines see: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/467/89/PDF/G1046789.pdf?OpenElement>. Document reference: CCPR/C/2009/1.

118 According to the list of the OHCHR. See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en.

Turkey: ratified ICCPR on 23 September 2003, ICCPR-OP1 on 24 Nov 2006 and ICCPR-OP2 on 2 March 2006.

Please see Annex A for more information on the declarations and reservations to the UN treaties by States.

3.1.2 Committee against Torture (CAT)

- CAT¹¹⁹ was established pursuant to Article 17 of ICAT¹²⁰ which was adopted by General Assembly resolution 39/46 on 10 December 1984 and entered into force on 26 June 1987. CAT began functioning on 1 January 1988.
- The UN Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**SPT**) was created pursuant to the Optional Protocol to ICAT (**OPCAT**),¹²¹ which was adopted by General Assembly Resolution 57/199 on 18 December 2002 and entered into force on 22 June 2006.
- Names of the members of CAT and the SPT can be found on the UN website.¹²²

Mandate:

- CAT has broad powers of examination and investigation to analyse the effectiveness of the ICAT's obligations that were designed to strengthen the protection from torture and to implement these obligations.
- Under Article 19 of ICAT, State Parties are required to submit reports to CAT, through the Secretary-General, on the measures it has adopted which give rise to the rights recognised. The first report must be submitted within a year of the entry into force of ICAT for the State Party concerned; subsequent reports should be submitted every 4 years.¹²³

119 See: <http://www2.ohchr.org/english/bodies/cat/index.htm>.

120 See: <http://www2.ohchr.org/english/law/cat.htm>.

121 See: <http://www2.ohchr.org/english/law/cat-one.htm>.

122 For CAT, see: <http://www2.ohchr.org/english/bodies/cat/members.htm>. For the SPT, see: <http://www2.ohchr.org/english/bodies/cat/opcat/membership.htm>.

123 Links to the reporting guidelines can be found on CAT's website: <http://www2.ohchr.org/english/bodies/cat/index.htm>. Document references: CAT/C/4/Rev.3 (initial reports), CAT/C/14/Rev.1 (periodic reports), HRI/GEN/2/Rev.6 (common core document).

- In May 2009, CAT adopted an optional reporting procedure¹²⁴ to assist State Parties in preparing their reports under Article 19. ‘Lists of issues prior to reporting’ (or LOIPR) are transmitted to States Parties prior to the submission of their periodic reports. The State Party’s response to LOIPR constitutes its report required under Article 19.
- Under Article 22 of ICAT, a State Party may make a declaration accepting the individual complaints procedure, whereby individuals within the State Party’s jurisdiction may complain to CAT about alleged violations of its rights under ICAT.
- Article 21 of ICAT sets out an inter-state complaints procedure, similar to that under the ICCPR. Like the ICCPR, the procedure is voluntary in that a State Party must make a declaration accepting the inter-state complaints procedure before it can submit, or be the subject of, an inter-state complaint.
- Article 20 of ICAT sets out an inquiry procedure. However, State Parties may opt out of this procedure upon signing, ratifying or acceding to ICAT.¹²⁵
- The OP-CAT gives the SPT the right to visit all places of detention in State Parties and examine the treatment of people held there. The OP-CAT also obliges State Parties to set up independent national preventive mechanisms to examine the treatment of people in detention, make recommendations to government authorities to strengthen protection against torture and comment on existing or proposed legislation.

Dates of ratification/accession:¹²⁶

Armenia: acceded to ICAT on 13 September 1993 but does not recognise CAT’s competence to receive and process inter-state complaints under Article 21 ICAT or individual communications under Article 22 ICAT. It has not opted out of the inquiry procedure. Armenia acceded to OPCAT on 14 September 2006.

Azerbaijan: acceded to ICAT on 16 August 1996 and also recognised CAT’s competence to receive and process individual communications under Article 22 ICAT on 4 February 2002. It does not recognise CAT’s competence

124 See <http://www.unhcr.org/refworld/pdfid/4ae5b5f12.pdf>. Document reference A/64/44, paragraph 27. The optional reporting procedure was, however, adopted on a trial basis in May 2007.

125 Article 28 of ICAT.

126 According to the list of the OHCHR. See: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

to receive inter-state complaints under Article 21 ICAT. It has not opted out of the inquiry mechanism set out under Article 20 ICAT. It ratified OPCAT on 28 January 2009.

Iran: has not signed or ratified ICAT.

Iraq: acceded to ICAT on 7 July 2011. It does not recognise CAT's competence to receive inter-state complaints under Article 21 or individual communications under Article 22. It has not opted out of the inquiry mechanism set out under Article 20. Iraq has not signed OPCAT.

Syria: acceded to ICAT and opted out of the inquiry mechanism pursuant to Article 28 on 19 August 2004. It does not recognise CAT's competence to receive inter-state or individual complaints. Syria has not signed OPCAT.

Turkey: ratified ICAT and recognised CAT's competence to receive and consider inter-state complaints under Article 21 ICAT and individual communications under Article 22 ICAT on 2 August 1988. Turkey has not opted out of the inquiry mechanism under Article 20 ICAT. Turkey signed OPCAT on 14 September 2005. As at September 2011, Turkey had completed its domestic formalities to ratify OPCAT although ratification of this instrument was not yet reflected on the UN website.¹²⁷

Please see Annex A for more information on Declarations and Reservations to the UN treaties.

3.1.3 Committee on the Elimination of Discrimination against Women (CEDAW)

- CEDAW¹²⁸ was established under the terms of the ICEDAW adopted by General Assembly resolution 34/180 on 18 December 1979 and entered into force on 3 September 1981.¹²⁹ ICEDAW sets out in legal form, internationally accepted principles on the rights of women.
- OP-CEDAW was adopted by General Assembly resolution 54/4 on 6 October 1999 and came into force on 22 December 2000.

¹²⁷ Turkey passed Law 6167 on 23 February 2011 which approved the ratification of OPCAT. Please see letter from the Turkish Government to the President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment dated 28 February 2011, found in the *Response of the Turkish Government to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* relating to its visit to Turkey from 4 to 17 June 2009.

¹²⁸ See: <http://www2.ohchr.org/english/bodies/cedaw/convention.htm>.

¹²⁹ See: <http://www2.ohchr.org/english/law/cedaw.htm>.

Mandate:

- CEDAW is entrusted with the task of overseeing the implementation of ICEDAW by State Parties and watches over the progress of women's rights made in those countries. Under Article 18 CEDAW, State Parties are required to submit reports to the Secretary-General on legislative, judicial, administrative and other measures which they have taken in accordance with the provisions of ICEDAW. A first report must be submitted within one year after entry into force of ICEDAW for the State Party concerned and subsequent reports must be submitted at least every four years or whenever requested by CEDAW.¹³⁰ The report system is not meant to be adversarial, but is instead meant to open a constructive dialogue between State Parties and CEDAW. Based on the examination of the reports, CEDAW can also make suggestions and general recommendations regarding the interpretation and application of ICEDAW.
- OP-CEDAW is a separate treaty open to State Parties to ICEDAW. States that have become a party to OP-CEDAW recognise the competence of CEDAW to receive complaints from persons within their jurisdiction alleging violations of their rights under ICEDAW.
- Articles 8 to 10 of OP-CEDAW authorises CEDAW to undertake confidential investigations into allegations of human rights violations, provided it has the cooperation of the State Party concerned. State Parties can opt-out of this procedure under Article 10 of OP-CEDAW.

Dates of ratification/accession:¹³¹

Armenia: acceded to ICEDAW on 13 September 1993 and acceded to OP-CEDAW on 14 September 2006.

Azerbaijan: acceded to ICEDAW on 10 July 1995 and ratified OP-CEDAW on 1 June 2001.

Iran: has not ratified or signed ICEDAW or OP-CEDAW.

Iraq: acceded to ICEDAW on 13 August 1986 but has not signed OP-CEDAW.

130 For the reporting guidelines, see: <http://www2.ohchr.org/english/bodies/cedaw/docs/AnnexI.pdf>.

131 According to the list of the OHCHR. See: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

Syria: acceded to ICEDAW on 28 March 2003 but has not signed OP-CEDAW.

Turkey: acceded to ICEDAW on 20 December 1985 and ratified OP-CEDAW on 29 October 2002.

Please see Annex A for more information on Declarations and Reservations to the UN treaties by States.

3.1.4 Committee on the Elimination of Racial Discrimination (CERD)

- CERD¹³² was the first Committee to be created by the UN. It was established under ICERD which was adopted by General Assembly resolution 2106 (XX) on 21 December 1965 and came into force on 4 January 1969.¹³³ This set a precedent for other Committees to be created.
- Names of the members of CERD may be found on the OHCHR's website.¹³⁴

Mandate:

- CERD monitors the implementation of ICERD which specifies the measures States Parties must undertake to eliminate racial discrimination.
- Article 9 CERD stipulates that every State Party undertakes to submit a report on the implementation of the obligations imposed on the State Party by ICERD. The first report must be submitted within a year after ICERD enters into force for the State Party concerned. Subsequent reports must be submitted every two years or upon request by CERD.¹³⁵
- State Parties may make a declaration under Article 14 of ICERD recognising the competence of CERD to receive and consider communications from individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of ICERD rights.
- Articles 11 to 13 of ICERD set out an inter-state complaint procedure whereby CERD's Chairman appoints a Conciliation Committee

132 See: <http://www2.ohchr.org/english/bodies/cerd/index.htm>.

133 See: <http://www2.ohchr.org/english/law/cerd.htm>.

134 See: <http://www2.ohchr.org/english/bodies/cerd/members.htm>.

135 For the reporting guidelines, see: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/426/49/PDF/G0842649.pdf?OpenElement>. Document reference: CERD/C/2007/1.

to assist the State Parties resolve the dispute. State Parties need not make a declaration in order for this mechanism to apply.

Dates of ratification/accession:¹³⁶

Armenia: acceded to ICERD on 23 June 1993.

Azerbaijan: acceded to ICERD on 16 August 1996 and recognised CERD's competence to receive and process individual communications under Article 14 ICERD on 27 September 2001.

Iran: ratified ICERD on 29 August 1968.

Iraq: ratified ICERD on 14 January 1970.

Syria: acceded to ICERD on 21 April 1969.

Turkey: ratified ICERD on 16 September 2002.

Please see Annex A for more information on Declarations and Reservations to the UN treaties by States.

3.1.5 Committee on the Rights of the Child (CRC)

- The CRC¹³⁷ met for the first time in 1991 after electing its first 10 members. It was established by the ICRC,¹³⁸ which was adopted by General Assembly resolution 44/25 of 20 November 1989 and entered into force on 2 September 1990.
- The CRC has two optional protocols: the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (**OP1-CRC**); and the Optional Protocol on the Involvement of Children in Armed Conflict (**OP2-CRC**).
- Names of the members of CRC may be found on the OHCHR's website.¹³⁹

136 According to the list of the OHCHR. See: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

137 See: <http://www2.ohchr.org/english/bodies/crc/>.

138 See: <http://www2.ohchr.org/english/law/crc.htm>.

139 See: <http://www2.ohchr.org/english/bodies/crc/members.htm>.

Mandate:

- The CRC is the UN body that monitors the implementation of the ICRC, OP1-CRC and OP2-CRC by State Parties.
- Under Article 44 of the ICRC, every State Party shall submit to the CRC, through the Secretary-General, a report on the measures it has adopted which give effect to the rights recognised in the ICRC. The first report must be submitted within two years of the entry into force of the ICRC in relation to the State Party concerned, and subsequent reports every five years. In order to give advance notice to the State Party of certain principal issues that might arise in the examination of their reports, a preliminary meeting of the working group is held in which a list of the most important issues to be discussed with governmental representatives is compiled (referred to as the ‘List of Issues’) . The State Party is then requested to submit written responses to the List of Issues before formal consideration of its report.¹⁴⁰
- Under Article 12 of OP1-CRC, State Parties must submit an initial report to the CRC within two years following the entry into force of OP1- CRC in respect of that State Party. The report should provide comprehensive information on the measures the State Party has taken to implement OP1-CRC. A State Party must then submit a periodic report to the CRC every five years, unless it submit the information in its periodic report submitted under Article 44 of the ICRC.
- Similar reporting provisions as OP1-CRC apply in respect of OP2-CRC.¹⁴¹

Dates of ratification/accession:¹⁴²

Armenia: acceded to ICRC on 23 June 1993, ratified OP1-CRC on 30 June 2005 and ratified OP2-CRC on 30 September 2005.

Azerbaijan: acceded to ICRC on 13 August 1992, ratified OP1-CRC on 3 July 2002 and ratified OP2-CRC on 3 July 2002.

Iran: ratified ICRC on 13 July 1994 and acceded to OP1-CRC on 26 September 2007. Iran signed OP2-CRC on 21 September 2010.

140 Links to the reporting guidelines and annex can be found on the CRC’s website. See: <http://www2.ohchr.org/english/bodies/crc/>. (Guidelines: document reference CRC/C/58/Rev.2).

141 Article 8 of OP2-CRC.

142 According to the list of the OHCHR. See: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

Iraq: acceded to ICRC on 15 June 1994, to OP1-CRC on 24 June 2008 and OP2-CRC 24 June 2008.

Syria: ratified ICRC on 15 July 1993, acceded to OP1-CRC on 15 May 2003 and OP2-CRC 17 October 2003.

Turkey: ratified ICRC on 4 April 1995, OP1-CRC on 19 August 2002 and OP2-CRC on 4 May 2004.

Please see Annex A for more information on Declarations and Reservations to the UN treaties by States.

3.1.6 Committee on Economic, Social and Cultural Rights (CESCR)

- Unlike the other five human rights bodies, CESCR¹⁴³ was set up not by its corresponding instrument but by the ECOSOC following the less than ideal performance of the two previous bodies assigned to monitor the ICESCR.¹⁴⁴ The CESCR is therefore a subsidiary organ of ECOSOC and derives its formal authority from them. CESCR was set up in 1985 but met for the first time in 1987.
- The Optional Protocol to ICESCR (OP-CESCR) was adopted by General Assembly resolution 63/117 on 10 December 2008. It is not yet in force.
- Names of the members of CESCR may be found on the OHCHR's website.¹⁴⁵

Mandate:

- The primary function of the CESCR is to monitor the implementation of the ICESCR by the State Parties. It strives to develop a constructive dialogue with State Parties and seeks to determine through a variety of means whether or not the norms contained in the ICESCR are being adequately applied by the State, and how the implementation and enforcement of the ICESCR could be improved.
- Under Articles 16 and 17 of the ICESCR, State Parties undertake to submit periodic reports to the CESCR. The first is to be submitted within two years of the entry into force of ICESCR for a particular State Party; thereafter once every five years. The periodic reports

143 See: <http://www2.ohchr.org/english/bodies/cescr/index.htm>.

144 See: <http://www2.ohchr.org/english/law/cescr.htm>.

145 See: <http://www2.ohchr.org/english/bodies/cescr/members.htm>.

should outline the legislative, judicial, policy and other measures implementing the rights contained in the ICESCR.¹⁴⁶

- OP-CESCR sets out ICESCR's individual complaints mechanism.

Dates of ratification/accession:¹⁴⁷

Armenia: acceded to ICESCR on 13 September 1993 and signed OP-CESCR on 29 September 2009.

Azerbaijan: acceded to ICESCR on 13 August 1992 and signed OP-CESCR on 25 September 2009.

Iran: ratified ICESCR on 24 June 1975.

Iraq: ratified ICESCR on 25 January 1971.

Syria: acceded to ICESCR on the 21 April 1969.

Turkey: ratified ICESCR on 23 September 2003.

Please see Annex A for more information on Declarations and Reservations to the UN treaties by States.

3.1.7 Committee on Migrant Workers (CMW)

- The CMW was established by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (**ICRMW**),¹⁴⁸ which was adopted on 18 December 1990 and entered into force on 1 July 2003. ICRMW established the CMW¹⁴⁹ which held its first session in March 2004.

Mandate:

- The CMW supervises the implementation of the obligations of the ICRMW by State Parties. The ICRMW's aim is to prevent and eliminate the exploitation of migrant workers throughout the entire migration process.

146 A link to the reporting guidelines can be found on the CESCR's website: <http://www2.ohchr.org/english/bodies/ceschr/>. Document reference: E/C.12/2008/2.

147 According to the list of the OHCHR. See: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

148 See: <http://www2.ohchr.org/english/bodies/cmw/index.htm>.

149 See: <http://www2.ohchr.org/english/law/cmw.htm>.

- Under Article 73 of ICRMW, State Parties accept the obligation to report on the steps they have taken to implement the ICRMW within a year of its entry into force for the State Party concerned, and thereafter every five years and whenever the CMW so requests.¹⁵⁰
- Article 77 of ICRMW sets out the individual complaints mechanism, which is not yet in force.¹⁵¹ A State Party may at any time declare under this provision that it recognises the competence of CMW to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their rights under ICRMW have been violated by that State Party. Article 76 of ICRMW sets out the treaty's inter-state complaints procedure, which is not yet in force.¹⁵² It also requires a State Party to declare its acceptance to be subject to this procedure.
- As at September 2011, only 45 States have ratified or acceded to the ICRMW.¹⁵³ Azerbaijan, Turkey and Syria are State Parties to ICRMW. Other Governments have not yet ratified or acceded to the ICRMW.

Dates of ratification/accession:¹⁵⁴

Armenia: has not signed ICRMW.

Azerbaijan: acceded to ICRMW on 11 January 1999.

Iran: has not signed ICRMW.

Iraq: has not signed ICRMW.

Syria: acceded to ICRMW on 2 June 2005.

Turkey: ratified ICRMW on 27 September 2004.

150 For the provisional reporting guidelines for initial reports, see: <http://www2.ohchr.org/english/bodies/cmw/docs/reporting-guidelines.pdf> (document reference: HRI/GEN/2/Rev.2/Add.1). For reporting guidelines for periodic reports, see: http://www2.ohchr.org/english/bodies/cmw/docs/CMW.C.2008.1_en.pdf (document reference CMW/C/2008/1).

151 The mechanism requires the acceptance of ten State Parties in order for it to enter into force.

152 Like the individual complaints procedure, the inter-state complaints procedure requires the acceptance of ten State Parties in order for it to enter into force.

153

154 According to the list of the OHCHR. See: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

Please see Annex A for more information on Declarations and Reservations to the UN treaties by States.

3.1.8 Committee on the Rights of Persons with Disabilities (CRPD)

- The ICRPD¹⁵⁵ and its Optional Protocol (**OP-CRPD**) were adopted on 13 December 2006 and entered into force on 3 May 2008. The ICRPD established the CRPD¹⁵⁶ which held its first session in February 2009.

Mandate:

- The CRPD supervises the implementation of the obligations of the ICRPD by State Parties. The ICRPD's aim is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.
- Under Article 35, each State Party must report to the CRPD on measures taken and progress made with regard to the ICRPD. State Parties accept the obligation to report on the steps they have taken to implement the ICRPD within two years of its entry into force for the State Party concerned, and thereafter every four years and whenever the CRPD so requests.¹⁵⁷
- OP-CRPD sets out the ICRPD's individual complaints procedure. The CRPD has adopted a fact sheet on the individual complaints procedure and a set of guidelines for the submission of communications, which can be accessed via its website.¹⁵⁸

Dates of ratification/accession:¹⁵⁹

Armenia: ratified ICRPD on 22 September 2010 and signed OP-CRPD on 30 March 2007.

Azerbaijan: ratified ICRPD and OP-CRPD on 28 January 2009.

155 See: <http://www2.ohchr.org/english/law/disabilities-convention.htm>.

156 See: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>.

157 For reporting guidelines, see: <http://www.ohchr.org/Documents/HRBodies/CRPD/CRPD-C-2-3.pdf>. Document reference: CRPD/C/2/3.

158 See: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>. Document reference: CRPD/C/5/2 (fact sheet) and CRPD/C/5/3 (guidelines).

159 According to the list of the OHCHR. See: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

Iran: acceded to ICRPD on 23 October 2009 but has not signed OP-CRPD.

Iraq: has not signed ICRPD or OP-CRPD.

Syria: ratified ICRPD on 10 July 2009. Acceded to OP-CRPD on 10 July 2009.

Turkey: ratified ICRPD on 28 September 2009. Signed OP-CRPD on 28 September 2009.

Please see Annex A for more information on Declarations and Reservations to the UN treaties by States.

3.1.9 Committee on Enforced Disappearances (CED)

- The CED¹⁶⁰ was established pursuant to Article 26 of ICPED.¹⁶¹ ICPED was adopted on 20 December 2006 and entered into force on 23 December 2010.
- CED held its first meeting on 31 May 2011 at the UN's headquarters in New York where the State Parties elected the CED's members.¹⁶²

Mandate:

- CED is responsible for monitoring the implementation of ICPED by State Parties.
- Article 29 of ICPED requires each State Party to submit periodic reports to CED, through the UN Secretary-General, on the measures taken to give effect to its obligations under ICPED. A State Party is required to submit its initial report within two years of its entry into ICPED.
- State Parties may make a declaration under Article 31 of ICPED to recognise the competence of CED to receive and consider communications from or on behalf of individuals alleging to be victims of a violation of ICPED by the State Party concerned.
- State Parties may also make a declaration under Article 32 of ICPED to recognise the competence of CED to receive and consider inter-state complaints.

160 See: <http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx>.

161 See: <http://www2.ohchr.org/english/law/disappearance-convention.htm>.

162 See: <http://www.ohchr.org/EN/HRBodies/CED/Pages/Elections2011.aspx>.

Dates of ratification/accession:¹⁶³

Armenia: ratified ICPED on 24 January 2011.

Azerbaijan: signed ICPED on 6 February 2007.

Iran: has not signed ICPED.

Iraq: acceded ICPED on 23 November 2010.

Syria: has not signed ICPED.

Turkey: has not signed ICPED.

Please see Annex A for more information on Declarations and Reservations to the UN treaties by States.

3.2 Individual Complaint Procedure¹⁶⁴

Note: The CRC cannot consider individual complaints, although child rights may be raised before other committees with competence to consider individual complaints.

The CMW will be able to consider individual complaints or communications from individuals claiming that their rights under the ICRMW have been violated once 10 State Parties have accepted this procedure in accordance with Article 77 of ICRMW. As of September 2011, only two State Parties have accepted the procedure.¹⁶⁵

OP-CESCR sets up an individual complaints mechanism for State Parties to the ICESCR but is not yet in force. OP-CESCR will enter into force three months after the date of the deposit with the UN Secretary-General of the tenth instrument of ratification or accession. As at September 2011, OP-CESCR has three parties.

As at September 2011, the CED, a newly-established treaty body, had not yet set up its individual complaints procedure.

163 According to the list of the OHCHR. See: <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

164 Please note that this section 3.2 is not exhaustive.

165 See: <http://www2.ohchr.org/english/bodies/cmw/index.htm>.

General overview of the process:

Despite the fact that the complaint procedures for all of the Committees are different, they all however, follow a similar outline process. The key differences for each Committee will be discussed further on in the text.

The main steps to making a complaint are:¹⁶⁶

- The complainant prepares his/her complaint (also called a ‘communication’ or ‘petition’). Any individual, who is subject to the jurisdiction of a State Party bound by the procedure, is eligible to bring a claim if he/she considers that his/her rights under the relevant treaty have been violated. However, an individual or group of individuals may bring a claim on behalf of another individual, provided that the latter has provided his/her written consent.¹⁶⁷
- All communications should be sent to the following body and address:

Petitions Team
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10, Switzerland

Fax: + 41 22 9179022 (particularly for urgent matters)

Email: tb-petitions@ohchr.org

- Provided that the communication contains the essential elements, the case is registered for consideration by the relevant Committee. The complainant will then receive notification of registration.
- The Committee transmits the communication to the State Party concerned, which is then requested to submit its observations within a set time frame. The complainant is usually given the opportunity to respond to the State Party’s submissions.
- The treaty body examines the communication while considering the admissibility and the merits of the communication in closed session.

¹⁶⁶ A more detailed outline can be found on the OHCHR’s website: <http://www2.ohchr.org/english/bodies/petitions/individual.htm#procedure>.

¹⁶⁷ In certain circumstances, a claim may be made on behalf of another individual without his/her consent. For instance, the example given by the OHCHR is that of parents bringing cases on behalf of young children, guardians on behalf of persons unable to give formal consent or where the alleged victim is in prison without access to the outside world.

- The treaty body issues its ‘views’, which may also be referred to as an ‘opinion’ or ‘decision’, to the parties. Committee members may append separate opinions to the decision if they adopt different reasoning or reach a different conclusion.
- Subject to limited exceptions concerning admissibility decisions,¹⁶⁸ the Committee’s decision is final in that there is no right to appeal.
- The treaty body then may engage in some follow-up activities to monitor the State Party’s response to its views.

Preparation of the communication:

In preparing the communication, the complainant must note the following guidelines:

- The communication must be in written form, signed and addressed to the respective Committee. It should also contain basic personal information such as the alleged victim’s name, nationality, date of birth and the State Party against which the complaint is directed. Where a complaint is being made on behalf of another individual, the complainant should provide proof of consent by the alleged victim or state clearly why such consent cannot be provided;
- The communication should set out in chronological order all the facts on which the complaint is based and state why the facts constitute an alleged breach of the relevant treaty, including, where possible, the relevant treaty provisions. The communication should also state whether the case has been submitted to another means of international investigation or settlement;
- The complainant should supply all documents relevant to the complaint, in particular, relevant administrative or judicial decisions by national authorities. Other supporting documents may include a signed statement from the alleged victim, signed statements from all available witnesses, medical reports or certificates to support possible physical and psychological effects (for example in the case of CAT), autopsy reports and photographs. To speed up the processing of the claim, the complainant may provide translations (either in full or in summary) of any documents which are not in an official language of the Committee;
- The alleged victim must be personally and directly affected by the law, policy, practice, act or omission of the State Party in question. It is not sufficient simply to challenge a law, policy or practice in the abstract;

168 See section 3.2 below.

- The alleged violation must relate to rights actually protected by the respective treaty, otherwise the complaint will be deemed inadmissible *ratione materiae*;
- The complaint must not be anonymous, but under certain conditions the complainant can request for identifying information to be concealed in the Committee's final decision, for example if inclusion of such information would result in the threat of harm to the complainant;
- The author can apply for an interim measure, which will be taken only under special circumstances, but does in no way prejudge the conclusion;
- Victims must have been subject to the jurisdiction of the alleged violating State Party at the time the alleged violation occurred. The treaty bodies will not receive a complaint unless it involves the actions of a State Party which has both ratified the relevant treaty and either (i) in the case of ICCPR, ICESCR, ICRPD, and ICEDAW, ratified the Optional Protocol recognising a right of individual communication or (ii) in the case of ICERD, ICAT, ICPED and ICRMW, made the declaration recognising the competence of the treaty body to receive and consider such communications. Treaties do not have retroactive effect; hence violations that took place before the date of ratification cannot be the subject of the complaint (*ratione temporis*);¹⁶⁹
- Victims must exhaust all domestic remedies before submitting a communication. The communication should detail the steps taken to exhaust domestic remedies, including the claims advanced and the dates and outcome of the proceedings. If the exhaustion of remedies would be unreasonably prolonged, or if they would be ineffective or if remedies are otherwise unavailable, one might be exempted from this rule. However, detailed reasons should be given in the communication as to why this rule should not apply;
- Except in limited circumstances,¹⁷⁰ there are no formal time-limits for bringing a claim. It is therefore advisable to bring a claim as soon as possible after exhausting domestic remedies so as to ensure that the claim is credible and to allow the maximum use of evidence. Time delays could, and do often, result in a decision of inadmissibility;
- One should also take note if the State Party has made any reservations that affect the complainant's ability to bring a complaint to the Committee;

169 There are limited exceptions to this rule. A Committee may consider a complaint where the effects of the event in question extend into the period covered by the complaint mechanism.

170 See section 3.2 below.

- Subject to limited exceptions,¹⁷¹ a complaint which is being, or has been, considered by another treaty body or regional mechanism¹⁷² will not be examined by a Committee. The communication should therefore describe any such claims made, including the name of the body, the date and the outcome;
- Crucially, the communication should be as complete as possible. The victim's claims must be sufficiently substantiated, for example, by way of records, witness statements, media reports and related documents. Complaints which are insufficiently substantiated (for instance, containing underdeveloped facts or arguments), may be declared inadmissible;
- The author of the complaint may seek legal assistance in drafting the communication from lawyers or NGOs; NGOs have no standing to submit cases on their own behalf;
- A claim may be declared inadmissible if it is frivolous, vexatious or otherwise an inappropriate use of the complaint procedure. For example, a Committee will not accept repeated claims on the same issue which had already been dismissed. However, different victims of the same violation could all bring their claims separately.

Decision-making:

The common features of decision-making by the Committees when the treaty body proceeds to hear and decide on the communication are as follows:

- As mentioned above, provided that the communication contains the essential elements, the case is registered for consideration by the relevant Committee. The complainant will then receive notification of registration;
- The treaty body would then invite the State Party against whom the allegations were made to respond to the communication, normally on both the question of admissibility and merits of the complaint;
- The author of the complaint would normally then be given a chance to respond to submissions made by the State Party to the treaty body;
- If a communication is found to be inadmissible by the Committee due to the failure to exhaust domestic remedies and the complainant believes that the grounds of inadmissibility no longer exist, the complainant may request the treaty body to reconsider or re-examine the complaint;

171 See section 3.2.1 on the CCPR.

172 For example, the Inter-American Commission on Human Rights, the European Court of Human Rights, the African Commission on Human and Peoples' Rights or the African Court on Human and Peoples' Rights.

- Since the procedure is aimed at solving the problems of a particular person, the name of the person must be communicated so as to allow the State Party to investigate and take appropriate action. However, if it is necessary, confidentiality of the particular person would be maintained to the broader public during the examination of the complaint and the publication of the Committee's views (see above).

3.2.1 Human Rights Committee (CCPR)¹⁷³

Most meetings of the CCPR are public but when the Committee considers individual communications, these meetings are held in private.

The basic process for submitting a communication as shown above is applicable and should be read with more specific information given by the CCPR.¹⁷⁴

Special circumstances of urgency that require immediate action fall under Rule 92 of the CCPR's Rules of Procedure.¹⁷⁵ Prior to the communication of the case to the State Party, the Committee may issue a request to the State Party for interim measures in order to avoid irreparable damage to the victim of the alleged violation.

Key specifics:

- A complaint must refer to a State, which is a party to both the ICCPR and ICCPR-OP1;
- With regards to communications received by the CCPR after 1 January 2012, the CCPR may declare a complaint inadmissible (on the grounds of it constituting an abuse of the right of submission) if it is submitted more than 5 years after the exhaustion of domestic remedies or more than 3 years after the conclusion of another procedure of international investigation or settlement, unless there are reasons justifying the delay taking into account all the circumstances of the communication;¹⁷⁶

173 See: <http://www2.ohchr.org/english/bodies/hrc/index.htm>.

174 For the CCPR's rules of procedure, see http://www.bayefsky.com/general/ccpr_c_3_rev9_2011.pdf, CCPR/C/3/Rev.9, 13 January 2011.

175 See: http://www.bayefsky.com/general/ccpr_c_3_rev9_2011.pdf. Document reference: CCPR/C/3/Rev.9, 13 January 2011.

176 Rule 96(c) of the CCPR's Rules of Procedure, http://www.bayefsky.com/general/ccpr_c_3_rev9_2011.pdf. Document reference: CCPR/C/3/Rev.9, 13 January 2011.

- A case may be admissible even if the event complained of occurred before the entry into force of the Optional Protocol for the respective State, providing that the events have had continuing effects that violate the ICCPR;
- A complaint to the CCPR will not be declared inadmissible even if it has been brought before a Special Rapporteur;
- Peculiarly to the CCPR, a complaint that has already been submitted to another international mechanism can be brought before the CCPR if broader protections in the ICCPR are invoked. Furthermore, the CCPR is of the opinion that if a complaint has been dismissed by other international mechanisms on procedural grounds and has not been substantively examined then it may be brought before the CCPR;
- The CCPR will usually consider the admissibility and merits of the case simultaneously. Therefore, as soon as possible after the communication is received, the CCPR will normally ask the State Party to submit a written response on the admissibility and merits of the case within six months. The complainant then has a period of two months in which to submit its response;
- Within two months of receiving the communication, the State Party may apply to the CCPR in writing for the communication to be declared inadmissible, although this will not normally extend the six month period for submitting its responses on the merits unless the CCPR decides otherwise;
- Where the CCPR has declared a communication inadmissible on the grounds that it was being examined under another procedure of international investigation or settlement or that domestic remedies had not been exhausted, the complainant may ask the CCPR to review its decision when the grounds for inadmissibility no longer apply.¹⁷⁷

Note: The CCPR also publishes a report annually which contains information on the number of cases that are currently pending before it and all the ‘Views’ and inadmissibility decisions that have been made during that year. The Committee will also suggest the number of cases that it has found admissible or has discontinued over the year. However, before the report is published, the final ‘Views’ might have already been published online.

Dates of ratification:

Dates of ratification by State Parties can be found in section 3.1.1 above.

177 Rule 98(2) of the CCPR’s Rules of Procedure, http://www.bayefsky.com/general/ccpr_c_3_rev9_2011.pdf. Document reference, CCPR/C/3/Rev.9, 13 January 2011.

3.2.2 Committee against Torture (CAT)¹⁷⁸

Under Article 22 of ICAT, CAT is responsible for considering all complaints received. Like other international instruments on human rights, ICAT gives individuals the right to lodge complaints with CAT under special circumstances regarding the violation of one or more of its provisions by a State Party. The basic process for submitting a communication as shown above is applicable. In addition, specific rules of procedure apply.¹⁷⁹

For CAT to be able to admit and examine individual communications against a State Party, its competence must have been recognised by the State concerned by a declaration according to Article 22 ICAT.¹⁸⁰ Whenever an individual complaint is made, CAT will always examine it in a closed meeting.

Special circumstances of urgency that require immediate action fall under Rule 114 of CAT's Rules of Procedure.¹⁸¹ This is the basis for a complainant to seek interim measures by CAT to prevent irreparable harm while the communication is being considered, for example, in deportation cases under Article 3 of ICAT.

Key specifics:

- CAT will usually consider the admissibility and merits of the case simultaneously. Therefore, as soon as possible after the communication is received, CAT will normally ask the State Party to submit a written response on the admissibility and merits of the case within six months, after which the complainant usually has six weeks to respond;
- Within two months of receiving the communication, the State Party may apply to CAT in writing for the communication to be declared inadmissible. Where CAT agrees to consider the admissibility of the

178 See <http://www2.ohchr.org/english/bodies/cat/index.htm>.

179 See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/411/40/PDF/G1141140.pdf?OpenElement>. Document reference: CAT/C/3/Rev.5, 21 February 2011.

180 Article 22 para. 1 reads as follows: '1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.'

181 See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/411/40/PDF/G1141140.pdf?OpenElement>. Document reference: CAT/C/3/Rev.5, 21 February 2011.

case separately from the merits, the complainant is normally given four weeks to respond. If CAT decides that the complaint is admissible, the State Party normally has four months to comment on the merits of the case, after which the complainant normally has six weeks to respond;

- CAT may invite the parties to attend an oral hearing to provide further clarifications or answer questions on the merits of the complaint. The non-appearance of a party will not prejudice the consideration of the case;
- CAT may declare a complaint inadmissible if it is manifestly unfounded or if the time elapsing since the exhaustion of domestic remedies is so unreasonably prolonged so as to render consideration of the claims unduly difficult by CAT or the State Party;
- Where CAT has declared a communication inadmissible on the grounds that it was being examined under another procedure of international investigation or settlement or that domestic remedies had not been exhausted, the complainant may ask CAT to review its decision when the grounds for inadmissibility no longer apply;¹⁸²
- CAT may obtain any documentation from UN bodies, specialized agencies or other sources that may assist it in considering the complaint.

Note: CAT includes in its annual report the text of its final decisions. CAT may also decide to include in its annual report a summary of the complaints examined and, where it considers appropriate, a summary of the explanations and statements of the States Parties concerned and of CAT's evaluation.

Dates of ratification

Dates of ratification by State Parties can be found in section 3.1.2 above.

¹⁸² Rule 116(2) of CAT's Rules of Procedure, <http://daccess-dds-ny.un.org/doc/UN-DOC/GEN/G11/411/40/PDF/G1141140.pdf?OpenElement>. CAT/C/3/Rev.5, 21 February 2011.

3.2.3 Committee on the Elimination of Discrimination against Women (CEDAW)¹⁸³

Under Article 2 of OP-CEDAW,¹⁸⁴ which came into force on the 22 December 2000, CEDAW can receive and consider communications by or on behalf of individuals under the jurisdiction of a State Party, claiming to be victims of a violation by that State Party of his/her ICEDAW rights.¹⁸⁵ The basic process for submitting a communication as shown above is applicable;¹⁸⁶ furthermore specific rules of procedure apply.¹⁸⁷

CEDAW examines the individual complaints in private meetings.

Special circumstances of urgency that require immediate action fall under Article 5 of OP-CEDAW and Rule 63 of its Rules of Procedure. At any time before the determination of the merits, CEDAW may request that the State Party concerned take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victim of the alleged violation.

Key specifics:

- A complaint may be brought not only by or on behalf of an individual but also by or on behalf of a group of individuals;
- A complaint must refer to a State, which is a party to both CEDAW and the Optional Protocol;
- In order for the complaint to be admissible, the facts of the complaint must have occurred prior to the entry into force of OP-CEDAW for the State Party concerned or have continued after that date;
- Complaints that are manifestly ill-founded will be declared inadmissible;
- Once the complaint has been communicated to the State Party concerned, the State Party has six months in which to submit its written response to CEDAW;

183 See: <http://www2.ohchr.org/english/bodies/cedaw/index.htm>.

184 See: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/774/73/PDF/N9977473.pdf?OpenElement>.

185 Article 2 reads as follows: 'Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a state party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of the individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.'

186 For a model complaint form, see Annex O.

187 See: http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW_Rules_en.pdf.

- Within 2 months of receiving the communication, the State Party may apply to CEDAW in writing for the communication to be declared inadmissible, although this will not normally extend the six month period for submitting its responses on the merits unless CEDAW decides otherwise;
- CEDAW normally considers the admissibility and merits of the complaint simultaneously. CEDAW may, however, also declare the complaint inadmissible without reference to the State Party concerned;
- A decision of CEDAW declaring a communication inadmissible may be reviewed by CEDAW upon receipt of a written request by the complainant on the grounds that the reasons for inadmissibility no longer apply;
- CEDAW may obtain any documentation from UN bodies, specialized agencies or other sources that may assist it in considering the complaint;
- When determining its final views on the merits of case, CEDAW may also provide “recommendations” to the State Party.

Note: The Committee includes in its annual report a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

Dates of ratification

Dates of ratification by State Parties can be found in section 3.1.3 above.

3.2.4 Committee on the Elimination of Racial Discrimination (CERD)¹⁸⁸

Article 14 of ICERD¹⁸⁹ establishes a procedure that makes it possible for an individual or group of persons claiming to be victims of racial discrimination to lodge a complaint with CERD against the State concerned. This, however, may be done only if the State is a party to ICERD and has declared that it recognises the competence of CERD to receive such complaints under Article 14.¹⁹⁰ The individuals or groups of individuals must also be subject

188 See: <http://www2.ohchr.org/english/bodies/cerd/index.htm>.

189 See: <http://www2.ohchr.org/english/law/cerd.htm>.

190 Article 14 para. 1 reads as follows: ‘A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.’

to the jurisdiction of that State Party. This procedure came into effect in 1982 when 10 countries declared that they had accepted the Committee's competence.

CERD brings such communications confidentially to the attention of the State Party in question, but does not, without their consent reveal the identity of the individual or group claiming a violation. CERD considers the complaints in private sessions.

Special circumstances of urgency that require immediate action fall under Rule 94(3) of CERD's Rules of Procedure.¹⁹¹

Key specifics:

- A complaint may be brought not only by or on behalf of an individual but also by or on behalf of a group of individuals;
- Except in the case of duly verified exceptional circumstances, a complaint to CERD must be brought within six months of the final domestic decision;¹⁹²
- CERD considers the admissibility and merits of the complaint separately. It may not declare a complaint admissible unless the relevant State Party has received the text of the communication and has been given an opportunity to furnish information or observations. A State Party has three months to submit its arguments on the admissibility of the case, after which the complainant has six weeks in which to respond;
- A complaint will be considered inadmissible if the same matter is pending before or has been subject to a decision by another international procedure;
- After CERD has declared a complaint admissible, it shall communicate the relevant information to the State Party and complainant. The State Party then has three months in which to submit to CERD its arguments on the merits of the case. The complainant then has six weeks to respond before CERD gives its opinion on the merits of the case;

191 See: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/cb35dcd69a1b52a3802564ed0054a104?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/cb35dcd69a1b52a3802564ed0054a104?Opendocument). Document reference: CERD/C/35/Rev.3.

192 ICERD permits a State Party to establish or indicate a body within its national legal order to receive and consider communications from individuals alleging a violation of ICERD and who have exhausted other available local remedies. The six month time limits also runs from the final decision of this body.

- In exceptional circumstances, CERD may invite the parties or their representatives to attend an oral hearing to provide additional information or answer further questions on the merits of the case;
- CERD may revoke its decision that a case is admissible based on the explanations or submissions provided by the State Party. However, the complainant will be given an opportunity to respond to the explanations and statements before CERD takes such decision;
- CERD may issue 'suggestions' and 'recommendations' in addition to its opinion on the merits of the case, even if it has found no formal violation of a ICERD right;
- CERD may review a decision which had been declared inadmissible due to the non-exhaustion of domestic remedies if the reasons for the inadmissibility no longer apply.

Note: CERD includes in its annual report a summary of the individual communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

Dates of ratification:

Dates of ratification by State Parties can be found in section 3.1.4 above.

3.2.5 Committee on Economic, Social and Cultural Rights (CESCR)¹⁹³

On 10 December 2008, the General Assembly unanimously adopted OP-CESCR which provides CESCR the competence to receive and consider individual communications. As mentioned above, it will come into force three months after the date of the deposit with the UN Secretary-General of the tenth instrument of ratification or accession. As of September 2011, only Ecuador, Mongolia and Spain have ratified OP-CESCR. In addition to CESCR, other committees with competence can consider individual communications involving issues related to economic, social and cultural rights in the context of relevant treaties.

As at September 2011, CESCR has not yet adopted the rules of procedure for the individual complaints mechanism. However, OP-CESCR sets out some procedure and admissibility criteria which are similar to some or all of the individual complaints mechanisms discussed above:

193 See: <http://www2.ohchr.org/english/bodies/cescr/>.

- CESCR has the competence to receive complaints from groups of individuals as well as individuals;
- The complainant must exhaust all domestic remedies, unless the application of such remedies is unreasonably prolonged;
- CESCR will declare a complaint inadmissible if:
 - a. the communication is anonymous or not in writing;
 - b. the facts that are the subject of the complaint occurred prior to the entry into force of OP-CESCR for the State Party concerned, unless those facts continued after that date;
 - c. the same matter has already been examined by CESCR or has been or is being examined under another procedure of international investigation or settlement;
 - d. the complaint is incompatible with the provisions of ICE-SCR;
 - e. the complaint is manifestly ill-founded, not sufficiently substantiated or exclusively based on reports disseminated by mass media; and
 - f. the complaint is an abuse of the right to submit a communication.

Unlike the Committees above, however, a complainant must submit the complaint to CESCR within one year of exhausting domestic remedies, unless the complainant can demonstrate that it had not been possible to submit the communication within that time limit.

Dates of ratification:

Dates of ratification by State Parties can be found in section 3.1.6 above.

3.2.6 Committee on Migrant Workers (CMW)¹⁹⁴

State Parties may make a declaration under Article 77 ICRMW accepting CMW's competence to consider individual complaints alleging violations of their rights under ICRMW by that State. Before the complaint mechanism

¹⁹⁴ See: <http://www2.ohchr.org/english/bodies/cmw/index.htm>.

enters into force, 10 State Parties must make the declaration under Article 77, which could take several years.

As at September 2011, only 45 States have ratified or acceded to ICRMW, which includes Azerbaijan, Syria and Turkey.

As ICRMW's complaint mechanism is not yet into force, CMW has not developed its rules of procedure in this regard. However, it is likely that CMW will adopt similar procedures and admissibility criteria to those applied by the other treaty bodies. In any event, the criteria for individual complaints set out in Article 77 ICRMW are similar to that for the Committees discussed above:

- The individual complaint must not be anonymous, an abuse of the right of submission of such communications or to be incompatible with the provisions of ICRMW;
- The subject of the complaint must not be, and must not have been, examined under another procedure of international investigation or settlement;
- The individual concerned must have exhausted all available domestic remedies, unless application of domestic remedies is unreasonably prolonged or unlikely to bring effective relief to the individual;
- After the complaint has been brought to the attention of the State Party concerned, it has six months in which to submit its comments to CMW; and
- CMW will consider the individual complaints in private sessions.

Dates of ratification:

Dates of ratification by State Parties can be found in section 3.1.7 above.

3.2.7 Committee on the Rights of Persons with Disabilities (CRPD)¹⁹⁵

Under Article 1 of OP-CRPD, which came into force on the 3 May 2008, the CRPD can receive and consider communications submitted in accordance with Article 2 of OP-CRPD.¹⁹⁶ The basic process for submitting a communication as shown above is applicable. In addition, CRPD has adopted specific

¹⁹⁵ See: <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>.

¹⁹⁶ Article 2 reads as follows: 'A State Party to the present Protocol ('State Party') recognizes the competence of the Committee on the Rights of Persons with Disabilities ('the Committee') to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.'

rules of procedure, a fact sheet and guidelines on submitting communications to CRPD.¹⁹⁷

The CRPD considers the individual communications in private meetings.

Special circumstances of urgency fall under Article 4 of OP-CRPD. At any time after the receipt of a communication and before a determination on the merits has been reached, CRPD may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation. Under Rule 64 of CRPD's rules of procedure, the State Party in question may present arguments on why the interim measures should be lifted and CRPD may withdraw its request as a result.

Key specifics:

- CRPD accepts communications from or on behalf of groups of individuals as well as individuals;
- An individual communication will not be registered unless the individual or group of individuals consent(s) to the disclosure of her/his/their identity or other forms of identifying details/data to the State Party concerned;
- After the communication has been brought to the attention of the State Party, it has six months in which to submit its response to CRPD on the admissibility and merits of the case. If the State Party wishes to contest the admissibility of the case alone and request that it be considered separately from the merits, it has two months in which to make its submissions, although this shall not extend the overall six month time limit, unless the CRPD so directs;
- CRPD will declare a communication inadmissible if it constitutes an abuse of the right of submission, is incompatible with the provisions of ICRPD or is manifestly ill-founded;
- If the CRPD declares a communication inadmissible for having failed to exhaust domestic remedies, it may review its decision at a later date upon receipt of a written request from the individual concerned on the basis that the reasons for inadmissibility no longer apply;

197 Link to the CRPD's rules of procedure, fact sheet and guidelines can be found on its website. See: <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>. Document references: CRPD/C/4/2 (Rules of Procedure), CRPD/C/5/2 (fact sheet) and CRPD/C/5/3 (guidelines).

- The CRPD may issue recommendations and suggestions when it issues its concluding views on the case.

Note: CRPD must publish information on its activities under the individual complaints procedure in its report to the General Assembly and ECOSOC every two years.

Dates of ratification:

Dates of ratification by State Parties can be found in section 3.1.8 above.

3.2.8 Committee on Enforced Disappearances (CED)¹⁹⁸

The CED may accept individual complaints from or on behalf of individuals subject to the jurisdiction of a State Party which has made a declaration under Article 31 ICED recognising the CED's competence to accept such communications. As ICED only entered into force on 23 December 2010, as of September 2011, CED had not yet published its rules of procedure. However, Article 31 sets out the following criteria for the submission of individual communications:

- CED will consider a communication inadmissible if it is: anonymous; constitutes an abuse of the right of submission of such communications; is incompatible with the provisions of ICED; the same matter is being examined under another procedure of international investigation or settlement of the same nature; or domestic remedies have not been exhausted (unless the application of such remedies in unreasonably prolonged);
- CED shall consider individual communications in private meetings.

Special circumstances of urgency fall under Article 31(4) of ICED. At any time after the receipt of a communication and before a determination on the merits, CED may transmit to the State Party concerned for its urgent consideration a request for it to take such interim measures as may be necessary to avoid possible irreparable damage to the victims of the alleged violation.

Dates of ratification:

Dates of ratification by State Parties can be found in section 3.1.9 above.

198 See: <http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx>.

3.3 Investigative Mechanisms

In addition to the reporting and the individual complaint procedures, CEDAW and CAT are authorised to undertake investigations in response to allegations of human rights violations.

General Overview of the Process: The procedure is stipulated in Article 20 of ICAT¹⁹⁹ and Articles 8 and 10 of OP-CEDAW²⁰⁰ and is confidential.

- NGOs or other groups or individuals who can document a pattern of violations can instigate the investigation procedure;
- The first stage is the preliminary consideration of information in which the Committee decides whether the information is reliable and indicative of a systematic violation and whether an inquiry should be held;
- Then the Committee may designate one or two of its members to conduct the inquiry, which can include a visit to the country (with the country's consent), hearings and interviews with witnesses, etc;
- The findings of the inquiry are then submitted to the Committee, which considers and transfers them to the State Party with any additional comments or recommendations;
- The State Party is invited to respond to the Committee regarding the actions taken and, in the case of responses to CEDAW, submit its comments within six months.

Preparation of a petition:

- To initiate an investigation one must submit reliable information which indicate that in the case of ICAT 'torture is being systematical-ly practised' (Article 20 ICAT), or in the case of ICEDAW that there are 'grave or systematic violations' (Article 8 Optional Protocol);
- One should also take note if the State Party against whom information is submitted has made no declaration opting out of the inquiry mechanism, as allowed under Article 28 ICAT and Article 10 OP-CEDAW.

199 See: <http://www2.ohchr.org/english/law/cat.htm#art20>.

200 See: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/774/73/PDF/N9977473.pdf?OpenElement>.

3.4. Other Mechanisms

As mentioned above, some treaty bodies (namely the CCPR, CAT, CERD, CMW²⁰¹ and the CED) provide an inter-state complaints procedure, under which State Parties to the relevant treaty can complain to the relevant Committee that another State Party is not fulfilling its obligation under the treaty. However, with the exception of the inter-state procedure under ICERD, State Parties are only bound by this mechanism if they make a declaration to this effect.

CERD also adopts ‘early-warning’ measures and ‘urgent procedures’ as part of its regular agenda. Early warning measures are aimed at preventing existing problems from escalating into conflicts. CERD acts by seeking to identify and support factors which strengthen and reinforce racial tolerance, particularly in areas where there is a risk of reoccurring conflict. The urgent procedure is used to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of ICERD. CERD may respond by a variety of measures, including by issuing decisions, statements or resolutions. More information regarding the early warning or urgent procedure can be found on the OHCHR’s website.²⁰²

201 Like the individual complaints procedure under ICRMW, the inter-state complaints procedure requires the acceptance of ten State Parties in order for it to enter into force.

202 See: <http://www2.ohchr.org/english/bodies/cerd/early-warning.htm#about>.

ANNEX A

Declarations and Reservations to UN Treaties by States (as at September 2011)

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Turkey

Reservation:

2 August 1988

‘The Government of Turkey declares in accordance with article 30, paragraph 2, of the Convention, that it does not consider itself bound by the provisions of paragraph 1 of this article.’

OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Azerbaijan

Declaration:

28 January 2009

‘The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.’

Notifications Made Under Article 17:

Azerbaijan

28 January 2009

‘The Ministry of Foreign Affairs of the Republic of Azerbaijan.has the honour to inform that the Commissioner of the Human Rights (Ombudsman) of the Republic of Azerbaijan was designated by the Decree of the President of the Republic of Azerbaijan No. 112, dated January 13, 2009 as the national preventive mechanism according to Article 17 of the (United Nations) Optional Protocol to the Conven-

tion against Torture and other Cruel Inhuman or Degrading Treatment or Punishment.’

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Iraq

18 February 1969 (upon signature), confirmed on 25 January 1971

‘The entry of the Republic of Iraq as a party to the above two Covenants shall not constitute entry by it as a party to the Optional Protocol to the International Covenant on Civil and Political Rights.’

Syrian Arab Republic

21 April 1969

‘The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.’

Turkey

Declarations and Reservations:

23 September 2003

‘The Republic of Turkey declares that; it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof).

The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations.

The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.’

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Turkey

Statements:

24 November 2006

‘The Republic of Turkey declares that the three declarations and the reservation made by the Republic to the International Covenant on Civil and Political Rights shall also apply to the present Optional Protocol.’

‘The Republic of Turkey interprets article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the Republic of Turkey who claim to be the victims of a violation by the Republic of any of the rights set forth in the Covenant.’

Reservations:

24 November 2006

‘The Republic of Turkey formulates a reservation concerning article 5 paragraph 2 (a) of the Protocol to the effect that the competence of the Committee:

a) shall not apply to communications from individuals if the same matter has already been considered or is being considered under another procedure of international investigation or settlement.

b) shall be limited to communications concerning alleged violations which result either from acts, omissions, developments or events that may occur within the national boundaries of the territory of the Republic of Turkey after the date on which the protocol enters into force for the Republic of Turkey, or from a decision relating to acts, omissions, developments or events that may occur within the national boundaries of the territory of the Republic of Turkey after the date on which the Protocol enters into force for the Republic of Turkey.

c) shall not apply to communications by means of which a violation of article 26 of the International Covenant on Civil and Political Rights is reprimanded, if and insofar as the reprimanded violation refers to rights other than those guaranteed under the aforementioned Covenant.’

SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY

Azerbaijan

Reservation:

22 January 1999

‘The Republic of Azerbaijan, adopting the [said Protocol], in exceptional cases, adopting the special law, allows the application of death penalty for the grave crimes, committed during the war or in condition of the threat of war.’

28 September 2000

‘It is provided for the application of the death penalty in time of war pursuant to a conviction of a person for a most serious crime of a military nature committed during wartime.’

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Iraq

18 February 1969 (upon signature), confirmed on 25 January 1971

‘The entry of the Republic of Iraq as a party to the above two Covenants shall not constitute entry by it as a party to the Optional Protocol to the International Covenant on Civil and Political Rights.’

Syrian Arab Republic

21 April 1969

‘The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.’

Turkey

Declarations and Reservations:

23 September 2003

‘The Republic of Turkey declares that; it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof).

The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations.

The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

The Republic of Turkey reserves the right to interpret and apply the provisions of the paragraph (3) and (4) of the Article 13 of the Covenant on Economic, Social and Cultural Rights in accordance to the provisions under the Article 3, 14 and 42 of the Constitution of the Republic of Turkey.’

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Azerbaijan

27 September 2001

‘In accordance with article 14, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of the Republic of Azerbaijan declares that it recognises the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation of any of the rights set forth in the above-mentioned Convention.’

Iraq

18 February 1969 (upon signature)

‘The Ministry for Foreign Affairs of the Republic of Iraq hereby declares that signature for and on behalf of the Republic of Iraq of the Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations on 21 December 1965, as well as approval by the Arab States of the said Convention and entry into it by their respective governments, shall in no

way signify recognition of Israel or lead to entry by the Arab States into such dealings with Israel as may be regulated by the said Convention.

Furthermore, the Government of the Republic of Iraq does not consider itself bound by the provisions of article twenty-two of the Convention afore-mentioned and affirms its reservation that it does not accept the compulsory jurisdiction of the International Court of Justice provided for in the said article.’

14 January 1970

‘Iraq does not accept the provisions of article 22 of the Convention, concerning the compulsory jurisdiction of the International Court of Justice. The Republic of Iraq does not consider itself to be bound by the provisions of article 22 of the Convention and deems it necessary that in all cases the approval of all parties to the dispute be secured before the case is referred to the International Court of Justice.’

Syrian Arab Republic

21 April 1969

‘The Syrian Arab Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the Parties to the dispute, to be referred to the International Court of Justice for decision. The Syrian Arab Republic states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.’

Turkey

Declarations and Reservations:

16 September 2002

‘The Republic of Turkey declares that it will implement the provisions of this Convention only to the States Parties with which it has diplomatic relations.

The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

The Republic of Turkey does not consider itself bound by Article 22 of this Convention. The explicit consent of the Republic of Turkey is necessary in each individual case before any dispute to which the Republic of Turkey is party concerning the in-

terpretation or application of this Convention may be referred to the International Court of Justice.’

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Iraq

Reservations:

13 August 1986

‘1. Approval of and accession to this Convention shall not mean that the Republic of Iraq is bound by the provisions of article 2, paragraphs (f) and (g), of article 9, paragraphs 1 and 2, nor of article 16 of the Convention. The reservation to this last-mentioned article shall be without prejudice to the provisions of the Islamic *Shariah* according women rights equivalent to the rights of their spouses so as to ensure a just balance between them. Iraq also enters a reservation to article 29, paragraph 1, of this Convention with regard to the principle of international arbitration in connection with the interpretation or application of this Convention.’

Syrian Arab Republic

Reservations:

28 March 2003

‘..... subject to reservations to article 2; article 9, paragraph 2, concerning the grant of a woman’s nationality to her children; article 15, paragraph 4, concerning freedom of movement and of residence and domicile; article 16, paragraph 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions of the Islamic *Shariah*; and article 29, paragraph 1, concerning arbitration between States in the event of a dispute.’

Turkey

Reservations:

20 December 1985

‘*With respect to article 29, paragraph 1*

In pursuance of article 29, paragraph 2 of the Convention, the Government of the Republic of Turkey declares that it does not consider itself bound by paragraph 1 of this article. [.....]’

20 September 1999

[...] the Government of the Republic of Turkey has decided to withdraw its reservations made upon signature and confirmed upon ratification of the Convention on the Elimination of All Forms of Discrimination Against Women with regard to article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g).

[...] the reservation and declaration made upon signature and confirmed upon ratification by the Government of Turkey with respect to article 29, paragraph 1, and article 9, paragraph 1 of the Convention, respectively, continue to apply.’

29 January 2008

‘Article 9, paragraph 1 of the Convention is not in conflict with the provisions of Article 5, paragraph 1, and article 15 and 17 of the Turkish Law on Nationality, relating to the acquisition of citizenship, since the intent of those provisions regulating acquisition of citizenship through marriage is to prevent statelessness.’

CONVENTION ON THE RIGHTS OF THE CHILD

Iran (Islamic Republic of)

Reservations:

5 September 1991 (upon signature)

‘The Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to the Islamic Shariah, and preserves the right to make such particular declaration, upon its ratification.’

13 July 1994

‘The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect.’

Iraq

Reservations:

15 June 1994

‘The Government of Iraq has seen fit to accept [the Convention] ... subject to a reservation in respect to article 14, paragraph 1, concerning the child’s freedom of religion, as allowing a child to change his or her religion runs counter to the provisions of the *Islamic Shariah*.’

Syrian Arab Republic

Reservations:

15 July 1993

‘The Syrian Arab Republic has reservations on the Convention’s provisions which are not in conformity with the Syrian Arab legislations and with the Islamic Shariah’s principles, in particular the content of article (14) related to the Right of the Child to the freedom of religion, and articles 20 and 21 concerning the adoption.’

Turkey

Reservations:

14 September 1990 (upon signature), confirmed on 4 April 1995

‘The Republic of Turkey reserves the right to interpret and apply the provisions of articles 17, 29 and 30 of the United Nations Convention on the Rights of the Child according to the letter and the spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne of 24 July 1923.’

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICTS

Armenia

Declaration:

30 September 2005

‘According to Article 47 of the Constitution of the Republic of Armenia “Every citizen shall participate in the defence of the Republic of Armenia in a manner prescribed by law.

Participation of the citizens of the Republic of Armenia in the defence of the country is regulated by the laws of the Republic of Armenia on “Military Duty” (15 September 1998) and on “Performance of Military Service” (3 June 2002).

According to Article 4, paragraphs 1 and 2, of the law of the Republic of Armenia on “Performance of Military Service”, “the military service consists of active and reserve military services; the active military service consists of obligatory and contractual military service. Obligatory military service means the military service of ranks and officers called up to the armed forces or other forces and of cadets of military schools”.

According to Article 11, paragraph 1, of the law of the Republic of Armenia on “Military Duty”, male conscripts aged between 18 and 27 and reserve officers of the first group assessed as fit for military service in peace time according to their state of health are required for military service”. Based on the above-mentioned laws, the citizens of the Republic of Armenia, who have attained the age of 18, are required to serve in the armed forces of the Republic of Armenia; the Republic of Armenia guarantees that those citizens who have not yet attained the age of 18 cannot be called upon for either obligatory or contractual (voluntary) military service.’

Azerbaijan

Declaration:

3 July 2002

‘Pursuant to Article 3 of the protocol, the Republic of Azerbaijan declares that in accordance with the Law of the Republic of Azerbaijan on the military service of 3 November 1992, the citizens of the Republic of Azerbaijan and other persons, who are meeting the defined requirements of the military service, may voluntarily enter and be admitted in age of 17 the active military service of the cadets military school. The legislation of the Republic of Azerbaijan guarantees that this service shall not be forced or coerced, shall be realized on the basis of deliberative consent of the parents and the legal representatives of those persons, that those persons shall be provided with the full information of the duties regarding this service, and that the documents certifying their age shall be required before the admission to the service in the national armed forces.’

Iraq

Declaration:

24 June 2008

‘Pursuant to article 3, paragraph 2 of the Protocol, the Government of the Republic of Iraq:

(a) Declares that the minimum age at which it permits voluntary recruitment into its national armed forces is 18 years;

(b) Sets forth below a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced:

- Such recruitment must be genuinely voluntary;
- Volunteers must present reliable proof of age prior to acceptance into the national armed forces.’

Syrian Arab Republic

Declaration:

17 October 2003

‘The Syrian Arab Republic declares that the statutes in force and the legislation applicable to the Ministry of Defence of the Syrian Arab Republic do not permit any person under 18 years of age to join the active armed forces or the reserve bodies or formations and do not permit the enlistment of any person under that age.’

Turkey

Declarations:

4 May 2004

‘1. The Republic of Turkey declares, in accordance with Article 3 (2) of the Optional Protocol, that military service is compulsory in Turkey, however Turkish citizens are not subjected to compulsory military service before reaching the legal age of maturity. In accordance with the Turkish Military Code, military service begins on 1st January of the twentieth age; in cases of mobilisation and state of emergency, individuals who are liable to military service may be recruited at the age of 19.

There is no voluntary recruitment in Turkey.

However, Article 11 of the Military Code envisages a voluntary recruitment for navy and gendarmerie classes and non-commissioned officers at a minimum age of 18. Nevertheless, this article, which is in compliance with the age regulation of the Optional Protocol, is not applied in practice.

Students of military schools, who are exempted from the Optional Protocol according to Article 3 (5) of this protocol, are not subjected to compulsory military service. Under the Turkish legal system, such students are not considered as ‘soldiers’ and are not held liable for ‘military service’.

2. Admittance to the military high schools and preparatory non-commissioned officer schools is on a voluntary basis, depending on success in the entrance examinations and with the consent of parents or legal guardians. Students who have completed their primary school education and enrolled into such schools at a minimum age of 15 can quit them at any time if they so wish.’

Reservations:

4 May 2004

‘The Republic of Turkey declares that it will implement the provisions of the existing Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.

The Republic of Turkey declares with regard to Article 3 (5) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that the reservation it made to Article 29 of the Convention on the Rights of the Child, which is referred to in the said paragraph of the Optional Protocol, fully retains its validity.’

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Syrian Arab Republic

Reservation:

15 May 2003

‘A reservation is entered to the provisions set forth in article 3, paragraph 5, and article 3, paragraph 1 (a) (ii) of the Optional Protocol on the sale of children, child prostitution and child pornography, which relate to adoption.’

Declaration:

15 May 2003

‘Ratification of the two Optional Protocols by the Syrian Arab Republic shall not in any event imply recognition of Israel and shall not lead to entry into any dealings with Israel in the matters governed by the provisions of the Protocols.’

Turkey

Declaration:

19 August 2002

‘The Republic of Turkey declares that it will implement the provisions of the existing Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.’

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

Syrian Arab Republic

Declaration:

2 June 2005

‘.....accession of the Syrian Arab Republic to the said Convention thereof by its Government does not, in any way, imply recognition of Israel, nor shall it lead to any such dealing with the latter as are governed by the provisions of the Convention.’

Turkey

Declarations:

27 September 2004

(A) The declaration regarding Article 15:

The restrictions by the related Turkish laws regarding acquisition of immovable property by the foreigners are preserved....

B) The reservation regarding Article 40:

The Turkish Law on Trade Unions allows only the Turkish citizens to form trade unions in Turkey.’

C) The declaration regarding Article 45:

The stipulations of the paragraphs 2, 3 and 4 of the Article 45 will be implemented in accordance with the provisions of the Turkish Constitution and the related Laws.

D) The declaration regarding Article 46:

The implementation of the Article 46 will be made in accordance with the national laws.

E) The declaration regarding Articles 76 and 77:

Turkey will recognize the competence of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families at a later time.'

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Armenia

Objection to the declaration made by Azerbaijan upon ratification:

22 September 2010

'Given that the Republic of Azerbaijan made a declaration to the Convention on the Rights of Persons with Disabilities at the time of ratification the Republic of Armenia declares: The Republic of Azerbaijan deliberately misrepresents the essence of the Nagorno-Karabakh issue, with respect to cause and effect of the conflict. The conflict arose due to the policy of ethnic cleansing by the Republic of Azerbaijan followed by the massive military aggression against the self-determined Nagorno-Karabakh Republic - with the aim to repress the free will of the Nagorno-Karabakh population. As a result, the Republic of Azerbaijan has occupied several territories of the Nagorno-Karabakh Republic.'

Azerbaijan

Declaration:

28 January 2009

'The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.'

Iran (Islamic Republic of)

Declaration:

23 October 2009

‘... with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provisions of the Convention, which may be incompatible with its applicable rules.’

Syrian Arab Republic

Understanding:

30 March 2007 (upon signature):

‘Our signature of this Convention does not in any way, imply recognition of Israel or entry into relations with Israel, in any shape or form, in connection with the Convention. We signed today on the basis of the understanding contained in the letter dated 5 December 2006 from the Permanent Representative of Iraq to the United Nations addressed, in his capacity as Chairman of the Group of Arab States for that month, to the Chairman of the Committee, which contains the interpretation of the Arab Group concerning article 12 relating to the interpretation of the concept of “legal capacity”.’

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Azerbaijan

Declaration:

28 January 2009

‘The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.’

Syrian Arab Republic

Declaration:

10 July 2009

‘The Government of the Syrian Arab Republic declares that it does not recognize the competence of the Committee on the Rights of Persons with Disabilities (“the Committee”) provided for in articles 6 and 7 of the Optional Protocol, in accordance with Article 8 of that Protocol, which provides that each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.’

ANNEX B

Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Model Questionnaire

General Information

The Special Rapporteur undertakes action in the following cases:

- (a) Violations of the right to life in connection with the death penalty. The Special Rapporteur intervenes when capital punishment is imposed after an unfair trial, or in case of a breach of the right to appeal or the right to seek pardon or commutation of sentence. He also intervenes if the convicted is a minor, a mentally retarded or insane person, a pregnant woman or a recent mother;
- (b) Death threats and fear of imminent extrajudicial executions by state officials, paramilitary groups, private individuals or groups cooperating with or tolerated by the Government, as well as unidentified persons who may be linked to the categories mentioned above;
- (c) Deaths in custody owing to torture, neglect or the use of force, or life-threatening conditions of detention;
- (d) Deaths owing to the use of force by law enforcement officials, or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality;
- (e) Deaths owing to attacks by security forces of the State, by paramilitary groups, death squads or other private forces cooperating with or tolerated by the Government;
- (f) Violations of the right to life during armed conflicts, especially of the civilian population, contrary to humanitarian law;
- (g) Expulsion or refoulement of persons to a country where their lives are in danger;
- (h) Genocide;
- (I) Breach of the obligation to investigate alleged violations of the right to life and to bring those responsible to justice;

(j) Breach of the obligation to provide adequate compensation to victims of violations of the right to life.

Address:

Reports of extrajudicial, summary or arbitrary executions may be transmitted to the following address:

Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions
c/o OHCHR-UNOG
1211 Geneva 10
Switzerland
Fax: (+41 22) 917 90 06

Or e-mailed to: _____ E-mail: urgent-action@ohchr.org

Note: If any information contained in the questionnaire should be kept confidential please mark “CONFIDENTIAL” beside the relevant entry. Do not hesitate to attach additional sheets, if the space provided is not sufficient.

I. Identity of the person concerned:

Note: if more than one person is concerned, please fill out separate questionnaires for each person

1. Family name: _____

2. First name: _____

3. Sex: __ male __ female

4. Birth date or age _____

5. Nationality(ies): _____

6. Civil status (single, married, etc.):

7. Identity document: _____

Nr.: _____

Issued by: _____

Date of issue: _____ .

8. Profession and/or activity (e.g. trade union, political, religious, humanitarian/solidarity/human rights, etc.) _____

9. Address of usual residence: _____

10. Is there a link to other cases/ persons? Please specify:

II. Information regarding the incident:

1. Date: _____

2. Place: _____

3. Time: _____

4. The nature of the incident: Please describe the circumstances of the incident, including the following categories:

(a) death penalty, or fair trial guarantees, please detail (unfair laws or proceedings, charges, eventual appeals, execution is imminent, etc.)

(b) imminent violation of the right to life is feared (death threats, imminent expulsion or refoulement leading to a life-threatening situation, etc.), please detail.

(c) others (death in custody, death during an armed conflict, death due to excessive use of force by law enforcement officials, death due to attacks by security forces of State, paramilitary or private forces, breach of obligation to investigate, etc.):

III. Forces believed to be responsible for the incident:

(a) if the perpetrators are believed to be State agents, please specify (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible; be as precise as possible: _____

(b) if an identification as State agents is not possible, why do you believe that Government authorities, or persons linked to them, are responsible for the incident?

(c) if there are witnesses to the incident, indicate their names. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify:

IV. Steps taken by the victim or his/her family:

(a) Indicate if complaints have been filed, **when**, by **whom**, and before **which organ**.

(b) Other steps taken:

V. Steps taken by the authorities:

(a) Indicate whether or not there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken (e.g. autopsy)?

(b) in case of complaints by the victim or its family, how have the organs dealt with them? What is the outcome of those proceedings?

VI. Identity of the person submitting the case

1. Family name: _____

2. First name(s): _____

3. Status: individual, group, non-governmental organization, inter-governmental agency, Government. Please specify:

4. Address (telephone, fax, e-mail):

5. Please state whether you want your identity to be kept confidential: _____

Date:

Signature of author:

ANNEX C

Guidelines for the Submission of Information to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

In order for the Special Rapporteur to be able to take action regarding a communication on a case or incident, the following information, as a minimum, must be received.

1. Allegation regarding a person or persons:

- As detailed a description of the alleged violation as possible, including date, location and circumstances of the event;
- Name, age, gender, ethnic background (if relevant), profession;
- Views, affiliations, past or present participation in political, social, ethnic or labour group/activity;
- Information on other specific activities relating to the alleged violation.

2. Allegation regarding a medium of communication:

- As detailed a description of the alleged infringement on the right as possible, including date, location and circumstances of the event;
- The nature of the medium affected (e.g. newspapers, independent radio), including circulation and frequency of publication or broadcasting, public performances, etc.;
- Political orientation of the medium (if relevant).

3. Information regarding the alleged perpetrators:

- Name, State affiliation (e.g. military, police) and reasons why they are considered responsible;
- For non-State actors, description of how they relate to the State (e.g. cooperation with or support by State security forces);
- If applicable, State encouragement or tolerance of activities of non-State actors, whether groups or individuals, including threats or use of violence and harassment against individuals exercising their right to freedom of opinion and expression, including the right to seek, receive and impart information.

4. Information related to State actions:

- If the incident involves restrictions on a medium (e.g. censorship, closure of a news organ, banning of a book, etc.); the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, and steps taken to seek domestic remedy;
- If the incident involves arrest of an individual or individuals, the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, location of detention if known, information on provision of access to legal counsel and family members, steps taken to seek domestic remedy or clarification of person's situation and status;
- If applicable, information on whether or not an investigation has taken place and, if so, by what ministry or department of the Government and the status of the investigation at the time of submission of the allegation, including whether or not the investigation has resulted in indictments.

5. Information on the source of the communications:

- Name and full address;
- Telephone and fax numbers and e-mail address (if possible);
- Name, address, phone/fax numbers and email address (if applicable) of person or organization submitting the allegation.

Note: In addition to the information requested above, the Special Rapporteur welcomes any additional comments or background notes that are considered relevant to the case or incident.

Follow-up

The Special Rapporteur attaches great importance to being kept informed of the current status of cases and thus very much welcomes updates of previously reported cases and information. This includes both negative and positive developments, including the release of persons detained for exercising their rights to freedom of opinion and expression and to seek, receive and impart information, or the adoption of new laws or policies or changes to existing ones that have a positive impact on the realization of the rights to freedom of opinion and expression and information.

Root causes

In order to carry out his work regarding the root causes of violations, which is of particular importance to the Special Rapporteur, he is very much interested in receiving information on and/or texts of draft laws relating to or affecting the rights to freedom of opinion and expression and to seek, receive and impart information. The Special Rapporteur is also interested in laws or gov-

ernment policies relating to electronic media, including the Internet, as well as the impact of the availability of new information technologies on the right to freedom of opinion and expression.

Communications

Where requested or considered necessary by the Special Rapporteur, information on the source of the allegations will be treated as confidential.

Any information falling within this description of the mandate of the Special Rapporteur should be sent to:

Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression
c/o Office of the High Commissioner for
Human Rights
United Nations Office at Geneva
1211 Geneva 10
Switzerland
Fax: 41 22 917 9006
e-mail: urgent-action@ohchr.org

ANNEX D

Individual Complaints and Model Questionnaire of the UN Special Rapporteur on Freedom of Religion or Belief

The Special Rapporteur on freedom of religion or belief has been mandated by Human Rights Council resolution 6/37 “to continue his/her efforts in all parts of the world to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate”.

Therefore, the Special Rapporteur would like to reiterate her invitation to governmental and non-governmental organizations, religious or belief communities as well as individuals to submit any reliable information they may possess with regard to potential or actual violations of the right to freedom of religion or belief. Subsequently, the Special Rapporteur may raise her concerns about the incidents reported and request Governments to make observations and comments on the matter. Please note, that as a general rule, the existence and content of both urgent appeals and letters of allegation remain confidential until a summary of such communications and the replies received from the State concerned are included in the Special Rapporteur’s report to the Human Rights Council.

In its resolution 6/37 of 14 December 2007, the Human Rights Council urged States:

- (a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one’s religion, including the right to change one’s religion or belief, is violated;
- (b) To design and implement policies whereby education systems promote principles of tolerance and respect for others and cultural diversity and the freedom of religion or belief;
- (c) To ensure that appropriate measures are taken in order to adequately and effectively guarantee the freedom of religion or belief of women as well as individuals from other vulnerable groups, including persons deprived of their liberty, refugees, children, persons belonging to minorities and migrants;

- (d) To ensure that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law;
- (e) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;
- (f) To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;
- (g) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;
- (h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;
- (i) To ensure that, on account of religion or belief or the expression or manifestation of religion or belief, no one within their jurisdiction is deprived of the right to life, liberty or security of person, subjected to torture or arbitrary arrest or detention, or denied the rights to work, education or adequate housing, as well as the right to seek asylum, and to bring to justice all perpetrators of violations of these rights;
- (j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;
- (k) To step up efforts in implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief;
- (l) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular

regard to religious minorities, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;

(m) To promote and encourage, through education and other means, including regional or international cultural exchanges, understanding, tolerance and respect in all matters relating to freedom of religion or belief.”

In the discharge of her mandate, the Special Rapporteur has developed this information sheet to facilitate the submission of information. Although communications are also considered when they are not submitted in the form of this model questionnaire, the Special Rapporteur would be grateful for receiving information tailored to her mandate. The objective of this questionnaire is to have access to precise information on alleged violations of the rights to freedom of religion or belief. If any information contained in the questionnaire should be kept confidential please mark “CONFIDENTIAL” beside the relevant entry. Please do not hesitate to attach additional sheets, if the space provided is not sufficient.

Should you have any questions concerning the completion of this form, please feel free to contact the Special Rapporteur. She has also developed a framework for communications which details the applicable international legal standards. An online digest of this framework together with pertinent excerpts of the Special Rapporteurs’ reports is available at:

<http://www2.ohchr.org/english/issues/religion/standards.htm>

Model questionnaire

The questionnaire below should be filled out and sent to:

Special Rapporteur on freedom of religion or belief
c/o Office of the High Commissioner for Human Rights
United Nations at Geneva
8-14 avenue de la Paix
CH-1211 Geneva 10
Switzerland
Fax: (+41) 22 917 90 06

E-mail: freedomofreligion@ohchr.org or urgent-action@ohchr.org (then please include in the subject box: Special Rapporteur on freedom of religion or belief)

1. GENERAL INFORMATION

- Does the incident involve an individual or a group?
- If it involves a religious or belief group please state the number of people involved and the denomination of the group:
- Country(ies) in which the incident took place:
- Nationality(ies) of the victim(s):
- Does domestic law require (re-)registration of religious associations and if yes, what is the current status of the group in question?

2. IDENTITY OF THE PERSONS CONCERNED

Note: if more than one person is concerned, please attach relevant information on each person separately.

- Family name:
- First name:
- Denomination of his/her religion or belief:
- Place of residence or origin:
- Age:

- Sex:
- Nationality(ies):

3. INFORMATION REGARDING THE ALLEGED VIOLATION

- Date and time (approximate, if exact date is not known):
- Place (location and country/countries):
- Please provide a detailed description of the circumstances of the incident in which the alleged violation occurred respectively the nature of the governmental action:
- Which indications exist that the victim(s) has been targeted because of his/her religion or belief?
- Identification of the alleged perpetrator(s), name(s) if known and/or function, suspected motive:
- Are the perpetrator(s) known to the victim?
- Are state agents or non-state-actors believed to be responsible for the alleged violation?
- If the perpetrators are believed to be State-agents, please specify (police, military, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.
- If identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?
- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?

- Please indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court):
- Were any other steps taken?
- Steps taken by the authorities:
- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Please indicate progress and status of these investigations as well as which other measures have been taken?
- In case of complaints by the victim or its family, how have those authorities or other competent bodies dealt with them? What has been the outcome of those proceedings?

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

- Family name:
- First name:
- Contact number or address (please indicate country and area code):
- Fax:
- Telephone:
- Email:
- Status: individual, group, non-governmental organization, religious or belief group, inter-governmental agency, Government. Please specify:
- Do you act with knowledge and on behalf of the victim(s)?
- Please state whether you want your identity to be kept confidential:
- Date you are submitting this form:

Signature of the author

ANNEX E

Model Questionnaire to be Completed by Persons Alleging Torture or their Representatives

Information on the torture of a person should be transmitted to the Special Rapporteur in written form and sent to:

Special Rapporteur on Torture
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
E-mail: urgent-action@ohchr.org

Although it is important to provide as much detail as possible, the lack of a comprehensive accounting should not necessarily preclude the submission of reports. However, the Special Rapporteur can only deal with clearly identified individual cases containing the following minimum elements of information:

- a. Full name of the victim;
- b. Date on which the incident(s) of torture occurred (at least as to the month and year);
- c. Place where the person was seized (city, province, etc.) And location at which the torture was carried out (if known);
- d. Indication of the forces carrying out the torture;
- e. Description of the form of torture used and any injury suffered as a result;
- f. Identify of the person or organization submitting the report (name and address, which will be kept confidential).

Additional sheets should be attached where space does not allow for a full rendering of the information requested. Also, copies of any relevant corroborating documents, such as medical or police records should be supplied where it is believed that such information may contribute to a fuller accounting of the incident. Only copies and not originals of such documents should be sent.

I. Identity of the person(s) subjected to torture

- A. Family Name
- B. First and other names
- C. Sex: Male Female
- D. Birth date or age

- E. Nationality
- F. Occupation
- G. Identity card number (if applicable)
- H. Activities (trade union, political, religious, humanitarian/ solidarity, press, etc.)
- I. Residential and/or work address

II. Circumstances surrounding torture

- A. Date and place of arrest and subsequent torture
- B. Identity of force(s) carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other)
- C. Were any person, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?
- D. Describe the methods of torture used
- E. What injuries were sustained as a result of the torture?
- F. What was believed to be the purpose of the torture?
- G. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?
- H. Was appropriate treatment received for injuries sustained as a result of the torture?
- I. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?
- J. If the victim died in custody, was an autopsy or forensic examination performed and which were the results?

III. Remedial action

Were any domestic remedies pursued by the victim or his/her family or representatives (complaints with the forces responsible, the judiciary, political organs, etc.)? If so, what was the result?

IV. Information concerning the author of the present report

- A. Family Name
- B. First Name
- C. Relationship to victim
- D. Organization represented, if any
- E. Present full address

ANNEX F

Confidential Violence against Women Information Form

1. PETITIONER : *(This information, if taken up by the Special Rapporteur, will remain confidential).*

(a) Name of person/organization: _____

(b) relationship to victim(s): _____

(c) Address:

(d) Fax/tel/e-mail, web-site: _____

(e) Date petition sent: _____

(f) Other: _____

2. ALLEGED INCIDENT

(i) information about the victim(s):

(a) Name: _____

(b) Sex: _____

(c) Date of Birth or Age: _____

(d) Nationality: _____

(e) Occupation: _____

(f) Ethnic / religious / social background, if relevant: _____

(g) Address: _____

(h) Other relevant information: (*such as passport, identity card number*):

(i) Has the victim(s) given you her consent to send this communication on her behalf? _____

(j) Has the victim(s) been informed that, if the Special Rapporteur decides to take action on her behalf, a letter concerning what happened to her will be sent to the authorities?

(k) Is the victim(s) aware that, if this communication is taken up, a summary of what happened to her will appear in a public report of the Special Rapporteur?

(I) Would the victim(s) prefer that her full name or merely her initials appear in the public report of the Special Rapporteur? _____

(Please note that the full names of victims appear in communications with governments unless it is indicated that exposing the victims’ names to the government would place the victims at risk of further harm. In the public report, the names of victims under the age of 18 and victims of sexual violence will not be disclosed, but initials will be used)

(ii) information regarding the incident:

(a) Detailed description of human rights violation:

(b) Date: _____

(c) Time: _____

(d) Location/country: _____

(e) Number of assailants: _____

(f) Are the assailant(s) known or related to the victim? If so, how? _____

(g) Name or nickname of assailant(s) (if unknown, description, scars or body marks such as tattoos, clothes/uniform worn, title/status, vehicle used): _____

(h) Does the victim believe she was specifically targeted because of her sex?

If yes, why? _____

(i) Has the incident been reported to the relevant State authorities? _____

If so, which authorities? _____

When? _____

(j) Have the authorities taken any action after the incident? _____

If so, which authorities? _____

What action? _____

When? _____

(l) If the violation was committed by private individuals or groups (rather than government officials), include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.

(m) Has the victim seen a doctor after the incident took place? Are there any medical certificates/notes relating to the incident concerned?

(iii) Laws or policies which are or are likely to cause or contribute to violence against women

(a) If your submission concerns a law or policy, please summarize it and the effects of its implementation on women's human rights. Provide concrete examples, when available.

Please inform the Special Rapporteur of any further information which becomes available after you have submitted this form, including if your concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

**PLEASE RETURN TO
THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN,
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS,
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND
(Fax: 00 41 22 917 9006, e-mail: urgent-action@ohchr.org)**

ANNEX G

Guidelines for Submission to the Special Rapporteur of Allegations of Violations of the Declaration on Human Rights Defenders

Selecting the right information - Presenting it clearly

- Before sending a complaint, ensure that all the details listed in points 1 to 7 of column A (Essential information) are included in your submission. In cases of extreme urgency, it may be possible to submit a case without some of these details, but their absence makes examining the matter more difficult.
- If you have additional information, it could be helpful. Examples of useful additional information are provided in column B (Useful information). These details are not essential but can be important in some cases.
- Information may be sent in list form (as in column A), or it may be provided in a letter. Column C provides an example of case information and how it can be included in a letter. Providing the correct kind of details and expressing them clearly make a quick response easier.

Confidentiality

- The identity of a victim will always be included in any contact between the Special Rapporteur and State authorities. The Special Rapporteur cannot intervene without revealing the victim's identity. If the victim is a minor (below 18 years of age) the Special Rapporteur will include his or her name in contact with the State but will not include the name in any subsequent public report. The source of the information provided or the victim may also request that the victim's name not be included in public reports.
- The identity of the source of information on the alleged violation is always kept confidential, unless the source agrees that it may be revealed. When submitting information you may indicate whether there are any other details which you would like to remain confidential.

Contact details for sending submissions and for further correspondence

- The Special Rapporteur's staff will acknowledge the receipt of a submission if this is requested. They can be contacted at any time for further discussion.
- E-mail contact details: urgent-action@ohchr.org. The text of the e-mail should refer to the human rights defenders mandate.
- Fax: +41 22 917 9006 (Geneva, Switzerland)

- Telephone: +41 22 917 1234. This is the number for the United Nations telephone operator in Geneva, Switzerland. Callers should ask to speak with staff at the Office of the United Nations High Commissioner for Human Rights dealing with the special procedures of the Human Rights, and specifically with staff supporting the mandate of the Special Rapporteur on human rights defenders.

Guidelines for Submitting Allegations of Violations against Human Rights Defenders

A. Essential information	B. Useful information	C. Sample letter to the Special Rapporteur
<p>1. Name of alleged victim/s</p> <p>Take care to give first and family names and to spell names correctly. Victims can be individuals, groups or organizations.</p>	<p>If the victim is an individual, please provide information on gender, age, nationality and profession. If the victim is an individual or an organization, please provide contact details. Contact details are treated as confidential.</p>	<p>Ms. Aabb Ddee, a lawyer, lives in [name of city/town and country].</p>
<p>2. Status of the victim as a human rights defender</p> <p>In what human rights activity is the victim (person/s, organization) engaged?</p>	<p>Where relevant, please also indicate the city and country in which the victim (person/s, organization) conducts this human rights work.</p>	<p>Aabb Ddee takes up legal cases supporting the right to adequate housing on behalf of ethnic minorities. She is also a member of the National Commission for Human Rights.</p>

<p>3. Alleged violation/s committed against the victim</p> <p>What happened? Where? When? What is the current situation?</p>	<p>If an initial violation leads to other events, please describe them chronologically. E.g. if the initial concern is that a human rights defender has been arrested, details should be provided. But if he or she is later detained, other useful information would include: the place of detention; the person's access to a lawyer; conditions of detention; the charges; etc.</p>	<p>Aabb Ddee received an anonymous threat to her safety. On [day/month/year] Ms. Ddee received a letter at her office in [name of town]. The letter was addressed to her and contained only the words "Be careful". In addition, the following day Ms. Ddee was followed closely while driving from her office by two men in a white car.</p>
<p>4. Perpetrators</p> <p>Give available information on who allegedly committed the violation: e.g. two men (in uniform?); rank, unit or other identification or title.</p>	<p>Witnesses</p> <p>Were there any witnesses to the alleged violation? Were there any other victims?</p>	<p>Aabb Ddee was unable to identify the two men following her or their vehicle. A friend accompanying Ms. Ddee in her car also saw the vehicle following them.</p>
<p>5. Action by authorities</p> <p>Has the matter been reported to the relevant authorities? What action has been taken?</p>	<p>Action taken by the victim or by human rights organizations</p> <p>Has the alleged violation been made public? Has this information been sent to others?</p>	<p>Aabb Ddee reported both incidents to the police [name/address of police office] the same days they occurred. The police have opened an investigation. She also reported the incidents to a local newspaper [name]</p>

<p>6. Link between the violation and human rights work</p> <p>Why do you think the alleged violation is a response to the human rights work of the victim?</p>	<p>Previous incidents</p> <p>If there have been previous incidents which are relevant, please give details.</p>	<p>A year ago [date], another lawyer representing the same ethnic group as Aabb Ddee received a threatening letter similar to Ms. Ddee's and was later [date] killed by unknown persons.</p>
<p>7. Who is submitting this information? (Confidential)</p> <p>Give name, contact details and professional role (if relevant).</p>	<p>Submissions may be made by organizations or individuals.</p>	<p>This letter is submitted by the National Commission for Human Rights, with which Aabb Ddee works.</p>
<p>Updates</p> <p>Please send any updated information you have as soon as possible. It is especially important to know if there has been any change in the situation of the victim. Updates might be given where: 1) additional information becomes known (e.g. the identity of the perpetrator of the violation); or 2) new events occur (e.g. the victim's release from detention).</p>	<p>-</p>	<p>[two months later] We learned today [date] that the police investigation was closed yesterday. Two men have been arrested and detained on charges of sending a threatening letter to Aabb Ddee on [date] and of following her in their car when she left work the next day. The men are due to appear in court in two weeks. While pleased with the arrests, Ms. Ddee believes that the person who ordered these acts to be committed remains at liberty. She has asked that the police investigation be continued.</p>

ANNEX H

Questionnaire To Submit Information to the Working Group on the Use of Mercenaries

I. Identity

1. Last name: _____

2. First name: _____

3. Sex: (M) (F)

4. Date of birth: _____

5. Nationalities / Citizenship: _____

6. a) Identity document: _____

b) Issued by: _____

c) Date: _____

d) Number: _____

7. Profession and/or activities:

8. Permanent address:

II. Describe the details of the incident perpetrated by mercenaries, private military and security companies or by their employees, or pursuant to mercenary-related activities.

1. Date of the incident: _____

2. Place where the incident occurred (as detailed as possible):

3. Describe the nature of the incident:

4. Individuals or group of persons involved in the incident or are believed to have been involved, as well as their contact information (if possible): _____

5. If the individuals are employed by a private military or security company, please indicate the company name and address (if possible):

III. Information concerning mercenaries, activities related to mercenaries and/or private military or security companies

1. Relevant information with regard to your case relative to mercenaries, activities related to mercenaries and/or private military or security companies in your country or at the location of the incident. _____

2. Please indicate any other relevant information relative to mercenaries, activities related to mercenaries and/or private military or security companies that recruit personnel and operate in your country:

(a) if there are local or international companies, please indicate the headquarters of the companies:

(b) any other information that is considered relevant to your case:

IV. Indicate steps taken, including domestic remedies, especially with the judicial and administrative authorities, in your country or other jurisdictions

. Name and address of the person(s) submitting this information and contact information (if different from listed in section I above)

Date: _____

Signature: _____

NB. This questionnaire should be addressed to the Working Group on the use of mercenaries. Office of the High Commissioner for Human Rights, United Nations Office at Geneva, 8-14 avenue de la Paix, 1211 Geneva 10, Switzerland, fax No. (022) 917.90.06, E-mail: urgent-action@ohchr.org

For more information concerning the Working Group, please see <http://ohchr.org/english/issues/mercenaries/index.htm>.

ANNEX I

Model Questionnaire to be Completed by Persons Alleging Arbitrary Arrest or Detention²⁰³

I. Identity

1. Family name: _____

2. First name(s): _____

3. Sex: (Male) (Female)

4. Birth date or age (at the time of detention):

5. Nationality/Nationalities _____

6. (a) Identity document (if any) _____

(b) Issued by _____

(c) On (date) _____

(d) No _____

7. Profession and/or activity (if believed to be relevant to the arrest/detention):

8. Address of usual residence:

²⁰³ A separate questionnaire must be completed for each case of alleged arbitrary arrest or detention. As far as possible, all details requested should be given. Nevertheless, failure to do so will not be necessarily result in the inadmissibility of the communication.

II. Arrest²⁰⁴

1. Date of arrest: _____

2. Place of arrest (as detailed as possible):

3. Forces who carried out the arrest or are believed to have carried it out:

4. Did they show a warrant or other decision by a public authority?

(Yes) ____ (No) ____

5. Authority who issued the warrant or decision:

6. Relevant legislation applied (if known):

²⁰⁴ For the purpose of this questionnaire, "arrest" refers to the initial act of apprehending a person. "Detention" means and includes detention before, during and after trial. In some cases, only section II, or section III may be applicable. None the less, whenever possible, both sections should be filled in.

III. Detention²⁰⁵

1. Date of detention: _____

2. Duration of detention (if not known, probable duration): _____

3. Forces holding the detainee under custody:

4. Places of detention (indicate any transfer and present place of detention):

5. Authorities that ordered the detention:

6. Reasons for the detention imputed by the authorities:

7. Relevant legislation applied (if known):

IV. Describe the circumstances of the arrest and/or the detention and indicate precise reasons why you consider the arrest or detention to be arbitrary

²⁰⁵ For the purpose of this questionnaire, "arrest" refers to the initial act of apprehending a person. "Detention" means and includes detention before, during and after trial. In some cases, only section II, or section III may be applicable. None the less, whenever possible, both sections should be filled in.

V. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken

VI. Full name and address of the person(s) submitting the information (telephone and fax number, if possible)²⁰⁶

Date: _____ Signature: _____

²⁰⁶ If a case is submitted to the Working Group by anyone other than the victim or his family, such person or organization should indicate authorization by the victim or his family to act on their behalf. If, however, the authorization is not readily available, the Working Group reserves the right to proceed without the authorization. All details concerning the person(s) submitting the information to the Working Group, and any authorization provided by the victim or his family, will be kept confidential.

ANNEX J

Form to submit a communication on aN alleged enforced or involuntary disappearance

IMPORTANT PRELIMINARY NOTICE

INSTRUCTIONS RELEVANT TO ALL COMMUNICATIONS

- There are **6 required elements, indicated with *** without which the communication cannot be processed.

These are:

- 1) **Identity** of the disappeared person (full name);
- 2) **Date** on which the disappearance occurred (at least month and year);
- 3) **Place** of arrest or abduction, or where the disappeared person was last seen;
- 4) **Forces** (State or State-supported) believed to be responsible for the disappearance;
- 5) **Action taken** by the relatives or others to locate the person. If action was not possible, explain why;
- 6) **Identity of the person or organization submitting the report.**

Please, make sure, before sending the communication form, that all the above mentioned required elements are included. This will allow for a smoother consideration of the case.

- If submitting a handwritten communication, please use capital letters.
- Please provide names in full of institutions (security forces, governmental bodies or others).

Please, do not use abbreviated forms.

- Describe facts in a clear and concise fashion, providing as much details as possible.
- Submit one form per disappeared person.

- If you would like particular information to be kept confidential please indicate this.

INSTRUCTIONS RELEVANT TO COMMUNICATIONS SUBMITTED BY NGOs

- It is necessary for your organization:

- a) to have the consent of the family of the disappeared, and;
- b) to be able to carry out follow-up, by conveying Government information to the family sent from the Working Group, and from the family to the Working Group until the fate or whereabouts of the person are determined.

- Therefore, **please answer to the following mandatory questions:**

* Does your organization have direct consent from the family of the disappeared to submit this communication form to the Working Group on Enforced or Involuntary Disappearances on their behalf? Yes _____ No _____

* Will your organization be able to provide follow up by conveying information between the family and the Working Group: Yes _____ No _____

ADDRESS TO SUBMIT A COMMUNICATION

E-mail: wgeid@ohchr.org

Fax: +41 22 917 9006 (please, indicate: "For the attention of: WGEID").

Post: Working Group on Enforced or Involuntary Disappearances
Office of the High Commissioner for Human Rights
Palais des Nations, 8-14 Avenue de la Paix
CH-1211 Geneva 10, Switzerland



SPECIAL PROCEDURES BRANCH CIVIL AND POLITICAL
RIGHTS SECTION

**WORKING GROUP ON ENFORCED OR INVOLUNTARY
DISAPPEARANCES**

COMMUNICATION FORM

**1. INFORMATION CONCERNING THE DISAPPEARED
PERSON**

(a) * **Family name(s):**

(b) * **Given names(s):**

(c) Pseudonyms or other forms besides given name, by which he or she may be known:

(d) Sex: ___ male / ___ female

(e) Occupation/profession _____

(f) father's name: _____ mother's name: _____

(g) Date of birth: _____

(h) Place and country of birth: _____

(i) Was the person below 18 years-old at the moment of the disappearance?

_____ yes / _____ no

(j) Identity document (passport, national identity card, voter's card or any other relevant national identity card)

type: _____

number: _____

date of issue: _____

place and country of issue: _____

(k) Nationality or nationalities: _____

(l) Address of usual residence:

(m) Any other place of residence at the moment of the disappearance

(n) Marital status: _____

(o) Indigenous: ___ yes / ___ no

(p) Pregnant: ___ yes / ___ no

2. INFORMATION CONCERNING THE FACTS

(a) * **Date of arrest, abduction or disappearance** (at least month and year)

(b) * **Place of arrest, abduction or where the disappearance occurred** (be as precise as possible. Indicate street, city, province or any other relevant information)

(c) * **Date when the person was last seen** (at least month and year), if different from date of arrest or abduction (for example: if seen in a prison months after the initial arrest or abduction)



(d) * **Place where the person was last seen** (if different from place of arrest or abduction. For example: if seen in a prison months after the initial arrest or abduction. Please, be as precise as possible. Indicate street, city, province or any other relevant information) _____

(e) **Please, provide a full description of how the disappearance took place** (attach one page if necessary. Please note that, although this is not a required element, providing a description as detailed as possible of the circumstances of the disappearance will enhance the possibilities to find the person)

(f) * **State or State-supported forces believed to be responsible for the disappearance.** If the perpetrators are believed to be State agents, please specify and indicate who and why they are believed to be responsible. Be as precise as possible (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, identifications presented, etc.)

(g) If identification as State agents is not possible, please indicate why you believe that Government authorities, or persons linked to them, may be responsible for the incident

(h) If there are witnesses to the incident, please provide their names and relation to the victim. If they wish to remain anonymous, indicate if they are relatives, bystanders, or others. If there is evidence, please specify.

(i) Additional Information on the case. Please indicate any other relevant information that could be useful to find the person

3. INFORMATION CONCERNING ACTIONS TAKEN AFTER THE DISAPPEARANCE

* **Indicate any action taken** (police inquiries, jail, human rights commission, habeas corpus petition etc.) **taken by the relatives or others to locate the person.** You are required to state the following: *when*, by *whom*, and before *which organ* the actions were taken.

(a) **Complaints** (*when*, by *whom*, and before *which organ/s*) _____

(b) **Other steps taken** (*when*, by *whom*, and before *which organ/s*)

(c) If no action was not taken, please explain why

4. PERSON OR ORGANIZATION SUBMITTING THE COMMUNICATION

* Person submitting the communication

(a) Family name: _____

(b) First name: _____

(c) Relationship with the disappeared person: _____

(d) Contact details (address, telephone, fax, email)

* **Organization submitting the communication (if applicable)**

(e) Contact details (address, telephone, fax, email):

5. CONFIDENTIALITY REQUEST

Please state whether you would like your identity to be kept confidential

Yes, keep my identity confidential: _____ No request for confidentiality: _____

* **Date:** _____ **Place:** _____

* **Signature of author:** _____

ANNEX K

Questionnaire for Allegations of Violations of Migrants' Human Rights

Notes:

1. The objective of this questionnaire is to have access to precise information on alleged violations of the human rights of migrants. The Special Rapporteur may raise her concerns about the incidents reported and request Governments to make observations and comments on the matter.
2. Please indicate whether the information provided is confidential (in the relevant sections).
3. Should the information you wish to provide relate to conditions/policies/practices or laws (ie more general situations), which affect the human rights of migrants, please do not use this form. A special form will be provided at a later date to address the issue of good practice and/or negative developments with regards to the protection of the human rights of migrants. Meanwhile you may send that type of information without completing a form to the contact numbers indicated at the end of the questionnaire.
4. Do not hesitate to attach additional sheets, if the space provided is not sufficient.

QUESTIONNAIRE:

1. GENERAL INFORMATION: (Please mark with an X when appropriate)

Does the incident involve an individual _____ or a group _____ ?

If it involves a group please state the number of people involved _____
and the characteristics of the group:

Number of Men _____

Number of Women _____

Number of Minors _____

Country in which the incident took place

Nationality of the victim(s)

2. IDENTITY OF THE PERSONS CONCERNED:

Note: if more than one person is concerned, please attach relevant information on each person separately.

1. Family name:

2. First name:

3. Sex: __ male __ female

4. Birth date or age:

5. Nationality(ies):

6. Civil status (single, married, etc.):

7. Profession and/or activity (e.g. trade union, political, religious, humanitarian/solidarity/human rights, etc.)

8. Status in the country where the incident took place:

Undocumented _____

Transit _____

Tourist _____

Student _____

Work Permit _____

Resident _____

Refugee _____

Asylum seeker _____

Temporary protection _____

Other (please specify) _____

3. INFORMATION REGARDING THE ALLEGED VIOLATION

1. Date:

2. Place:

3. Time:

4. The nature of the incident: Please describe the circumstances of the incident:

5. Was any consular official contacted by the alleged victim or the authorities?
(Please explain)

6. Was the alleged victim aware of his/her right to contact a consular official of his/
her country of origin? (Please explain)

7. Agents believed to be responsible for the alleged violation

State Agents (specify)

Non – state Agents (specify)

If it is unclear whether they were state or non – state agents please explain why?

If the perpetrators are believed to be State agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible; be as precise as possible:

if an identification as State agents is not possible, do you believe that Government authorities, or persons linked to them, are responsible for the incident, why?

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANY ONE ELSE ON HIS/HER BEHALF

(a) Indicate if complaints have been filed, when, by whom, and before which organ.

(b) Other steps taken:

(c) Steps taken by the authorities:

Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken

In case of complaints by the victim or its family, how have the organs dealt with them? What is the outcome of those proceedings?

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

Institution _____

Individual _____

NAME

Contact number or address (please indicate country and area code):

FAX:

TEL:

Email:

Date you are submitting this form: _____

The questionnaire should be sent to either of the following:

Special Rapporteur on the Human Rights of Migrants
Office of the High Commissioner for Human Rights
United Nations
1211 Geneva 10
Switzerland

Fax: (+41 22) 917 90 06

E-mail: urgent-action@ohchr.org (please include in the subject box: Special Rapporteur HR Migrants)

ANNEX L

Form for Submitting Information to the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography

What is the purpose of this form?

The Special Rapporteur seeks to receive credible and reliable information on violations of rights falling under their area of competence from individuals, groups, civil society organizations, NGOs, specialized agencies, Governments, United Nations bodies, and intergovernmental organizations.

Dialogue established with Governments by the Special Rapporteur and the transmission of allegations concerning their countries in no way implies any kind of accusation or value judgment on the part of the Special Rapporteur, but rather a request of clarification with a view to trying to ensure, along with the Government concerned, the protection of human rights.

What will the Special Rapporteur do with the information received?

Sending information to the Special Rapporteur through the form below represents a way to gather information on alleged violations (with the aim to analyze possible trends or emerging patterns of violations of rights relevant to the Special Rapporteur's mandate), and can also be a way to bring single cases to the attention of the Government concerned and, at a later stage, of the international community.

If the Special Rapporteur decides to act on information received, he/she sends a letter containing the information to the relevant Government to request their comments and observations on the matter. *The identity of the source of the information will remain confidential.* Summaries of the letters sent and the replies of the Governments are then included in the yearly report that the Special Rapporteur presents to the Human Rights Council; at this stage the information received by the Special Rapporteur is made public. *In the public report, the names of victims under the age of 18 and victims of sexual violence will not be disclosed, but initials will be used*

What are some examples of specific issues that fall under the competence of the Special Rapporteur?

Some issues/activities that could serve as the basis for action by the mandate on the *sale of children, child prostitution and child pornography* include, but are not limited to:

- Sale of children, including for the following purposes: trafficking, use in armed conflict, sexual exploitation (eg. prostitution or pornography), adoption, use in criminal activities, begging, for sports, forced labour, for adoption, for marriage, for the transfer/use of their organs, etc.
- Child prostitution
- Child pornography
- Where a child is at serious risk of being victim of such offences

1. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM (*This information will remain confidential*).

(a) Name of person/organization

- Family Name:
- First Name:
- Name and type of organization:

(b) Relationship to victim (s)

(c) Address:

(d) Contact details (please indicate country and area code)

- Fax:
- Tel:
- e-mail:
- website:

2. ALLEGED INCIDENT

I. General information

-Does the incident involve an individual or a group?

-If it involves a group please state the number of people involved and the characteristics of the group:

II. Information about the victim(s):

(a) Name:

- (b) Sex:
- (c) Date of Birth or Age (at the time of the incident)
- (d) Nationality:
- (e) Occupation:
- (f) Ethnic / religious / social background, if relevant:
- (g) Address:
- (h) Other relevant information:
- (i) Has the victim(s) given you her consent to send this communication on his or her behalf? *Please make sure you obtain the victim's consent, whenever possible*
- (j) Has the victim(s) been informed that, if the Special Rapporteur decides to take action on his or her behalf, a letter concerning what happened to him or her will be sent to the authorities?
- (k) Is the victim(s) aware that, if this communication is taken up, a summary of what happened to him/her will appear in a public report of the Special Rapporteur?
- (l) Would the victim(s) prefer that her full name or merely her initials appear in the public report of the Special Rapporteur?

III. Information regarding the incident:

- (a) Detailed description of human rights violation:
- (b) Date:
- (c) Time:
- (d) Location (town and country or countries):
- (e) Number of perpetrators:
- (f) Are the perpetrator(s) known or related to the victim? If so, how?
- (g) Name or nickname of perpetrator(s) and information about their identity (description, scars or body marks such as tattoos, clothes/uniform worn, title/status, vehicle used):
- (h) Does the victim believe she was specifically targeted because of her race, age, or gender? If yes, why?
- (i) If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.
- (j) Has the victim(s) seen a doctor after the incident took place? Are there any medical certificates/notes relating to the incident concerned?

IV. Information regarding the alleged perpetrators

- (a) Was the violation committed by private individuals or groups (rather than government officials)? If so, include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.
- (b) If it is unclear whether they were state or non-state agents, please explain why.

(c) If the perpetrators are believed to be State-agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.

(d) If identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?

V. Steps taken by the victim, his/her family or anyone else on his/her behalf

(a) Has the incident been reported to the relevant State authorities? Indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e, police, prosecutor, court)

(b) Have the State authorities taken any action after the incident?

- If so, which State authorities?
- What action did they take?
- When did they take this action (date and time)?

VI. Laws or policies which are or are likely to cause or contribute to this particular human rights violation

If your submission concerns a law or policy, please summarize it and the effects of its implementation on human rights. Provide concrete examples, when available.

In this regard, in order to carry out their work regarding **root causes** of violations, the Special Rapporteur is interested in receiving information and/or texts of draft laws relating to or affecting human rights, as they relate to the mandate, in particular regarding the issues listed in the section ““What are some examples of specific issues that fall under the competence of the Special Rapporteur?”

Moreover, the Special Rapporteur would also be interested in receiving information on laws or policies related to the rights of the child in general, as well as to social assistance, rehabilitation, reintegration of child victims of sexual exploitation.

Please inform the Special Rapporteur of any further information which becomes available after you have submitted this form, including if your concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

Date

Signature of author

Please send by fax to +41 22 917 90 06, by e-mail to urgent-action@ohchr.org, or by postal mail to:

The Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography
Special Procedures Branch
Office of the High Commissioner for Human Rights,
OHCHR - UNOG, 1211
Geneva 10
Switzerland

ANNEX M

Form for Submitting Information to the Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences

1. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM (*This information will remain confidential*).

(a) Name of person/organization

- Family Name:
- First Name:
- Name and type of organization (if any):

(b) Relationship to victim(s)

(c) Address:

(d) Contact details (please indicate country and area code)

- Fax:
- Tel:
- e-mail:
- website:

2. ALLEGED INCIDENT

I. General information

-Does the incident involve an individual or a group?

-If it involves a group please state the number of people involved and the characteristics of the group:

II. Information about the victim(s):

(a) Name:

(b) Sex:

(c) Date of Birth or Age (at the time of the incident)

(d) Nationality:

(e) Occupation:

(f) Ethnic / religious / social background, if relevant:

(g) Address:

(h) Other relevant information:

(i) Has the victim(s) given you her consent to send this communication on his or her behalf? *Please make sure you obtain the victim's consent, whenever possible*

(j) Has the victim(s) been informed that, if the Special Rapporteur decides to take action on his or her behalf, a letter concerning what happened to him or her will be sent to the authorities?

(k) Is the victim(s) aware that, if this communication is taken up, a summary of what happened to him/her will appear in a public report of the Special Rapporteur?

(l) Would the victim(s) prefer that her full name or merely her initials appear in the public report of the Special Rapporteur?

III. Information regarding the incident:

(a) Detailed description of human rights violation:

(b) Date:

(c) Time:

(d) Location (town and country or countries):

(e) Number of perpetrators:

(f) Are the perpetrator(s) known or related to the victim? If so, how?

(g) Name or nickname of perpetrator(s) and information about their identity (description, scars or body marks such as tattoos, clothes/uniform worn, title/status, vehicle used):

(h) Does the victim believe she was specifically targeted because of her race, age, or gender? If yes, why?

(i) If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

(j) Has the victim(s) seen a doctor after the incident took place? Are there any medical certificates/notes relating to the incident concerned?

IV. Information regarding the alleged perpetrators

(a) Was the violation committed by private individuals or groups (rather than government officials)? If so, include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.

(b) If it is unclear whether they were state or non-state agents, please explain why.

(c) If the perpetrators are believed to be State-agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.

(d) If identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?

V. Steps taken by the victim, his/her family or anyone else on his/her behalf

(a) Has the incident been reported to the relevant State authorities? Indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e, police, prosecutor, court).

(b) Have the State authorities taken any action after the incident?

- If so, which State authorities?
- What action did they take?
- When did they take this action (date and time)?

VI. Laws or policies which are or are likely to cause or contribute to this particular human rights violation

If your submission concerns a law or policy, please summarize it and the effects of its implementation on human rights. Provide concrete examples, when available.

In this regard, in order to carry out her work regarding root causes of violations, the Special Rapporteur is interested in receiving information and/or texts of draft laws relating to or affecting human rights, as they relate to the mandate in question, in particular regarding the issues listed above in the section ““What are some examples of specific issues that fall under the competence of the Special Rapporteur?””

The Special Rapporteur on contemporary forms of slavery would be interested in receiving information on national or regional laws or policies relating to prevention, prosecution or rehabilitation of victims of violations relevant to her mandate. The Special Rapporteur would also be interested in receiving information about laws or policies which are discriminatory or are discriminatory in their application (eg. on the grounds of ethnicity, nationality, descent and sex); or laws or policies which relate to the rights of the child, for example in relation to child labour.

Please inform the Special Rapporteur of any further information which becomes available after you have submitted this form, including if your concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

Date

Signature of author

Please return by fax to +41 22 917 90 06, by e-mail to urgent-action@ohchr.org , srslavery@ohchr.org or by postal mail to:

THE SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF SLAVERY
SPECIAL PROCEDURES DIVISION
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS,
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND

ANNEX N

Questionnaire to the Special Rapporteur on Trafficking in Persons, Especially in Women and Children

General Information

In performing her functions, the Special Rapporteur shall refer to the definition of trafficking contained in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (henceforth *called* the Protocol). According to Article 3 (a) of the Protocol “trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

According to subparagraph (c) of article 3 “The recruitment, transportation, transfer harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article”. Subparagraph (d) further specifies: “Child shall mean any person under eighteen years of age”.

The decision creating the mandate requests the Special Rapporteur to focus on the human rights aspects of trafficked persons. The Special Rapporteur, in performing her functions, shall devote attention to trafficking in all sites and for all purposes.

The Special Rapporteur takes action on violations committed against trafficked persons and on situations in which there has been a failure to protect their human rights, including ensuring adequate redress for the violations suffered and providing adequate medical, psychological, social and other necessary assistance. The Special Rapporteur shall also take action in cases in which laws and/or policies might negatively impact of the human rights of persons affected by trafficking, in countries of origin, transit and destination, as well as in cases in which efforts to combat or prevent trafficking might have an impact on the human rights of the persons concerned, be there migrants, asylum seekers, or all the citizens of a country. The

Special Rapporteur shall also take action on cases of trafficking within the boundaries of one country.

Notes

1. The objective of this questionnaire is to have access to precise information on alleged violations in the context of trafficking. The Special Rapporteur may raise her concerns about the incidents reported and request Governments to make observations and comments on the matter.
2. If any information contained in the questionnaire should be kept confidential please mark "CONFIDENTIAL" beside the relevant entry.
3. The form should clearly indicate whether the victims or persons involved have agreed to their cases being submitted by the Special Rapporteur to the Government for the purpose outlined above.
4. Do not hesitate to attach additional sheets, if the space provided is not sufficient.
5. If you have any questions concerning the completion of this form, please do not hesitate to contact the Special Rapporteur.

Information Sheet - Questionnaire

1. GENERAL INFORMATION

- Does the incident/violation involve an individual or a group?
- If it involves a group please state the number of people involved and the characteristics of the group: number of women, number of men; number of minors:
- Country(ies) in which the incident took place:
- Nationality(ies) of the victim(s):

2. IDENTITY OF THE PERSONS CONCERNED

Note: if more than one person is concerned, please attach relevant information on each person separately.

- Family name:
- First name:
- Sex:
- Birth date or age:
- Nationality(ies):

3. INFORMATION REGARDING THE ALLEGED VIOLATION

-Date:

-Place (location - country/countries):

-Time:

-The nature of the incident (please describe the circumstances with reference to the information listed under General Information)

-Number of perpetrator(s):

-Are the perpetrator (s) known to the victim?

- Nationality of perpetrator (s)

-Agents believed to be responsible for the alleged violation:

-State agents (specify):

-Non-State agents (specify):

-If it is unclear whether they were state or non-state agents, please explain why.

-If the perpetrators are believed to be State-agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.

-If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANY ONE ELSE ON-HIS/HER BEHALF?

-Indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e, police, prosecutor, court)

-Other steps taken

- Steps taken by the authorities:

-Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations?

- Progress and status of these investigations; which other measures have been taken?

-In case of complaints by the victim or its family, how have those authorities of other competent bodies dealt with them? What has been the outcome of those proceedings?

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

-Family name

-First name

-Status: individual, group, non-governmental organization, inter-governmental agency, Government. Please specify:

- Contact number or address (please indicate country and area code)
- Fax
- Tel
- Email
- Please state whether you want your identity to be kept confidential

Date you are submitting this form

Signature of author

The questionnaire should be sent to:

Special Rapporteur on trafficking in persons *c/o* Office Of the High Commissioner
for Human Rights
United Nations at Geneva
8-14 avenue de la Paix
1211 Geneva 10
Switzerland

-Fax: (+41 22) 917 90 06

-E-mail: urgent-action@ohchr.org (please include in the subject box: Special Rap-
porteur on trafficking in persons)

ANNEX O

Model Form for Submission of Communications to the Committee on the Elimination of Discrimination against Women Under the Optional Protocol of the Convention

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women entered into force on 22 December 2000. It entitles the Committee on the Elimination of Discrimination against Women, a body of 23 independent experts, to receive and consider communications (petitions) from, or on behalf of, individuals or a group of individuals who claim to be victims of violations of the rights protected by the Convention.

To be considered by the Committee, a communication:

- must be in writing;
- may not be anonymous;
- must refer to a State which is a party to both the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol;
- must be submitted by, or on behalf of, an individual or a group of individuals under the jurisdiction of a State which is a party to the Convention and the Optional Protocol. In cases where a communication is submitted on behalf of an individual or a group of individuals, their consent is necessary unless the person submitting the communication can justify acting on their behalf without such consent. A communication will *not* normally be considered by the Committee:
 - unless all available domestic remedies have been exhausted;
 - where the same matter is being or has already been examined by the Committee or another international procedure;
 - if it concerns an alleged violation occurring before the entry into force of the Optional Protocol for the State.

In order for a communication to be considered the victim or victims must agree to disclose her/their identity to the State against which the violation is alleged. The communication, if admissible, will be brought confidentially to the attention of the State party concerned.

If you wish to submit a communication, please follow the guidelines below as closely as possible. Also, please submit any relevant information which becomes available *after* you have submitted this form.

Further information on the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, as well as the rules of procedure of the Committee can be found at:

<http://www.un.org/womenwatch/daw/cedaw/index.html>

Guidelines for submission

The following questionnaire provides a guideline for those who wish to submit a communication for consideration by the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Please provide as much information as available in response to the items listed below.

Send your communication to:

Committee on the Elimination of Discrimination against Women
c/o Division for the Advancement of Women, Department of Economic and Social Affairs
United Nations Secretariat
2 United Nations Plaza
DC-2/12th Floor
New York, NY 10017
United States of America
Fax: 1-212-963-3463

1. Information concerning the author(s) of the communication

- Family name
- First name
- Date and place of birth
- Nationality/citizenship
- Passport/identity card number (if available)
- Sex
- Marital status/children
- Profession
- Ethnic background, religious affiliation, social group (if relevant)
- Present address
- Mailing address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail
- Indicate whether you are submitting the communication as:
 - Alleged victim(s). If there is a group of individuals alleged to be victims, provide basic information about each individual.

– On behalf of the alleged victim(s). Provide evidence showing the consent of the victim(s), or reasons that justify submitting the communication without such consent.

2. Information concerning the alleged victim(s) (if other than the author)

- Family name
- First name
- Date and place of birth
- Nationality/citizenship
- Passport/identity card number (if available)
- Sex
- Marital status/children
- Profession
- Ethnic background, religious affiliation, social group (if relevant)
- Present address
- Mailing address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail

3. Information on the State party concerned

- Name of the State party (country)

4. Nature of the alleged violation(s)

Provide detailed information to substantiate your claim, including:

- Description of alleged violation(s) and alleged perpetrator(s)
- Date(s)
- Place(s)
- Provisions of the Convention on the Elimination of All Forms of Discrimination against Women that were allegedly violated. If the communication refers to more than one provision, describe each issue separately.

5. Steps taken to exhaust domestic remedies

Describe the action taken to exhaust domestic remedies; for example, attempts to obtain legal, administrative, legislative, policy or programme remedies, including:

- Type(s) of remedy sought
- Date(s)
- Place(s)
- Who initiated the action
- Which authority or body was addressed
- Name of court hearing the case (if any)
- If domestic remedies have not been exhausted, explain why.

Please note : Enclose copies of all relevant documentation.

6. Other international procedures

Has the same matter already been examined or is it being examined under another procedure of international investigation or settlement? If yes, explain:

- Type of procedure(s)
- Date(s)
- Place(s)
- Results (if any)

Please note: Enclose copies of all relevant documentation.

7. Date and signature

Date/place: _____

Signature of author(s) and/or victim(s): _____

8. List of documents attached (do *not* send originals, only copies)

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