

[English](#) | 
 [Español](#) | 
 [Français](#) | 
 [Русский](#) | 
 [عربي](#) | 
 [中文](#)



Office of the United Nations High Commissioner for Human Rights



[Field Activities](#) | 
 [Issues](#) | 
 [International Law](#) | 
 [Human Rights Bodies](#) | 
 [About OHCHR](#)

[Search](#)

[Home](#) > [Publications](#) > .

## Fact Sheet No.7/Rev.1, Complaints Procedure

- [Introduction](#)
- **Part 1: Complaints under the international human rights treaties**
  - [Overview](#)
  - [Procedure under the Optional Protocol to the International Covenant on Civil and Political Rights](#)
  - [Procedure under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)
  - [Procedure under the International Convention on the Elimination of All Forms of Racial Discrimination](#)
  - [Procedure under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women](#)
  - [Procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)
- **Part 2: Complaints to the Commission on Human Rights and the Commission on Status of Women**
  - [The 1503 procedure of the Commission on Human Rights](#)
  - [The procedure of the Commission on the Status of Women](#)
- **Annexes**
  - [Model Complaint Form \(Human Rights Committee, Committee against Torture, Committee on the Elimination of Racial Discrimination\)](#)
  - [Complaint Guidelines \(Committee on the Elimination of Discrimination against Women\)](#)

### Introduction

Anyone may bring a human rights problem to the attention of the United Nations and thousands around the world do so every year. What kinds of complaints about alleged human rights violations does the United Nations receive and how does it deal with them? This Fact Sheet explains the procedure to individuals and groups who want the United Nations to take action on a human rights situation that concerns them.

It is through individual complaints that human rights are given concrete meaning. In the adjudication of individual cases, international norms that may otherwise seem general and abstract are put into effect. When applied to a person's real-life situation, the standards contained in international human rights treaties find their most direct application. The resulting body of decisions may guide States, non-

governmental organizations (NGOs) and individuals in interpreting the contemporary meaning of concerned.

Individuals have only relatively recently acquired the means to vindicate their rights at the international level. This Fact Sheet examines complaints that are brought directly under international human rights treaties and complaints filed through special procedures with the Commission on Human Rights and the Commission on the Status of Women. Since the early 1970s international complaint mechanisms developed apace, and you can now bring claims to the United Nations concerning violations of any one of four of the six so-called "core" human rights treaties. The four treaties concern: (i) civil and political rights, set out in the International Covenant on Civil and Political Rights; (ii) torture and cruel, inhuman or degrading treatment or punishment; (iii) racial discrimination, proscribed by the International Convention on the Elimination of All Forms of Racial Discrimination; and (iv) sex discrimination, defined in the Convention on the Elimination of All Forms of Discrimination against Women. Each of these treaties establishes a quasi-judicial complaint mechanism to examine complaints. The complaint mechanisms are designed to be uncomplicated and accessible to anyone. You do not need to be a lawyer or even familiar with legal and technical terms to bring a complaint before the bodies concerned. On the contrary, the system is intended to be as straightforward as possible.

The complaint mechanisms under individual treaties are complemented by complaint procedures of the Commission on Human Rights and the Commission on the Status of Women. These two procedures involving political bodies composed of State representatives, are among the oldest in the United Nations system. They have a different focus from complaints under the international treaties, which provide individual redress through quasi-judicial mechanisms. Complaints to the Commissions focus on broader systematic patterns and trends of human rights violations and may be brought against any country in the world. As with the procedures under the treaties, the Commission mechanisms seek to avoid legal technical terms and procedures and are open to everybody. The Fact Sheet is divided into two parts: the first examines complaints procedure under the individual treaties in greater detail and the second concentrates on the Commissions. You should be aware that these mechanisms operate on the basis of diverse mandates and procedures. As a result, each mechanism has a variety of advantages and disadvantages. You may wish to compare them before electing where your claim may be considered most fruitfully.

## **Part 1: Complaints under the international human rights treaties**

### **Overview**

This part of the Fact Sheet explains the complaint mechanisms that are currently available under international human rights treaties: the International Covenant on Civil and Political Rights, the Convention against Torture, the International Convention on the Elimination of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. A human rights treaty is a formal document negotiated by States, which imposes binding obligations to protect and promote human rights and freedoms on States parties that officially accept it (commonly through "ratification"). The full text of the treaties are accessible on the web site of the Office of the United Nations High Commissioner for Human Rights (OHCHR). [2]

The basic concept is that anyone may bring a complaint alleging a violation of treaty rights to the experts set up by the treaty for quasi-judicial adjudication. These "treaty bodies", as they are often called, are committees composed of independent experts elected by States parties to the relevant treaty and tasked with monitoring implementation in States parties of the rights set forth in the treaties and deciding on complaints brought against those States. While there are some procedural variations among the four mechanisms, their design and operation are very similar. Accordingly, what follows is a general description of the typical features of a complaint under any of the four treaties. Readers should refer to the descriptions of the individual treaties, which identify aspects differing from the general norm.

### **Against whom can a complaint under a treaty be brought?**

A complaint under one of the four treaties can be brought only against a State that satisfies two conditions. First, it must be a party to the treaty in question, having ratified or otherwise accepted it. (To check whether a State is a party to the treaty, consult the Treaty Body database on the OHCHR web site: access the database, click on *Documents* on the home page followed by *Treaty body database, R. and reservations* and *States parties*; then check the relevant country. Alternatively, you may consult the Petitions Team or the Division for the Advancement of Women, depending on the treaty, via the

details listed at the end of this part of the Fact Sheet.)

Second, the State party must have recognized the competence of the committee established under relevant treaty to consider complaints from individuals. In the case of the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women, a State recognizes the Committee's competence by becoming a party to a separate treaty: the First Protocol to the Covenant or the Optional Protocol to the Convention. (To see the text of the Protocols, check whether a State is a party to either or both, consult the OHCHR web site as described above. In the case of the Convention against Torture and the International Convention on the Elimination of Racial Discrimination, States recognize the Committee's competence by making a declaration to that effect under a specific article of the Convention, articles 22 and 14 respectively. (To check whether a State has made either of these declarations, access the OHCHR web site as described above, clicking on *Declarations and procedural articles* once you have selected the relevant State.)

## Who can bring a complaint?

Anyone can lodge a complaint with a committee against a State that satisfies these two conditions: that his or her rights under the relevant treaty have been violated. It is not necessary to have a lawyer to prepare your case, though legal advice usually improves the quality of the submissions. Be aware that legal aid is not provided under the procedures. You may also bring a claim on behalf of another person on condition that you obtain his or her written consent. In certain cases, you may bring a case without consent. For example, where parents bring cases on behalf of young children or guardians on behalf of persons unable to give formal consent, or where a person is in prison without access to the outside world, the relevant committee will not require formal authorization to lodge a complaint on another's behalf.

## What information do you need to provide in your complaint?

A complaint to a committee, also called a "communication" or a "petition", need not take any particular form. While the model complaint form [3] and guidelines [4] appended to this Fact Sheet (as annex 1 and 2) focus on specific information, any correspondence supplying the necessary particulars will do. Your claim should be in writing and signed. [5] It should provide basic personal information - your nationality and date of birth - and specify the State party against which your complaint is directed. If you are bringing the claim on behalf of another person, you should provide proof of their consent, as above, or state clearly why such consent cannot be provided.

You should set out, in chronological order, all the facts on which your claim is based. A crucial requirement is that your account is as complete as possible and that the complaint contains all information relevant to your case. You should also detail the steps you have taken to exhaust the remedies available in your country, that is steps taken before your country's local courts and authorities. You should state whether you have submitted your case to another means of international investigation or settlement. On these matters, see the section entitled "The admissibility of your case" below for further important details. You should state why you consider that the facts you have outlined constitute a violation of the treaty in question. It is helpful, though not strictly necessary, for you to identify the articles of the treaty that allegedly have been violated. You should provide this information in one of the secretariat's working languages.

In addition, you should supply all documents of relevance to your claims and arguments, especially administrative or judicial decisions on your claim by national authorities. It is also helpful if you provide copies of relevant national laws. If they are not in an official language of the committee's secretariat, consideration of your complaint will be speeded up if you can arrange for a translation (either full or summary).

If your complaint lacks essential information, you will be contacted by the secretariat with a request for additional details.

## When can you make a complaint under the human rights treaties?

In general, there is no formal time limit after the date of the alleged violation for filing a complaint under the relevant treaties. It is usually appropriate, however, to submit your complaint as soon as possible after you have exhausted domestic remedies. Delay in submitting your case may also make it difficult for the State party to respond properly. In exceptional cases, submission after a protracted period may result in your case being considered inadmissible by the committee in question.

## The procedure

If your complaint contains the essential elements outlined above, your case is registered, that is formally listed as a case for consideration by the relevant committee. You will receive advice of r

At that point, the case is transmitted to the State party concerned to give it an opportunity to co The State is requested to submit its observations within a set time frame. The two major stages i are known as the "admissibility" stage and the "merits" stage. The "admissibility" of a case refers formal requirements that your complaint must satisfy before the relevant committee can consid substance. The "merits" of the case are the substance, on the basis of which the committee decic whether or not your rights under a treaty have been violated. These stages are described in grea below. The time within which the State is required to respond to your complaint varies between p and is also specified below in the sections dealing with them individually.

Once the State replies to your submission, you are offered an opportunity to comment. Again, th frames vary somewhat between procedures (see below for details). At that point, the case is rea decision by the relevant committee. If the State party fails to respond to your complaint, you are disadvantaged. Reminders are sent to the State party and if there is still no response, the commi a decision on your case on the basis of your original complaint.

## Special circumstances of urgency or sensitivity

Each committee has the facility to take urgent action where irreparable harm would otherwise be before the case is examined in the usual course. The basis for such interim action by individual c is set out below for each procedure. The common feature is that the committee in question may, stage before the case is considered, issue a request to the State party for what are known as "int measures" in order to prevent any irreparable harm. Typically, such requests are issued to preve that cannot later be undone, for example the execution of a death sentence or the deportation of individual facing a risk of torture. If you wish the committee to consider a request for interim me is advisable to state this explicitly. In any case, you should identify as carefully and comprehensi possible the reasons why you consider such action to be necessary.

If there are particularly sensitive matters of a private or personal nature that emerge in the com may request that the committee suppress identifying elements in its final decision so that your id does not become public. The committee may also, of its own motion, suppress these or other ma course of consideration of the complaint.

## The admissibility of your case

Before the committee to which you have brought your case can consider its merits or substance, satisfied that the claim meets the formal requirements of admissibility. When examining admissit committee may consider one or several of the following factors:

- If you are acting on behalf of another person, have you obtained sufficient authorizati you otherwise justified in doing so?
- Are you (or the person on whose behalf you are bringing the complaint) a victim of th violation? You must show that you are personally and directly affected by the law, policy act or omission of the State party which you claim has violated or is violating your rights sufficient simply to challenge a law or State policy or practice in the abstract (a so-callec *popularis*) without demonstrating how you are individually a victim of the law, policy or p question.
- Is your complaint compatible with the provisions of the treaty invoked? The alleged vi must relate to a right actually protected by the treaty. If you have filed a complaint unde Optional Protocol to the International Covenant on Civil and Political Rights, for example, cannot claim a violation of the right to property since the Covenant does not protect that such a case, your claim would be, in legal terms, inadmissible *ratione materiae*.
- Is your complaint sufficiently substantiated? If the relevant committee considers, in th

the information before it from all sides, that you have not sufficiently developed the facts of your complaint or the arguments for a violation of the Covenant, it may reject the claim as unsubstantiated for the purposes of admissibility. This ground is analogous to the rejection by other courts, international and domestic, as "manifestly ill-founded".

- Does your complaint relate to events that occurred prior to the entry into force of the mechanism for your State? As a rule, a committee does not examine complaints dating from a period prior to this date and your complaint is regarded, in legal terms, as inadmissible *in tempore*. There are, however, exceptions. In cases where the effects of the event in question extended into the period covered by the complaint mechanism, a committee may consider overall circumstances. Further details are given in the sections on individual procedures.
- Have you exhausted all domestic remedies? A cardinal principle governing the admissibility of a complaint is that you must, in general, have exhausted all remedies in your own State before bringing a claim to a committee. This usually includes pursuing your claim through the national legal system, and you should be aware that mere doubts about the effectiveness of such actions are not, in the committees' view, dispensing with this requirement. There are, however, limited exceptions to this rule. If the exhaustion of remedies would be unreasonably prolonged, or if they would be ineffective (if, for example, the law in your State is quite clear on the point at issue) or if remedies are otherwise unavailable to you (owing, for example, to denial of legal aid in your country), you may not be required to exhaust domestic remedies. You should, however, give reasons why the general rule should not apply. On the issue of exhaustion of domestic remedies, you should describe *in your original complaint* the efforts you have made to exhaust local remedies, specifying the claims advanced before the national authorities and the dates and the outcome of the proceedings, or alternatively stating why any exception should apply.
- Is your claim an abuse of the complaints process? In rare cases, the committees may consider a case to be a frivolous, vexatious or otherwise inappropriate use of the complaints process and reject it as inadmissible, for example if you bring repeated claims to the committee on the same issue although they have already been dismissed.
- Is your complaint being examined under another mechanism of international settlement? If you have submitted the same claim to another treaty body or to a regional mechanism such as the Inter-American Commission on Human Rights, the European Court of Human Rights or the African Commission on Human and Peoples' Rights, [6] the committees cannot examine your case with the aim of avoiding unnecessary duplication at the international level. This is another ground of inadmissibility that you should cover in your original complaint, describing any claims you have made and specifying the body to which you applied, the date and the outcome.
- Is your complaint precluded by a reservation the State has made to the Optional Protocol? A State may have entered a procedural reservation to the complaint mechanism limiting the committee's competence to examine certain communications. For example, States may limit the committee's consideration of claims that have in the past been considered by another international mechanism. In very rare cases, a committee may decide that a particular reservation is impermissible and consider the communication notwithstanding the purported reservation. The text of reservations may be found in the Treaty Body database described above.)

If you think there is a risk that your claim may be considered inadmissible on one of these grounds, it is helpful to present your counterarguments in the initial complaint. In any event, the State party, responding to your complaint, will probably argue that your case is inadmissible if it considers that one or more of these grounds may apply. You will then be able to present your view when commenting on the State party's submissions.

## The merits of your case

Once a committee decides your case is admissible, it proceeds to consider the merits of your case, stating its reasons for concluding that a violation has or has not occurred under the various articles of the Covenant that are applicable. A number of States have also entered substantive reservations that may limit the scope of the human rights obligations they assume under the treaties. [8] (The text of any reservations entered may be accessed in the Treaty Body database on the OHCHR web site as described above. Be sure to check that a reservation has not been subsequently withdrawn, as in such case the State party will have accepted, in the meantime, the full obligation imposed by the relevant article.) In most cases, a committee will decline to consider complaints falling within areas covered by a reservation, though in exceptional circumstances, as noted above, it may find a reservation impermissible and

the case despite the purported reservation.

To form an idea of what a committee considers to be the scope of the rights contained in the treaty which it is responsible, you may look at its previous decisions, its so-called "General Comments" on the meaning of various articles, and its concluding observations on reports submitted periodic States parties to the treaty concerned. These documents are accessible on the OHCHR web site t Treaty Body database. There are also numerous academic articles and textbooks on the jurisprud the various committees that may be of assistance.

### **Consideration of your case**

The committees consider each case in closed session. Although some have provisions for oral cor of proceedings in their rules of procedure, [\[9\]](#) the practice has been to consider complaints on th the written information supplied by the complainant and the State party. Accordingly, it has not l practice to receive oral submissions from the parties or audio or audio-visual evidence (such as a cassettes or videotapes). Nor do the committees go beyond the information provided by the part independent verification of the facts. It follows that they do not consider briefs provided by third (often called *amicus* briefs).

Once the committee takes a decision on your case, it is transmitted to you and the State party simultaneously. One or more committee members may append a separate opinion to the decisior come to a different conclusion from the majority or perhaps reach the same conclusion but for di reasons. The text of any final decision on the merits of your case or of a decision of inadmissibilit posted on the OHCHR's web site as part of the committee's jurisprudence.

### **What happens once a committee decides your case?**

It should be noted at the outset that there is no appeal against committee decisions and that, as decisions are final. What happens to your case subsequently depends on the nature of the decisio

- When the committee decides that you have been the victim of a violation by the State par rights under the treaty, it invites the State party to supply information within three month steps it has taken to give effect to its findings. See the descriptions of the specific procedu further details.
- When the committee decides that there has been no violation of the treaty in your case or complaint is inadmissible, the process is complete once the decision has been transmitted and the State party.
- When the committee considers your case admissible, either in general or with reference to claims or articles, the general procedure set out above applies. That is to say, the State p requested to make submissions on the merits within a specific time frame. You then have for comment on the submissions, following which the case is usually ready for considerati committee. See under the particular procedures for further details.

### **Procedure under the Optional Protocol to the International Covenant on C Political Rights**

## **Introduction**

The International Covenant on Civil and Political Rights covers a broad range of civil and political ranging from the right to life to the right to a fair trial and the right to non-discrimination. Individ that may be invoked before the Committee are set out in articles 6 to 27 inclusive, comprising Pa the Covenant. The complaint mechanism for alleged violations of those articles is contained in the Optional Protocol to the Covenant, a separate treaty open to States parties to the Covenant. Stat have become a party to the Optional Protocol recognize the competence of the Human Rights Cor a panel of 18 independent experts who meet three times a year - to receive complaints from per: their jurisdiction alleging violations of their rights under the Covenant. [\[10\]](#)

## Details of the procedure

The following comments expand on the general description of procedures before the committees. Complaints under the Optional Protocol that contain the necessary elements are referred to the Committee's Special Rapporteur on New Communications. The Special Rapporteur decides whether a case should be registered under the Optional Protocol and issues any pertinent instructions.

If the case is registered, the Committee's usual course of action, given the large number of complaints received under this procedure, is to consider the admissibility and merits of the case simultaneously. At the end, the State party against whom the complaint is directed has six months to present its submissions on the admissibility and merits of the case. When it does so, you have two months to comment, following which the case is ready for a decision by the Committee. As noted above, if the State party fails to reply to your complaint, you are not disadvantaged. In such a case, the State party receives two months after the six-month deadline has passed. If there is still no reply, the Committee considers the complaint on the basis of the information you initially supplied. On the other hand, if the State party presents submissions after a reminder, they are transmitted to you and you have the opportunity to comment.

Occasionally, the Committee adopts a different procedure to maximize the time at its disposal to consider communications and to spare both States parties and complainants needless effort. For example, if a State party, within two months of receiving a complaint, presents submissions relating only to admissibility, the Committee considers that there may indeed be serious doubts on that score, it may invite you to comment only on those submissions. The Committee will then take a preliminary decision on admissibility alone and proceed to the merits stage only if the case is declared admissible. If it is, the State party is given a further six months to present submissions on the merits of the communication and you are requested to comment within two months. You will be informed of any such departure from the usual practice.

You should be aware that, given the large number of cases brought under the Optional Protocol, there may be a delay of several years between the initial submission and the Committee's final decision.

## Special circumstances of urgency

For the Human Rights Committee, situations of urgency requiring immediate action fall under the special rules of procedure. In such cases, the Committee's Special Rapporteur on New Communications may make a request to the State party for interim measures with a view to averting irreparable harm before the complaint is considered. The Committee views compliance with such a request as inherent in a State party's obligations under the Optional Protocol and any failure to comply as a breach thereof.

## Additional pointers on the admissibility of your case

There are two aspects of the admissibility of a case that require further comment. First, the Human Rights Committee has developed specific exceptions to the rule that the events complained of should have occurred after the entry into force of the Optional Protocol for your State. If, since the date of entry into force, the events have had continuing effects that violate the Covenant, for example if the State party fails to resolve the status of a person who "disappeared" prior to the date in question or if a person is still in term of imprisonment following an unfair trial prior to that date, the Committee may decide to consider the whole circumstances of the complaint. Alternatively, it is usually a sufficient ground for the Committee to examine the whole complaint if, after the date of entry into force of the Optional Protocol, there has been a court decision or some other State act relating to an event preceding that date.

Two points may be made regarding the question of simultaneous examination of the same claim by another mechanism of international settlement. The Committee has decided that, for its purposes, the "1503 procedure" (described later in this Fact Sheet) and complaints to a special rapporteur of the Commission on Human Rights do not constitute such a mechanism. Accordingly, your claim to the Human Rights Committee will not be declared inadmissible if you are concurrently pursuing options such as those of the Commission. Second, the Committee has taken the view that, inasmuch as the Covenant provides greater protection than is available under other international instruments, facts that have already been submitted to another international mechanism can be brought before the Committee if broader provisions in the Covenant are invoked. It should be added that, in the Committee's view, complaints dismissed by other international mechanisms on procedural grounds have not been substantively examined; therefore, such facts may therefore be brought before the Committee.

## After the Committee's decision - some further remark

- When the Committee decides that you have been the victim of a violation by the State party under the Covenant, the State party is invited to provide information, within three months, on the steps it has taken to give effect to the Committee's Views. The basis for this requirement is article 2, paragraph 3, of the Covenant, which guarantees you an effective remedy in the event of any violation of your rights. Its response will be transmitted to you for comment. The Committee often indicates what an appropriate remedy would be, for instance payment of compensation or release from detention. In the event of failure by the State party to take appropriate steps, the case is referred to a member of the Committee, the Special Rapporteur on Follow-up of Views, for consideration of further measures to be taken. The Special Rapporteur may, for example, make specific requests to the State party or meet with its representatives to discuss the action to be taken. Unless, exceptionally, the information is suppressed, it is published together with the Committee's Views by the Special Rapporteur in an annual report on follow-up.
- When the Committee considers your case admissible, either in general or with reference to specific claims or articles, the State party is requested to present its submissions on the merits within two months. You then have a two-month period to comment on the submissions, following which the case is usually ready for consideration by the Committee.

### Procedure under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

## Introduction

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted on 10 December 1984. Among other obligations, the treaty requires States parties to take measures to ensure that persons to States where there are substantial grounds for believing they would face torture and other cruel, inhuman or degrading treatment or punishment are investigated and prosecuted. The substantive obligations are set out in articles 1 to 16, comprising the core of the Convention. The complaint mechanism for invoking breaches of your rights under the Convention is contained in article 22. States parties that so wish may lodge a declaration under that article recognizing the competence of the Committee against Torture - a panel of 10 independent experts that meet annually - to consider complaints from an individual or group of individuals alleging violations of their rights under the Convention by that State. [\[11\]](#)

## Details of the procedure

Upon registration, the Committee invites the State party to comment within six months on the admissibility and merits of the complaint. Depending on the reaction of the State party, one of two courses will be followed.

- If the State party comments only on the admissibility of the complaint within two months, given four weeks to comment on its submissions. The Committee then adopts a decision on the admissibility. If the case is considered inadmissible, it is closed. If it is held to be admissible, the State party has four months to comment on the merits of the case. You then have six weeks to comment on the merits, following which the Committee can take a final decision on the merits of the case.
- Alternatively, if the State party comments on both the admissibility and the merits (usually at the six-month point), you have six weeks to comment on its submissions. The Committee is then in a position to make a combined decision on the admissibility and merits of the case.

As few cases are brought before the Committee against Torture, a case is typically concluded within two or three years of the date of registration. In the case of a decision on admissibility alone, the period is significantly shorter.



## Special circumstances of urgency

Rule 108(1) of the Committee's rules of procedure is the basis for a complainant to seek interim by the Committee against Torture to prevent irreparable harm while the communication is being considered. Most commonly, such requests arise in the context of claims under article 3 of the Covenant where a deportation is pending and there is a foreseeable risk of the complainant suffering torture in the receiving State. The Committee's Special Rapporteur on New Complaints and Interim Measures decides whether a request for interim measures to the State party should be made under this rule.

## An additional pointer on the admissibility of your case

You should be aware that complaints to the Committee against Torture differ in some respects from the above general outline of admissibility requirements. In addition to the requirement that your case should not currently be under examination by another procedure of international investigation or settlement, it should not have been the subject of a decision in the past by such a mechanism. If a case will be deemed inadmissible. Moreover, the Committee's rules of procedure state that a complaint will be rejected as inadmissible if it is manifestly unfounded, and if the time elapsed since the exhaustion of domestic remedies is so unreasonably prolonged as to render consideration of the complaint by the Committee or the State party unduly difficult.

## Consideration of your case

The rules of procedure of the Committee against Torture authorize it to seek the attendance in person of one party or the other to provide further clarifications or to answer questions when it considers that necessary for the consideration of a complaint. In accordance with the principle of equal procedural protection, the other party also has the opportunity to attend. Your case will not be prejudiced by any failure to attend in person. It should be noted, however, that such instances are exceptional rather than routine. In addition, the Committee may obtain any documentation from United Nations bodies, specialized agencies or other sources that may assist it in considering the complaint.

## After the Committee's decision - some further remarks

- When the Committee finds that a State action or proposed action, for example in the context of a pending deportation, has violated or would violate the State party's obligations under the Covenant, it forwards its Views to the State party with a request for information on the State party's implementation within 90 days. The pertinent provision is rule 112(5) of the Committee's rules of procedure, under which the State party is required to report the action it has taken in response to the Committee's findings. In the light of the information provided, the Committee's Rapporteur takes such further action as may be appropriate.
- When a decision is declared admissible, the State party has four months to present its observations and submissions on the merits. You then have six weeks to comment on them.

## Procedure under the International Convention on the Elimination of All Forms of Racial Discrimination

### Introduction

The International Convention on the Elimination of All Forms of Racial Discrimination, adopted on December 21, 1965 sets out a series of obligations for States parties to ensure legal and practical enjoyment of the right to be free from racial discrimination. While the International Covenant on Civil and Political Rights also contains free-standing provisions concerning non-discrimination on the basis of race, the Convention is a specialized treaty that deals with a wide variety of issues arising in this area in greater detail. The Committee established under the Convention also possesses expertise on issues of race. The substantive obligations are set out in articles 1 to 7 of the Convention, comprising Part I of the treaty. As in the case of the Convention against Torture, the Convention itself establishes the mechanism for bringing a claim of breach of your rights. States parties that so wish may make a declaration under article 14 accepting the competence of the Committee on the Elimination of Racial Discrimination - a panel of 18 independent experts that meets twice a year - to consider complaints from an individual or group of individuals.

violations of their rights under the Convention by that State. [\[12\]](#)

## **Who can bring a complaint and when should you do so**

In contrast to complaints under the Optional Protocol to the International Covenant on Civil and Political Rights or the Convention against Torture, complaints under this Convention may be brought not only on behalf of individuals but also by or on behalf of groups of individuals. The details to be provided are basically those described in the general scheme above.

It is important to note that complaints to this Committee must be submitted *within six months* of a decision by a national authority in your case.

## **Details of the procedure**

Upon registration of a case, the State party has three months to present submissions on the admissibility of the complaint or, if it has no objection to the admissibility, on the merits.

- If the State party presents arguments on admissibility, you have six weeks to comment before the Committee takes a decision on admissibility. If it considers the case to be admissible, the State party has three further months to present submissions on the merits. You then have six weeks to comment before the Committee takes a final decision on the merits of the case.
- Alternatively, if the State party has no objection to the admissibility of the complaint and presents submissions solely on the merits, you also have six weeks to comment before the Committee takes a final merits decision.

As relatively few communications come before this Committee, your claim will typically be resolved quickly, probably within a year. If a decision is required only on admissibility, it may be taken within an even shorter period.

## **Special circumstances of urgency**

As with the other procedures described, you may seek interim measures by the Committee to prevent irreparable damage while the communication is being considered. The basis for such a request by the Committee to a State party is rule 91(3) of the rules of procedure.

## **Additional pointers on the admissibility of your case**

You should be aware that complaints to the Committee on the Elimination of Racial Discrimination are subject to two issues of admissibility from the general procedure outlined above. First, your complaint will not be considered inadmissible if the same matter is pending before or has been the subject of a decision in another international procedure. Second, as already emphasized, complaints brought after a six-month time limit will, as a rule, be declared inadmissible.

## **Consideration of your case**

The rules of procedure of the Committee on the Elimination of Racial Discrimination authorize it to invite the person filing the complaint (or his/her representative) and State party representatives to attend the proceedings in order to provide additional information or to answer questions on the merits of the case. Again, however, it should be noted that such instances are exceptional rather than routine.

## **After the Committee's decision - some further remarks**

The courses of action open to the Committee are similar to those outlined above for the Committee on Torture, with one additional detail. When the Committee takes a decision (called an "Opinion") on the merits of a complaint, it often makes suggestions and/or recommendations even if it has formally found that there has been no violation of the Convention. These suggestions or recommendations may

or specific and addressed either to the State party in question or to all States parties to the Convention. Under rule 95(5) of the Committee's rules of procedure, the State party is invited to inform the Committee in due course of the action it has taken on its suggestions and recommendations. On receipt of that information, the Committee takes whatever steps it deems to be appropriate.

## **Procedure under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

### **Introduction**

The Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979, guarantees the right of all women to be free from discrimination and sets out obligations for States parties designed to ensure legal and practical enjoyment of that right. While the International Covenant on Civil and Political Rights also contains free-standing provisions for non-discrimination on the basis of gender, the Convention is a specialized treaty that deals in greater detail with a wide variety of issues arising in this area. The Committee established under the Convention also possesses expertise on discrimination against women. The substantive obligations are set out in articles 1 to 16 of the Convention comprising Parts I to IV.

As in the case of the International Covenant on Civil and Political Rights, the complaints mechanism under the Convention is contained in an Optional Protocol, which was adopted on 6 October 1999. It is a separate treaty open to States parties to the parent Convention. States that have become a party to the Optional Protocol recognize the competence of the Committee on the Elimination of Discrimination against Women, a panel of 23 independent experts that meets twice a year - to receive complaints from persons within its jurisdiction alleging violations of their rights under the Convention. The Optional Protocol contains a number of innovations that are described below.

### **Who can bring a complaint, what must be submitted and when can you do so?**

As with the procedure under the International Convention on the Elimination of Racial Discrimination, complaints may be submitted by or on behalf of individuals or groups of individuals. If you submit a complaint on behalf of one or more persons, you must either show proof of their consent or justify acting on their behalf without their consent. While the Committee has not yet begun to interpret the circumstances that would justify acting without the consent of the alleged victim(s), the jurisprudence of this point of the other Committees, notably the Human Rights Committee, may provide some guidance.

With regard to the material to be submitted, you are referred to the procedures described above. This Fact Sheet contains a set of Complaint Guidelines.

There is no time limit as such for the submission of communications but, as already noted, it is a considerable plus if complaints are filed expeditiously.

### **Details of the procedure**

The procedure followed by the Committee is expected to be similar to that of the Human Rights Committee. If the case is registered, the Committee is likely to consider the admissibility and merits of the communication simultaneously. The State party against whom the complaint is directed will then have six months to present its submissions on the admissibility and merits of the communication. Once it has done so, it will be assigned a fixed period within which to comment, following which the case will be ready for a decision by the Committee.

Occasionally, the Committee will adopt a different procedure to maximize the time at its disposal to consider communications and to spare both States parties and complainants needless effort. For example, if a State party files submissions at an early point that cast serious doubt on the admissibility of the complaint, the Committee may invite you to comment on those submissions. It will then take a preliminary decision on admissibility alone and will proceed to the merits stage only if the case is declared admissible. If it is, the State party will be given a further period to comment on the merits of the communication, which will in turn be requested to comment thereon. You will be informed of any such departure from the usual practice.

## Special circumstances of urgency

Under article 5 of the Optional Protocol (as spelled out by rule 63 of the Committee's rules of procedure) the Committee may issue a request to the State party for such interim measures as may be necessary to avoid possible irreparable damage.

## Additional pointers on the admissibility of your case

The requirements of admissibility build on the experience of the other treaty bodies. The grounds of inadmissibility are set out in article 4 of the Optional Protocol and follow the general pattern set out in article 1 of the Convention. However, you should note two elements which differ from that description. First, as with the Convention against Torture, your complaint will be inadmissible if it has already been decided upon by another procedure of international investigation or settlement. The Committee also has explicit authority to receive an early stage complaints that are manifestly ill-founded or, in other words, plainly unjustified.

## Consideration of your case

There is one point to add to the general description of how cases are considered. The Committee, through the Secretary-General of the United Nations, may request any documentation from United Nations or other bodies that may assist it in the disposal of the complaint. In this case, to preserve procedural equity, the State party will be afforded an opportunity to comment on such documentation or information within a period (yet to be determined).

## After the Committee's decision - some further remarks

While the general description applies here too, the Optional Protocol itself sets out a special procedure for cases in which the Committee finds that there has been a violation of your rights under the Convention. Pursuant to the follow-up procedure set out in article 7 of the Optional Protocol, the State party is required to submit a written response detailing any action taken thereon. The Committee may invite the State party to submit further information, either directly or through its next periodic report to the Committee, on the general implementation of Convention rights in the State party.

### **Procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

## Introduction

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18 December 1990, imposes obligations on States parties to protect and guarantee a comprehensive range of rights on behalf of migrant workers and their families. The substantive obligations are set out in articles 7 to 71 of the Convention, comprising Parts II to VI. The Convention contains an individual complaint mechanism. States parties that so wish may make a declaration under article 77 accepting the competence of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families - a panel of 10 independent experts meeting annually - to consider complaints from an individual or group of individuals alleging violations of their rights under the Convention. [13] It may be some time before ten States parties make the declaration under article 77 for the complaint mechanism to enter into force.

As the Convention's complaint mechanism has not yet entered into force, the Committee has not developed rules of procedure and practice relating to individual complaints. It may, however, be necessary to adopt similar procedures to those applied by the other treaty bodies and to interpret similarly the elements of admissibility set out in article 77.

Individuals subject to the jurisdiction of a State party that has made the declaration under article 77 (or persons acting on their behalf) may make complaints to the Committee, claiming that their indivi

set out in the Convention have been violated by the State party. A complaint is not admissible if an abuse of the right of submission of such communications or incompatible with the provisions of the Convention. It is also inadmissible if the same matter has been, or is being, examined under another procedure of investigation or settlement; or if all available domestic remedies have not been exhausted. As with other procedures, the domestic remedies requirement does not apply if their application is unreasonable or they are unlikely to bring effective relief. A State party has six months to present its submissions and the merits. The Committee will then meet in closed session to examine the complaint and for the State Party concerned and to the individual.

### How to direct complaints to the treaty bodies

For complaints to the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination, direct your correspondence and inquiries to:

Mail	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)
E-mail	<a href="mailto:tb-petitions.hchr@unog.ch">tb-petitions.hchr@unog.ch</a>

For complaints to the Committee on the Elimination of Discrimination against Women, direct your correspondence and inquiries to:

Mail	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

## Part 2: Complaints to the Commission on Human Rights and the Commission on the Status of Women

### The 1503 Procedure of the Commission on Human Rights

#### Introduction

The procedure before the Commission on Human Rights, called the 1503 procedure after the resolution adopted by the Economic and Social Council whereby it was established, [\[14\]](#) is the oldest human rights complaint procedure in the United Nations system. Under this procedure the Commission, a political body composed of 18 representatives, generally deals with situations in countries rather than individual complaints. [\[15\]](#)

The procedure was substantially amended in 2000 by the Economic and Social Council to make it more flexible and to facilitate dialogue with the Governments concerned and to provide for a more meaningful debate on a complaint before the Commission on Human Rights. [\[16\]](#) It is this so-called revised 1503 procedure explained below.

### Who can submit a complaint under the 1503 procedure

Under the 1503 procedure, the Commission has the mandate to examine a consistent pattern of attested violations of human rights and fundamental freedoms occurring in any country of the world. An individual or group claiming to be the victim of such human rights violations may submit a complaint to the Commission or another person or group with direct and reliable knowledge of such violations. Where an NGO submits a complaint, it must be acting in good faith and in accordance with recognized principles of human rights. The NGO must also have reliable direct evidence of the situation it is describing.

## What material should I submit under the 1503 procedure

First, you must provide identifying particulars since a complaint cannot be anonymous. You should submit your complaint to the Office of the High Commissioner for Human Rights or the United Nations, indicating that you wish the complaint to be dealt with under the 1503 procedure. You should set out the purpose of the complaint and the rights alleged to have been violated. You may submit this material by normal mail, facsimile message or e-mail. [\[17\]](#)

Each complaint should describe the relevant facts in as much detail as possible, providing names of victims, dates, locations and other evidence. As the procedure primarily examines patterns of violations rather than individual violations as such, it is advisable for a complaint not simply to focus on the details of an individual's case but, if possible, to expand on a group or series of such cases. It is not sufficient to rely on mass media reports; specific evidence should be provided. In short, there must be reasonable grounds to infer from the material that the alleged pattern of gross human rights violations exists.

## Criteria of admissibility

Various conditions need to be met for your complaint to be considered admissible. If it does not meet these criteria, it may be rejected.

Your complaint should be submitted within a reasonable time following the exhaustion of available remedies in your own country. You should ideally show that you have exhausted such remedies. Your complaint should not contain abusive or insulting language. The submission of complaints overlapping with procedures in the United Nations system and the duplication of complaints already considered by the United Nations should be avoided. Lastly, no complaint should be politically motivated or run counter to the principles of the United Nations.

## How does the 1503 procedure operate?

You may submit a complaint at any time. If your complaint gets through the initial screening procedure described below, it will be considered by the formal 1503 procedure bodies which meet annually.

### Step 1: Initial screening (Secretariat together with the Chairperson of the Working Group on Communications)

The Secretariat screens all complaints as they arrive. Your complaint may be rejected as manifestly unfounded by the Secretariat acting jointly with the Chairperson of the so-called Working Group on Communications (see step 2 below). If your complaint makes it to the next stage of the process, it is acknowledged and forwarded to the Government concerned for comment. Government replies are confidential and are not communicated to you.

### Step 2: Working Group on Communications

**In late summer (usually August),** [\[18\]](#) the Working Group on Communications meets to assess the merits of complaints that have passed the initial screening stage over the last year and have been forwarded to the Government concerned for comment at least twelve weeks before the meeting of the Working Group. The Working Group examines complaints and any replies received from Governments with a view to bringing to the attention of the Working Group on Situations any situations that appear to reveal a consistent pattern of grossly and reliably attested violations of human rights and fundamental freedoms. The Working Group comprises members of the Sub-Commission for the Promotion and Protection of Human Rights. It may decide to request a communication to obtain replies or further information from the Governments concerned for the reasons.

The proceedings of the Working Group are confidential. They are also conducted on the basis of written material only, so that neither Governments nor complainants appear before it. It should be noted that if complaints fail to proceed beyond this point, Governments are advised of the decisions of the Working Group but you are not.

### Step 3: Working Group on Situations

**Early in the following year (usually February),** the Working Group on Situations meets to consider situations referred to it by the Working Group on Communications. [19] It also considers any situation which the Commission on Human Rights itself remains seized from its previous session (see the report in the process). The Working Group decides whether, in the light of all the material from the previous stages of the process, the situation referred to it appears to reveal a consistent pattern of gross and attested violations of human rights and fundamental freedoms. The Group has five members, which are usually nominated by the regional groups of States within the Commission on Human Rights in order to ensure equitable geographic distribution.

The Working Group has a variety of options for dealing with the situations before it. It may forward a situation to the Commission, in which case the Working Group usually makes specific recommendations. Alternatively, it may decide to keep a situation pending before it or to close the file.

As with the Working Group on Communications, the proceedings of the Working Group on Situations are confidential and based on written material only, so that neither Governments nor complainants appear before it. Governments are advised of the decisions of the Working Group, including any recommendations made to the Commission, but you are not.

## Step 4: Commission on Human Rights

**Approximately a month after the previous stage (usually March),** the Commission on Human Rights meets in closed session, considers the situations referred to it by the Working Group on Situations. Representatives of the Governments concerned are invited to address the Commission and answer questions. At a subsequent meeting shortly thereafter, the Commission considers its final decision in closed session. Representatives of the Government concerned may also be present at this point.

The Commission has a variety of options for dealing with situations that come before it. It may keep a situation under review in the light of any further information received or it may keep it under review and appoint an independent expert. Alternatively, it may discontinue the matter under the 1503 procedure and take it up instead under a public procedure, [20] or discontinue the matter when no further consideration is warranted. If it wishes, it may also make recommendations to its parent body, the Economic and Social Council.

After the Commission has considered the situations before it, the Chairperson announces at a public meeting the names of the countries examined under the 1503 procedure and those of countries not dealt with under the procedure.

## Confidentiality of the 1503 procedure

Although you must state your name when making a complaint, you may request that it be suppressed. The complaint is forwarded to the Government concerned. All material provided by individuals and Governments, as well as the decisions taken at the various stages of the procedure, remain confidential and are not made public. This also applies to situations that have been discontinued, unless the Economic and Social Council decides otherwise or the Government concerned expresses the wish that the dossier be made public. However, while these rules of confidentiality are binding on the United Nations body dealing with your complaint, they do not preclude you from disclosing the fact that you have submitted a complaint under the 1503 procedure.

## Advantages and possible drawbacks of the 1503 procedure

As with all other procedures described in this Fact Sheet, the 1503 procedure has advantages and disadvantages that you should ponder before deciding under which mechanism you may best submit your complaint. The pluses of the 1503 procedure are that you may submit a complaint against any country without needing to check whether it has ratified a particular treaty or limited its obligations under an international instrument. Once you have submitted a complaint, you do not have to respond again at a later date with further information - the initial complaint is sufficient. With the 1503 procedure, it is possible for your complaint to reach the highest level of the United Nations human rights machinery, the Commission on Human Rights. It may thus result in very significant pressure being brought to bear upon a State to change its laws, policies or practices that infringe internationally guaranteed human rights. Possible drawbacks of the 1503 procedure are that you will not be informed of the decisions taken at the various stages of the procedure, nor the reasons for them. Nor will you be informed of the relevant Government's responses to your complaint. You should also be aware that the procedure can be protracted and, unlike the procedures described

1, there is no provision for urgent measures of protection.

#### ***How to file complaints under the 1503 procedure***

For complaints under this procedure, direct your correspondence and inquiries to:

Mail	Commission/Sub-Commission Team (1503 Procedure) Treaties & Commission Branch Office of the High Commissioner for Human Rights United Nations Office at Geneva 1211 Geneva 10, Switzerland
Fax	+ 41 22 9179011
E-mail	<a href="mailto:1503@ohchr.org">1503@ohchr.org</a>

### **The Procedure of the Commission on the Status of Women**

While the 1503 procedure is designed to reveal gross violations of human rights in particular confidential complaints procedure of the Commission on the Status of Women is designed to identify and patterns concerning women's rights. It was established pursuant to a series of resolutions of Social Council, under which the Commission considers confidential and non-confidential complain women. [21] As with the 1503 procedure, its primary aim is not to afford direct redress to victim violations.

### **The procedure**

The Commission's Secretariat receives complaints each year from individuals and organizations. Upon their receipt and briefly describes the procedure to complainants. The Secretariat then summarizes and sends them to the Governments concerned for comment. Complainants' names, however, are not disclosed to the Governments concerned (and subsequently to the Commission) with the complainant's express consent.

Complaints are then considered by a Working Group on Communications composed of five members of the Commission on the Status of Women, representing all geographical regions, which meets during its annual session (usually in the spring). During its private meetings, it considers all communications from Governments, with a view to bringing to the Commission's attention those that "appear to reveal a pattern of reliably attested injustice and discriminatory practices against women". The Working Group prepares a report for the Commission that "will indicate the categories in which communications are frequently submitted to the Commission". Individual complainants are not provided with Government's response in the report of the Working Group.

The Commission on the Status of Women considers the Working Group's report in a closed meeting and reports to the Economic and Social Council, making recommendations, if it sees fit, for action by the Council on "emerging trends and patterns of communications". It is not authorized to take any other action.

#### ***How to file complaints under the Commission on the Status of Women procedure***

For complaints to this Commission, direct your correspondence and inquiries to:

Commission on the Status of Women  
c/o Division for the Advancement of Women, Department of Economic and Social Affairs  
(the remaining contact details of the Division are given at the end of Part 1 above)

---

[1] A considerable number of other avenues exist for bringing individual complaints, both within the Commission's Secretariat and before organizations forming part of the wider United Nations family such as the International Labour Organization (<http://www.ilo.org/>) and the United Nations Educational, Scientific and Cultural Organization.



([www.unesco.org](http://www.unesco.org)).

[2] If you have difficulty in accessing the OHCHR web site or if the web site has been modified, address your queries to the secretariats of the treaty bodies (addresses at the end of each section).

[3] For complaints under the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture and the International Convention on the Elimination of Racial Discrimination.

[4] For complaints under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

[5] As a signature is required, the complaint cannot be forwarded by electronic mail. You may, however, make informal contact with the committee's secretariat by electronic mail (see contact details at this Fact Sheet).

[6] This will also apply to complaints before the African Court of Human and Peoples' Rights once it begins to operate.

[7] Reservations are formal statements by which States limit the obligations that they accept under a particular provision of a treaty.

[8] A State may also have entered a declaration which, formally speaking, simply records a State's understanding of a particular article. A declaration may have the same effect in practice as a reservation and it is the effect of the treaty action in question, rather than its formal name, to which the Committee gives primary attention.

[9] See the descriptions below of the procedures of the Committee against Torture and the Committee on the Elimination of Racial Discrimination.

[10] For more information on the Human Rights Committee, see Fact Sheet No.15 in the OHCHR Fact Sheet series.

[12] For more information on the Committee on the Elimination of Racial Discrimination, see Fact Sheet No. 12 in the OHCHR Fact Sheet series.

[13] For more information on the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, see Fact Sheet No. 24 in the OHCHR Fact Sheet series.

[14] Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970.

[15] The Commission on Human Rights is the foundation for a variety of other complaint procedures including through the Special Rapporteurs whom it appoints to examine specific country situations in thematic areas.

[16] Economic and Social Council resolution 2000/3 of 16 June 2000.

[17] If the complainant's name is not clear from the e-mail address, it should be specified in the complaint.

[18] The Working Group on Communications meets for two weeks immediately after the annual session of the Sub-Commission on the Promotion and Protection of Human Rights.

[19] The Working Group on Situations meets for one week, at least a month prior to the annual session of the Commission on Human Rights.

[20] The public procedure is described in Economic and Social Council resolution 1235 (XLII).

[21] Economic and Social Council resolutions 76 (V) of 5 August 1947, 304 I (XI) of 14 and 17 July 1983/27 of 26 May 1983, 1992/19 of 30 July 1992 and 1993/11 of 27 July 1993.

© OHCHR 1996-2006

[Site map](#) 