

Human Rights Bodies - Complaints Procedures

Attention: in the context of this report only the CCPR is relevant. That is why aspects regarding the Human Rights Committee (CCPR) are highlighted. [LK&PH]

President of the CCPR



On September 1, 2018 Michelle Bachelet assumed her functions as the United Nations High Commissioner for Human Rights. The Office of the High Commissioner for Human Rights was established in 1993 and Ms. Bachelet is the seventh Commissioner. Ms. Bachelet was elected President of Chile on two occasions (2006 - 2010 and 2014 - 2018). She was the first female president of Chile. She served as Health Minister (2000-2002) as well as Chile's and Latin America's first female Defense Minister (2002 - 2004).

Complaining about human rights violations

The ability of individuals to complain about the violation of their rights in an international arena brings real meaning to the rights contained in the human rights treaties.

There are three main procedures for bringing complaints of violations of the provisions of the human rights treaties before the human rights treaty bodies:

- [individual communications](#);
- [state-to-state complaints](#); and
- [inquiries](#).

There are also procedures for complaints which fall outside of the treaty body system - through the [Special Procedures of the Human Rights Council](#) and the [Human Rights Council Complaint Procedure](#).

Individual Communications

There are nine core international human rights treaties. Each of these treaties has established a "treaty body" (Committee) of experts to monitor implementation of the treaty provisions by its States parties.

Treaty bodies (**CCPR**, CERD, CAT, CEDAW, CRPD, CED, CMW, CESC and CRC) may, under certain conditions, consider individual complaints or communications from individuals.

Not all treaty body-based complaint mechanisms have entered into force. Currently, eight of the human rights treaty bodies ([CCPR](#), [CERD](#), [CAT](#), [CEDAW](#), [CRPD](#), [CED](#), [CESCR](#) and [CRC](#)) may, under certain conditions, receive and consider individual complaints or communications from individuals.

The **Human Rights Committee (CCPR)** may consider individual communications alleging violations of the rights set forth in the [International Covenant on Civil and Political Rights](#) by States parties to the [First Optional Protocol to the International Covenant on Civil and Political Rights](#);

(-)

Who can complain?

Anyone can lodge a complaint with a Committee against a State:

- That is **party to the treaty** in question (through ratification or accession) providing for the rights which have allegedly been violated;
- That **accepted the Committee's competence** to examine individual complaints, either through ratification or accession to an **Optional Protocol** (in the case of **ICCPR**, CEDAW, CRPD, ICESCR and CRC) or by making a declaration to that effect under a specific article of the Convention (in the case of CERD, CAT, CED and CMW).

Complaints may also be brought by third parties on behalf of individuals, provided they have given their written consent (without requirement as to its specific form). In certain cases, a third party may bring a case without such consent, for example, where a person is in prison without access to the outside world or is a victim of an enforced disappearance. In such cases, the author of the complaint should state clearly why such consent cannot be provided.

Complaints may also be brought by third parties on behalf of individuals, provided they have given their written consent (without requirement as to its specific form). In certain cases, a third party may bring a case without such consent, for example, where a person is in prison without access to the outside world or is a victim of an enforced disappearance. In such cases, the author of the complaint should state clearly why such consent cannot be provided.

More information on how to [complain under the treaty bodies' complaint procedures](#).

Informal guidance note by the secretariat for the States parties on procedures for the submission and consideration by treaty bodies of individual communications [E](#) | [R](#) | [S](#)

Inquiries

Upon receipt of reliable information on serious, grave or systematic violations by a State party of the conventions they monitor, the [Committee against Torture](#) (article 20 CAT), the [Committee on the Elimination of Discrimination against Women](#) (article 8 of the Optional Protocol to CEDAW), the [Committee on the Rights of Persons with Disabilities](#) (article 6 Optional Protocol to CRPD), the [Committee on Enforced Disappearances](#) (article 33 of CED), the [Committee on Economic, Social and Cultural Rights](#) (article 11 of the Optional Protocol to ICESCR) and the [Committee on the Rights of the Child](#) (article 13 of the Optional Protocol (on a communications procedure) to CRC) may, on their own initiative, initiate inquiries if they have received reliable information containing well-founded indications of serious or systematic violations of the conventions in a State party.

Which States may be subject to inquiries?

Inquiries may **only** be conducted with respect to States parties that have **recognized** the **competence** of the relevant Committee in this regard. States parties may opt out from the inquiry procedure, at the time of signature or ratification or accession (article 28 CAT; article 10 of the Optional Protocol to CEDAW; article 8 of the Optional Protocol to CRPD; article 13(7) of the Optional Protocol (on a communications procedure) to CRC) or anytime (article 11(8) of the Optional Protocol to ICESCR) by making a declaration that they do not recognize the competence of the Committee in question to conduct inquiries. In this regard CED is an exception as the competence to conduct inquiries is not subject to the acceptance by States parties (article 33 ICPPED).

Inquiry Procedure

1. The procedure may be initiated if the Committee receives reliable information indicating that the rights contained in the Convention it monitors are being systematically violated by the State party.
2. The Committee **invites** the State party to co-operate in the **examination** of the information by submitting observations.
3. The Committee **may**, on the basis of the State party's observations and other relevant information available to it, **decide** to designate one or more of its **members** to **conduct** an inquiry and report urgently to the Committee. Where warranted and with the consent of the State party concerned, an inquiry may include a visit to its territory.
4. The findings of the member(s) are then examined by the Committee and transmitted to the State party together with any comments and recommendations.
5. The State party is **requested** to submit **its own observations** on the Committee's findings, comments and recommendations within a specific time

frame (usually six months) and, where invited by the Committee, to inform it of the measures taken in response to the inquiry.

6. The inquiry procedure is confidential and the cooperation of the State party shall be sought at all stages of the proceedings.

Monitoring civil and political rights

The Human Rights Committee is the body of [independent experts](#) that monitors implementation of the [International Covenant on Civil and Political Rights](#) by its State parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

[More about the Human Rights Committee](#)

Ratification of the International Covenant on Civil and Political Rights



Click on the image to access the interactive map

See the map on ratifications (PDF) on the [International Covenant on Civil and Political Rights](#), [first Optional Protocol](#) or the [second Optional Protocol](#)

Human Rights Treaty Bodies - Individual Communications

23 FAQ about Treaty Body complaints procedures

Procedure for complaints by individuals under the human rights treaties

Introduction

Anyone may bring a human rights problem to the attention of the United Nations and thousands of people around the world do so every year. This page explains the procedures open to individuals who claim that they are a victim of a violation of rights contained in international human rights treaties.

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 practical 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 the treaties concerned.

Individuals have increasingly acquired the means to vindicate their rights at the international level. This page examines complaints that are brought under international human rights treaties ¹. Since the early 1970s international complaint mechanisms have developed apace, and complainants can now bring claims to the United Nations concerning violations of their rights contained in the nine so-called "core" human rights treaties. The nine 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, defined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; (iii) racial discrimination, proscribed by the International Convention on the Elimination of All Forms of Racial Discrimination; (iv) gender discrimination, defined in the Convention on the Elimination of All Forms of Discrimination against Women; (v) rights of persons with disabilities, set out in the Convention on the Rights of Persons with Disabilities; (vi) protection of all persons from enforced disappearance, established by the International Convention for the Protection of All Persons from Enforced Disappearance; (vii) rights of migrants workers and members of their families laid down by the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; (viii) economic, social and cultural rights, set out in the International Covenant on Economic, Social and Cultural Rights and; (ix) rights of the child, contained in the Convention on the Rights of the Child and its Optional Protocols. The complaint mechanisms are designed to be accessible to the layperson. It is not necessary to be a lawyer or even familiar with legal and technical terms to bring a complaint under the treaties concerned.

Overview of individual complaints procedures
Against whom can a complaint under a treaty be brought?
Who can bring a complaint?
What information do you need to provide to bring a complaint?
When can you make a complaint under the human rights treaties?
The procedure
Special circumstances of urgency and sensitivity
The admissibility of your case
The merits of your case
Consideration of your case
What happens once the Committee decides your case?

Procedures of the individual Committees

[Procedure under the Optional Protocol to the International Covenant on Civil and Political Rights \(OP-ICCPR\)](#)

[Procedure under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#)

[Procedure under the International Convention on the Elimination of All Forms of Racial Discrimination \(CERD\)](#)

[Procedure under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women \(OP-CEDAW\)](#)

[Procedure under the Optional Protocol to the Convention on the Rights of Persons with Disabilities \(OP-CRPD\)](#)

[Procedure under the International Convention for the Protection of All Persons from Enforced Disappearance\(CED\)](#)

[Procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families \(CMW\)](#)

[Procedure under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights \(OP-ICESCR\)](#)

[Procedure under the Optional Protocol \(on a communications procedure\) to the Convention on the Rights of the Child \(OPIC-CRC\)](#)

How to direct complains to the treaty bodies - Contact details

Overview of the individual complaint's procedure

A human rights treaty is an international agreement, which imposes binding obligations to protect and promote rights and freedoms on States that officially accept it (commonly through "ratification" or "accession"); those States are referred to as States parties to the treaty. For the full texts of the treaties, [click here](#).

The basic concept of complaint mechanisms under the human rights treaties is that anyone may bring a complaint against a State party alleging a violation of treaty rights to the body of experts monitoring the treaty. These “treaty bodies”, as they are often called, are Committees composed of independent experts elected by States parties to the relevant treaty. They are tasked with monitoring implementation in States parties of the rights set forth in the treaties and with deciding on complaints brought against those States. While there are some procedural variations between the nine 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 nine treaties. Readers should then refer to the descriptions of the individual treaties, which identify aspects differing from the general norm.

9 Treaty bodies (**CCPR**, CERD, CAT, CEDAW, CRPD, CED, CMW, CESCR and CRC) may, under certain conditions, consider individual complaints or communications from individuals.

Not all treaty body based complaint mechanisms have entered into force. Currently, eight of the human rights treaty bodies (**CCPR**, CERD, CAT, CEDAW, CRPD, CED, CESCR and CRC) may, under certain conditions, receive and consider individual complaints or communications from individuals:

The **Human Rights Committee (CCPR)** may consider individual communications alleging violations of the rights set forth in the **International Covenant on Civil and Political Rights** by States parties to the **First Optional Protocol to the International Covenant on Civil and Political Rights**;

Against whom can a complaint under a treaty be brought?

A complaint under one of the nine treaties can be brought only against a State that satisfies two conditions:

First, it must be a party (through ratification or accession) to the treaty in question providing for the rights which have allegedly been violated (to check whether a State is party to a treaty, [click here](#), then select the relevant treaty from the list).

Second, the State party must have **recognized the competence** of the Committee monitoring the relevant treaty to receive and consider complaints from individuals. In the case of the **International Covenant on Civil and Political Rights**, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the

Child a State recognizes the Committee's competence by becoming a party to a separate treaty: the **Optional Protocol to the Covenant** or the Optional Protocol to the Convention (to check whether a State is party to one of the Optional Protocols, [click here](#), then select the relevant Optional Protocol from the list). In the case of the Convention against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance, States recognize the Committee's competence by making a declaration to that effect under a specific article of the Convention (to check whether a State has made either of these declarations, [click here](#), select the relevant Convention, select the relevant State and scroll down to the *Declarations and Reservations* part).

Who can bring a complaint?

Anyone can lodge a complaint with a Committee against a State **that satisfies these two conditions (being a party to the treaty and having accepted the Committee's competence to examine individual complaints)**, claiming that his or her rights under the relevant treaty have been violated. It is not necessary to have a lawyer prepare the complaint, though legal advice may improve the quality of the submissions. Be aware, however, that legal aid is not provided under the procedures. One may also bring a claim on behalf of another person on condition that his/her written consent is obtained (without requirement as to its specific form). In certain cases, one may bring a case without such consent, for example, where a person is in prison without access to the outside world or is a victim of an enforced disappearance. In these cases, the author of the complaint should state clearly why such consent cannot be provided.

What information do you need to provide in your complaint?

While a complaint to a Committee, also called a "communication" or a "petition", need not to be presented in a **particular format**, you are strongly **encouraged** to use **the model complaint form** ([Model complaint form](#) 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) and guidelines (Guidelines for complaints under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women [E | F | R | S | C](#); Fact sheet on the procedure for submitting communications to the Committee on the Rights of Persons with Disabilities under the Optional Protocol to the Convention [E | F | R | S | A | C](#) and Guidelines for submission of communications to the Committee on the Rights of Persons with Disabilities under the Optional Protocol to the Convention [E | F | R | S | A | C](#)); Guidance and Model Form for submission of

communications to the Committee on Enforced Disappearances [E | F | S](#)). Your claim should be in writing, written legibly, preferably typed, and signed (complaints sent by email should be scanned). Only communications presented in one of the UN languages (Arabic, Chinese, English, French, Russian and Spanish) can be accepted.

The complaint should provide basic personal information - alleged victim's name, nationality, date of birth, mailing address and email - and specify the State party against which the complaint is directed. If the complaint is brought on behalf of another person, proof of his/her consent should be provided (no specific form required) as noted above, or the author of the complaint should state clearly why such proof cannot be provided. If there are particularly sensitive matters of a private or personal nature that emerge in the complaint, the author of the complaint may request the Committee not to disclose his/her name or the alleged victim's name and/or identifying elements in its final decision so that the identity of the alleged victim or that of the author does not become public. The Committee may also, at its own discretion, decide not to disclose these or other matters in the course of consideration of the complaint.

Final decisions adopted by the Committees are made public. Therefore, if complainants wish their identity not to be disclosed in the final decision, they are requested to so indicate as soon as possible. Due to the level of publicity the Committees' decisions usually receive (including dissemination via Internet, which thus makes the correction and/or deletion of data circulating online virtually impossible), it may not be possible to satisfy requests for anonymity submitted after the publication of the Committees' decisions.

Any subsequent change in address or other contact information should be notified as soon as possible.

Furthermore, it is essential to set out, in chronological order, all the facts on which the complaint is based. The account must be as complete as possible and contain all information relevant to the case. The complainant should also state why he/she considers that the facts described constitute a violation of the treaty in question. It is highly recommended to identify the rights set out in the treaty alleged to have been violated. It is also advisable to indicate the kind of remedies that the complainant would like to obtain from the State party in case the Committee concludes that the facts before it disclose a violation of his/her rights.

The complainant should also detail the **steps taken to exhaust the remedies available in the State party against which the complaint is directed, that is steps taken before the State party's local courts and authorities**. The requirement to exhaust domestic remedies means that the claims must have been

brought to the attention of the relevant national authorities, up to the highest available instance in the State concerned. ***If some of these remedies are pending or have not yet been exhausted it should also be indicated, as well as the reasons for it.*** The complainant should state whether he/she has submitted his/her case to another means of international investigation or settlement. On these two matters, **see the section entitled “The admissibility of your case”** below for further important details.

Complainants should supply copies of all documents (no originals, only copies) of relevance to their claims and arguments, especially administrative or judicial decisions on their claims issued by national authorities. If these documents are not in an official language of the United Nations, a full or summary translation of the documents must be submitted. The documents should be listed in order by date, numbered consecutively and accompanied by a concise description of their contents. The complaint should not exceed 50 pages (excluding annexes). When it exceeds 20 pages, it should also include a short summary of up to five pages highlighting its main elements. As noted above, the information must be provided in one of the UN languages (Arabic, Chinese, English, French, Russian and Spanish).

If the complaint lacks essential information to be processed under these procedures or the description of facts is unclear, the complainant will be contacted by the secretariat of the United Nations (Office of the High Commissioner for Human Rights, OHCHR) with a request for additional details or resubmission. Complainants should be diligent in conducting correspondence with the secretariat and the information requested should be sent as soon as possible and no later than one year. If the information is not received within a year from the date of the request, the file will be closed.

Click here for [contact details for lodging complaints with the treaty bodies](#)

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

It is important to submit the complaint as soon as possible after the exhaustion of domestic remedies. Delay in submitting the case may make it difficult for the State party to respond properly and for the treaty body to evaluate the factual background thoroughly. In some cases, submission after a protracted period may result in the case being considered inadmissible by the Committee in question:

- According to the Human Rights Committee (the Rules of Procedure, Rule 96 (c)), a delay in submission will not automatically constitute an abuse of the right of submission. “(...) However, a communication may constitute an abuse of the right of submission, when it is submitted after 5 years from the exhaustion of domestic remedies by the author of the communication, or, where applicable,

after 3 years from 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”;

- Article 14, paragraph 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, states that “In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months”;
- Article 3, paragraph 2(a) of the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights states that “The Committee shall declare a communication inadmissible when: (a) It is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit”;
- Article 7 (h) of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure states that: “The Committee shall declare a communication inadmissible when: (a) It is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit”.

The procedure

Based on the above-mentioned requirements, the Committee will decide whether the case should be registered, that is to say formally listed as a case for consideration by the relevant Committee. You will receive advice on registration. At that point, the case is normally transmitted to the State party concerned to give it an opportunity to comment. The State is requested to submit its observations within a set time frame. The two major stages in any case are known as the “**admissibility**” stage and the “merits” stage. The “admissibility” of a case refers to the formal requirements that a complaint must satisfy before the relevant Committee can consider its substance. The “merits” of the case are the substance, on the basis of which the Committee decides whether or not the alleged victim’s rights under a treaty have been violated. As a general rule, the Committees consider the admissibility jointly with the merits. These stages are described in greater detail below. Once the State replies to the complaint, the complainant is offered an opportunity to comment.

For most Committees, the State party is requested to provide observations within six months, as of the date when the complaint was communicated to that State. If the State party challenges the admissibility of the complaint it can do so by providing arguments within the first two months of that period. The complainant is

always given the opportunity of commenting on the State party's observations, within a set time frame.

When comments are received from both parties the case is ready for a decision by the relevant Committee. If the State party fails to respond to the complaint, even after receiving several reminders from the secretariat, the Committee will take a decision on the case based on the information submitted by the complainant.

Special circumstances of urgency or sensitivity

Some Committees may, at any stage before the case is considered, issue a **request to the State party for "interim measures"** in order to prevent any irreparable harm to the author or alleged victim in the particular case. Typically, such requests are issued to prevent actions that cannot later be undone, for example the execution of a death sentence or the deportation of an individual facing a risk of torture. A decision to issue a request for interim measures does not imply a determination on the admissibility or the merits of the communication but it must have a reasonable likelihood of success on the merits for it to be concluded that the alleged victim would suffer irreparable harm. If the complainant wishes the Committee to consider a request for interim measures, he/she should state it explicitly, and explain in detail the reasons why such action is necessary.

It takes several working days for a Committee to process a request for interim measures. Any such request should therefore reach the Secretariat as early as possible before the action sought to be prevented could materialize.

A Committee may withdraw a request for interim measures on the basis of information received from the State party and the author/s of the complaint suggesting that such measures are no longer required.

The admissibility of the complaint

Before the Committee can consider a complaint on its merits or substance, it must be satisfied that the **formal requirements of admissibility** are met. When examining admissibility, the Committee may consider one or several of the following factors:

- If the complainant acts on behalf of another person, has he/she obtained sufficient authorization or has he/she otherwise justified the reasons in doing so?;
- Is the complainant (or the person on whose behalf the complaint is brought) a victim of the alleged violation? It has to be shown that the alleged victim is personally and directly affected by the law, policy, practice, act or omission of the State party which constitute the object of the complaint. It is not sufficient simply to challenge a law or State policy or practice in the abstract (a so-

called *actio popularis*) without demonstrating how the alleged victim is individually affected;

- Is the complaint compatible with the provisions of the treaty invoked? The alleged violation must relate to a right actually protected by the treaty. If the complainant has filed a complaint under the Optional Protocol to the International Covenant on Civil and Political Rights, for example, he/she cannot claim a violation of the right to property since the Covenant does not protect that right. In such a case, the claim would be, in legal terms, inadmissible *ratione materiae*;
- Is the Committee in question required to review the facts and evidence in a case already decided by national courts? The Committees are competent to consider possible violations of the rights guaranteed by the treaties concerned, but are not competent to act as an appellate instance with respect to national courts and tribunals. Thus, the Committees cannot in principle examine the determination of administrative, civil or criminal liability of individuals, nor can they review the question of innocence or guilt;
- Is the complaint sufficiently substantiated? If the relevant Committee considers, in the light of the information before it, that the complainant has not sufficiently presented/ described the facts and arguments for a violation of the Covenant, it may reject the case as insufficiently substantiated, and thus inadmissible;
- Does the complaint relate to events that occurred after the entry into force of the complaint mechanism for the State party concerned? As a rule, a Committee does not examine complaints where the facts occurred prior to this date. If this is the case, the complaint would be regarded as inadmissible *ratione temporis*. There are, however, exceptions to this rule, for instance in cases where the effects of the event in question result in a continuous violation of the treaty;
- Has the same matter been submitted to another international body? If it has been submitted to another treaty body or to a regional mechanism such as 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](#), the Committees cannot examine the complaint. The aim of this rule is to avoid unnecessary duplication at the international level. This is an issue that the complainant should indicate in the original complaint, specifying the body to which it was submitted;
- Have all domestic remedies been exhausted? A cardinal principle governing the admissibility of a complaint is that the complainant must have exhausted all relevant remedies that are available in the State party before bringing a claim to a Committee. This usually includes pursuing the claim through the local court system. The mere doubts about the effectiveness of a remedy do not, in the Committees' view, dispense with the obligation to exhaust it. There are, however, exceptions to this rule, when proceedings at the national level have

been unreasonably prolonged, or the remedies are unavailable or would plainly be ineffective. The complainant should, however, give detailed reasons why the general rule should not apply. On the issue of exhaustion of domestic remedies, the complainant should describe in his/her initial submission the efforts he/she has made to exhaust local remedies, specifying the claims advanced before the national authorities and the dates and outcome of the proceedings, or alternatively stating why any exception should apply;

- Is the complaint precluded by a reservation made by the State to the treaty in question? Reservations are formal statements by which States limit the obligations that they accept under a particular provision of a treaty. A State may have entered a substantive reservation to the treaty or a procedural reservation to the complaint mechanism limiting the Committee's competence to examine certain complaints. For example, States may preclude a Committee's consideration of claims that have in the past been considered by another international mechanism (for reservations to a specific treaty, [click here](#), then select the relevant Convention, the relevant State and scroll down to the *Declarations and Reservations* part);
- Is the complaint an abuse of the procedure? In some cases, the Committees may consider the claims to be frivolous, vexatious or otherwise inappropriate use of the complaint procedure and reject them as inadmissible, for example if the same individual brings repeated claims to the Committee on the same issue when the previous identical ones have already been dismissed.

The merits of the complaint

Once a Committee considers a complaint admissible, it proceeds to consider it on its merits, stating its reasons for concluding that a violation has or has not occurred under the applicable treaty provisions. As noted above, a number of States have also entered substantive reservations that may limit the scope of the human rights obligations they assume under the treaties. In most cases, a Committee will decline to consider complaints falling within areas covered by a reservation, though in exceptional circumstances, it may find a reservation impermissible and consider the case despite the purported reservation.

Information on what a Committee considers to be the scope of the rights contained in the treaty for which it is responsible can be found in its decisions on individual cases (see the [treaty body documents search database](#) or the webpage of each [Committee](#)), its so-called "General Comments" interpreting the meaning of various articles, and its concluding observations on reports submitted periodically by States parties to the treaty concerned (complainants may wish to consult the [Universal Human Rights Index database](#)). These documents are accessible on the OHCHR web site. There are also numerous academic articles and textbooks on the jurisprudence of the various Committees that may be of assistance.

Consideration of the complaint

The Committees consider each case in closed session. Although some Committees have provisions for oral components of proceedings in their rules of procedure (see the description below of the Committee against Torture and the Committee on the Elimination of Racial Discrimination), the practice has been to consider complaints only on the basis of the written information supplied by the complainant and the State party. Accordingly, it has not been the practice to receive oral submissions from the parties or audio or audio-visual evidence (such as audio and video files). Nor do the Committees go beyond the information provided by the parties to seek independent verification of the facts.

As a general rule and in order to speed up the procedure, the Committees examine the admissibility of a complaint jointly with the merits. In this case, the general procedure set out above applies, that is, once the communication is received and registered, it is transmitted to the State party concerned to give it an opportunity to comment, within a set time frame. The complainant is then offered an opportunity to comment on the State party's observations, following which the case is normally ready for consideration on admissibility and merits by the Committee. However, there are situations where the Committee decides to examine the admissibility first. In this case the State party is requested to make submissions on the merits if the Committee declares that the complaint is admissible. The complainant will in any case have the opportunity to comment on the State party's submissions on the merits.

Once the Committee takes a decision on the case, it is transmitted to the complainant and the State party simultaneously. One or more Committee members may append a separate opinion to the decision if they come to a different conclusion from the majority or perhaps reach the same conclusion but for different reasons. The text of any final decision on the merits of the case or of a decision of inadmissibility will be posted on the OHCHR's web site as part of the Committee's jurisprudence.

What happens once a Committee decides a case?

It should be noted at the outset that there is **no appeal** against Committee decisions and that, as a rule, the decisions are **final**. What happens to the case subsequently depends on the nature of the decision taken.

- When the Committee decides that the facts before it disclose a violation by the State party of the complainant's rights under the treaty, it invites the State party to supply information within a set time frame on the steps it has taken to give effect to its findings and recommendations.
- When the Committee decides that there has been no violation of the treaty or that the complaint is inadmissible, the case is closed.

The Committees' decisions represent an authoritative interpretation of the treaty concerned. They contain recommendations to the State party. All Committees have developed procedures to monitor whether States parties have implemented their recommendations (so-called follow-up procedures), since they consider that by accepting the procedure, States parties have also accepted to respect the Committee's findings.

When the Committee concludes that a violation of the Covenant has taken place, the State is invited to provide information, within 180 days, on the steps it has taken to implement the recommendations. The State's response is then transmitted to the complainant for comments. If the State party fails to take appropriate action, the case is kept under consideration by the Committee under the follow-up procedure. A dialogue is thus pursued with the State party and the case remains open until satisfactory measures are taken. Information related to follow-up to the Committees' Views and recommendations is not confidential and the meetings during which this information is discussed are public.

Click here for [contact details for lodging complaints with the treaty bodies](#)

Procedure under the Optional Protocol to the International Covenant on Civil and Political Rights (see this Protocol later in this document)

The **International Covenant on Civil and Political Rights**, adopted in 1966, covers a broad range of civil and political rights such as the right to life, the right to a fair trial, freedom of expression, equality before the law and prohibition of discrimination. Individual rights that may be invoked before the Committee are set out in articles 6 to 27 inclusive, comprising Part III of the Covenant. The complaint mechanism for alleged violations of those articles is contained in the First Optional Protocol to the Covenant, a separate treaty open to States parties to the Covenant. States that have become a party to the Optional Protocol recognize the competence of the Human Rights Committee – a panel of 18 independent experts who meet three times a year – to receive complaints from persons within their jurisdiction alleging violations of their rights under the Covenant (for more information on the Human Rights Committee, see [Fact Sheet No.15](#) and the Committee's [webpage](#)).

Additional pointers on the procedure before the Committee

The following comments expand on the general description of procedures before the Committees.

Complaints under the **Optional Protocol** to the Covenant that contain the necessary prima facie elements are referred to the Committee's Special Rapporteur on New Communications and Interim Measures, who decides whether the case should be registered and transmitted to the State party for observations. Given the large number of complaints submitted to the Committee, there may be a delay of several years between the initial submission and the Committee's final decision.

Under the Optional Protocol, there is **no time limit** to submit complaints to the Committee. However, in order to prevent possible abuse in this respect the Committee introduced a rule in its rules of procedure (current Rule 96 (c)) regarding delays in submission. According to it, a delay in submission will not automatically constitute an abuse of the right of submission. However, **there might be abuse when the complaint is submitted after five years from the exhaustion of domestic remedies or, where applicable, after three years from 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 case.**

The Human Rights Committee cannot examine a complaint if the same matter is at the same time being examined by another mechanism of international investigation or settlement. Some States parties have made reservations to exclude

the competence of the Committee not only to cases being examined but also to cases that have been examined and decided by another international mechanism. The Committee considers that the Human Rights Council Complaint Procedure (previously known as 1503 procedure) and complaints submitted to special rapporteurs or working groups of the Human Rights Council do not constitute such a mechanism. Accordingly, a complaint to the Human Rights Committee will not be declared inadmissible if it has been submitted to these mechanisms.

As to what constitutes “the same matter”, the Committee understands it as relating to the same author, the same facts and the same substantive rights. Facts that have been submitted to another international mechanism can be brought before the Committee if the Covenant provides for a broader protection. Furthermore, complaints dismissed by other international mechanisms on procedural grounds are not considered to have been substantively examined; the same facts may therefore be brought before the Committee.

The Human Rights Committee has developed some exceptions to the rule that it cannot examine facts occurred before the entry into force of the Optional Protocol for the State concerned. Thus, it is usually a sufficient ground for the Committee to examine the complaint if, after the date of entry into force of the Optional Protocol, there has been a court decision or some other State act validating the facts preceding that date which constitute the purpose of the complaint.

Click here for [contact details for lodging complaints with the treaty bodies](#)

How to direct complaints to the treaty bodies

For complaints to the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities, and the Committee on Enforced Disappearance direct your correspondence and inquiries to:

Mail Petitions and Inquiries Section
 Office of the High Commissioner for Human Rights
 United Nations Office at Geneva
 1211 Geneva 10, Switzerland

Fax + 41 22 917 90 22
 (particularly for urgent matters)

Email petitions@ohchr.org

A considerable number of other avenues exist for bringing individual complaints. Under the United Nations Secretariat, complainant can consider submitting a

complaint before the [Human Rights Council Complaint Procedure](#) (previously known as 1503 procedure) and the mandate-holders ([special rapporteurs and working groups](#)) of the Human Rights Council. Moreover, complainants can consider submitting also complaints before the organizations forming part of the wider United Nations family such as the [International Labour Organization](#) and the [United Nations Educational, Scientific and Cultural Organization](#).

Model Complaint Form

For communications under:

- **Optional Protocol to the International Covenant on Civil and Political Rights**
- Convention against Torture, or
- International Convention on the Elimination of Racial Discrimination

Please indicate which of the above procedures you are invoking:

Date:

I. Information on the complainant:

Name:

First name(s):

.....

Nationality:

Date and place of birth:

.....

Address for correspondence on this complaint:

Submitting the communication:

on his/her own behalf:

on behalf of another person:

If the complaint is being submitted on behalf of another person:

Please provide the following personal details of that other person

Name:

First name(s):

Nationality:

Date and place of birth:

Address or current whereabouts:

If you are acting with the knowledge and consent of that person, please provide that person's authorization for you to bring this complaint

Or

If you are not so authorized, please explain the nature of your relationship with that person: and detail why you consider it appropriate to bring this complaint on his or her behalf:

II. State concerned/Articles violated

Name of the State against which the complaint is directed:

.....

Articles of the Covenant or Convention alleged to have been violated:

.....

III. Exhaustion of domestic remedies/Application to other international procedures

Steps taken by or on behalf of the alleged victims to obtain redress within the State concerned for the alleged violation – detail which procedures have been pursued, including recourse to the courts and other public authorities, which claims you have made, at which times, and with which outcomes:

If you have not exhausted these remedies on the basis that their application would be unduly prolonged, that they would not be effective, that they are not available to you, or for any other reason, please explain your reasons in detail:

.....

Have you submitted the same matter for examination under another procedure of international investigation or settlement (e.g. the Inter-American Commission on Human Rights, the European Court of Human Rights, or the African Commission on Human and Peoples' Rights)?

If so, detail which procedure(s) have been, or are being, pursued, which claims you have made, at which times, and with which outcomes:

IV. Facts of the complaint

Detail, in chronological order, the facts and circumstances of the alleged violations. Include all matters which may be relevant to the assessment and consideration of the particular case. Please explain how you consider that the facts and circumstances described violate your rights.

.....

.....

.....

Author's signature:

[The blanks under the various sections of this model communication simply indicate where your responses are required. You should take as much space as you need to set out your responses.]

V. Checklist of supporting documentation (copies, not originals, to be enclosed with your complaint):

- Written authorization to act (if you are bringing the complaint on behalf of another person and are not otherwise justifying the absence of specific authorization):
- Decisions of domestic courts and authorities on your claim (a copy of the relevant national legislation is also helpful):
- Complaints to and decisions by any other procedure of international investigation or settlement:
- Any documentation or other corroborating evidence you possess that substantiates your description in Part IV of the facts of your claim and/or your argument that the facts described amount to a violation of your rights:
Please include, if necessary, an indication in a UN language (Arabic, Chinese, English, Spanish, French and Russian) of the contents of the accompanying documentation.

Your communication should not exceed 50 pages (excluding annexes). In case your application exceeds twenty pages, you must also file a short summary.

International Covenant on Civil and Political Rights

Distr.: General, 6 May 2014

Human Rights Committee

The mandate of the Special Rapporteur on New Communications and
Interim Measures

Report by the Special Rapporteur

Introduction

1. At its 35th session, in March 1989, the Committee decided to designate a Special Rapporteur (SR) authorized to process new communications and requests for interim measures as they were received. The following provisions of the Committee's Rules of Procedure refer to the mandate of the Special Rapporteur:
 - Rule 95, para. 3: "The Committee may designate special rapporteurs from among its members to assist in the handling of communications";
 - Rule 97, para. 1: "As soon as possible after the communication has been received, the Committee, a working group (...) or a special rapporteur designated under rule 95, paragraph 3, shall request the State party concerned to submit a written reply to the communication."
 - Rule 97, para. 2: When requesting the State party concerned to submit written explanations on the admissibility and merits of the communication the special rapporteur may decide, because of the exceptional nature of the case, to request a written reply that relates only to the question of admissibility;
 - Rule 97, para. 3: The Special Rapporteur may decide to extend the six month period given to the State party to reply to the communication, because of the special circumstances of the case;
 - Rule 97, para. 4: The Special Rapporteur may request the State party or the author of the communication to submit, within specified time limits, additional written information or observations relevant to the question of admissibility or the merits.
2. At its 108th session, in July 2013, the Committee decided to appoint an alternate to the Special Rapporteur who should deal with urgent matters when the Rapporteur is not available or is unable to act in application of rules 90 and 91 of the Rules of Procedure.

Functions of the Special Rapporteur

3. The scope of the Special Rapporteur's mandate extends from the moment a new communication is received until this communication is scheduled to be examined by the Working Group on communications. The mandate encompasses five main functions: a) Taking decisions on registration; b) Dealing with requests from authors on interim and protection measures; c) Responding to any procedural matter that may arise after registration; d) Proposing communications to be declared inadmissible without transmission to the State party; e) Selecting the communications to be included in the Committee's agenda at each session.

A. Registration of new communications

4. When the Secretariat receives a new communication which, *prima facie*, meets all admissibility criteria and contains a reasonable level of substantiation the Secretariat prepares a summary of the facts and the complaint for the Special Rapporteur who then decides whether or not the communication should be registered and transmitted to the State party for observations. The Special Rapporteur can accept or refuse registration. He/she can also decide to request additional information from the author of the communication.
5. Due to the high amount of correspondence received by the Secretariat, including requests for registration, the Committee agreed, from its early years, that the Secretariat respond directly to complainants when it is clear from the outset that their cases cannot be processed under the Optional Protocol. This happens, for instance, when the State concerned is not a party to the Covenant or the Optional Protocol, or when the subject matter is uncontrovertibly outside the scope of the Covenant or when the submission lacks basic information on the facts and claims.

B. Requests for interim measures and protection measures

Interim measures

6. Rule 92 of the Rules of Procedure states: "The Committee may, prior to forwarding its Views on the communication to the State party concerned, inform that State of its Views as to whether interim measures may be desirable to avoid irreparable damage to the victim of the alleged violation. In doing so, the Committee shall

inform the State party concerned that such expression of its Views on interim measures does not imply a determination on the merits of the communication”.

7. Although not specified in the rules of procedure, the Committee has entrusted the Special Rapporteur to deal with requests from the authors of communications to issue interim measures. Most of these requests are made together with the submission of a new communication and therefore the Special Rapporteur takes the decision to grant or refuse them when he/she decides on registration of the communication. Interim measures are not granted on non-registered cases.
8. At its 55th session, in 1995, the Committee decided that the competence of the Special Rapporteur to issue and, if necessary, to withdraw requests for interim measures in a particular case continues until the Working Group on communications takes up the question of admissibility. Subsequently, when the Committee is not in session, that competence will be exercised by the Chairperson until the Working Group considers the substance of the case, in consultation, where necessary, with the Special Rapporteur.
9. The decision to grant interim measures is based on the nature of the violation alleged and the risk of actions by the State which could have irreparable consequences in respect of the rights invoked by the author. As to the nature of the risk alleged, typical interim measures involve potential violations of articles 6 (right to life) and the prohibition of torture or cruel, inhuman or degrading treatment (article 7). The Special Rapporteur has, nevertheless, requested interim measures to stop imminent violations of other rights such as those under articles 17, 18, 19 or 27.
10. When there are doubts regarding the imminence, credibility or irreparability of harm, the Special Rapporteur may decide to grant “provisional” interim measures. In these situations the State party is informed that the decision of the Special Rapporteur to grant interim measures may be revised in the light of the information provided by the State party at any moment of the proceedings. The information provided by the State party in this regard is generally transmitted to the author of the communication, for comments within a brief deadline. Once these comments are received, or if the author fails to

submit them within the deadline, the Special Rapporteur decides whether or not to lift the request.

Measures of protection

11. Over the years Special Rapporteur has developed the practice of requesting States parties to adopt measures of protection vis-à-vis the author(s) of a communication or close family members, when there are well-founded indications that the submission of the communication to the Committee has resulted or will result in acts of intimidation against these persons. More recently, the Special Rapporteur has been requested to intervene in connection with allegations of ongoing acts contrary to article 7 inflicted on the authors after registration of their cases, but not necessarily as a result of the submission of the communication. In response to these requests, the Special Rapporteur has written to the State party transmitting his/her concern at the allegations received and asking it to adopt measures to protect the authors against those acts. The Special Rapporteur has also requested the State party to respond to him/her on the measures taken within a short period of time.
12. Protection measures are to be distinguished from interim measures in that their purpose is not to prevent irreparable damage affecting the object of the communication itself, but simply to protect those who might suffer adverse consequences for having submitted the communication, or to call the State party's attention to their aggravating situation linked to the alleged violations of their rights.

C. Other procedural matters falling within the scope of the Special Rapporteur's mandate

Requests for extension to make submissions

13. Requests are frequently received from the parties in a communication for an extension of the period within which they are required to comment on the submissions made by the other party. Depending on the circumstances of the particular case and the reasons for the delay the Special Rapporteur can grant or refuse the extension.
14. When submitting their observations on the admissibility of a particular communication States parties may request an examination of admissibility separately from the merits. The State party's submission on admissibility is sent to the author of the

communication for comments within a relatively short deadline. The decision of the Special Rapporteur to grant or refuse the split is then communicated to the parties.

Requests to examine admissibility separately from the merits (“split requests”)

Requests concerning confidentiality of the proceedings

15. The Special Rapporteur can respond to concerns from the parties in a communication regarding respect of confidentiality while proceedings are ongoing. For instance, the State party may express concern that the author has made public his/her submission before the Committee and that this could cause tensions in sectors of the population. Rule 102 of the rules of procedure indicate in this respect that “communications shall be examined in closed session and that oral deliberations and summary records shall remain confidential; this shall not affect the right of the parties to make public any submissions or information bearing on the proceedings; however, the Committee, the Working Group or the Special Rapporteur may, as deemed appropriate, request the author of a communication or the State party concerned to keep confidential the whole or part of any such submissions or information”.

Proposals to discontinue the examination of registered communications

16. The proposal to discontinue the examination of registered communications is also part of the Special Rapporteur’s mandate. Summaries of cases proposed for discontinuation are included in a document that the Special Rapporteur submits to each session of the Committee. The document is circulated among Committee members, who can object or ask questions regarding the cases included in it. The final decision on discontinuation is then taken by the Committee.

Other procedural issues

17. Any other procedural issue that may arise, from the registration stage until the communication is before the Working Group on communications, falls within the Special Rapporteur’s mandate, such as maintaining contacts with Permanent Missions on specific matters.

D. Communications declared inadmissible without transmission to the State party

18. Some registered communications are not transmitted to the State party concerned for observations because their inadmissibility is apparent on the basis of the information submitted by the author. A short inadmissibility decision is then proposed by the Special Rapporteur for adoption by the Committee.

E. Selecting the communications to be included in the Committee's agenda at each session

19. At each session, the Special Rapporteur selects the communications to be included in the Committee's agenda for examination at the following session. In making the selection the Special Rapporteur follows the principles set up by the Committee, according to which primary consideration must be given to the chronological order in which the communications were registered. However, this rule has to be balanced with the gravity and urgency of the allegations involved. Thus, when deciding on the Committee's agenda for a particular session the Special Rapporteur follows the principle established by the Committee that some communications should have priority over the general rule of consideration by chronological order, including the following:

- a) Communications raising urgent issues regarding risk of violations of the right to life, physical integrity or arbitrary detention;
- b) Communications alleging serious violations of the rights of vulnerable persons, such as minors and persons with disabilities;
- c) Communications where interim measures were granted;
- d) Communications raising an important question of general interest, capable of having implications for the domestic legal system(s) concerned or the Committee's jurisprudence.

Optional Protocol to the International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 9

The States Parties to the present Protocol,
Considering that in order further to achieve the purposes of the International Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated **and who have exhausted all available domestic remedies** may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the

State Party to the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) The same matter is not being examined under another procedure of international investigation or settlement;

(b) **The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.**

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514(XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may **denounce** the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.
2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

- Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph I, of the Covenant of the following particulars:
- (a) Signatures, ratifications and accessions under article 8;
 - (b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;
 - (c) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

United Nations

International Covenant on Civil and Political Rights

CCPR/C/159/Rev.1

Distr.: General 26 March 2019

Original: English

Human Rights Committee

Guidelines on making oral comments concerning communications*

1. Pursuant to rule 92 of the Committee's rules of procedure, each party to a communication may be afforded an opportunity to comment on submissions made by the other party.

2. At its 118th session, the Committee decided that it would consider, in appropriate cases raising complex issues of fact or domestic law or important questions of interpretation of the Covenant, inviting the parties to provide their comments orally before the Committee. Further to this, at its 124th session, the Committee adopted guidance on identifying cases for oral comments (see annex).

3. The guidelines on making oral comments during meetings convened for that purpose are as follows:
 - (a) The Committee may decide, if it deems it necessary, to invite the parties to provide additional information orally and to answer questions on the admissibility or merits of the communication. The invitation will specify a proposed time for the meeting, to be held during an upcoming session of the Committee;
 - (b) As a rule, the meeting will take place only if both parties accept the invitation and agree to make the arrangements necessary to participate in the meeting;
 - (c) The parties may participate in the meeting in person or through reliable means of telecommunication. The author may have legal or other representation during the meeting;
 - (d) The Committee may decide, before the meeting, to request the parties to address specific aspects of the communication in their oral comments. In that case, it will communicate to the parties a written list of questions formulated by the Committee at least 30 days prior to the date on which the meeting is scheduled to be held;
 - (e) The meeting at which the oral comments are to be presented will be closed. The Secretariat will keep a record of the meeting and that record will remain confidential. Participants must undertake to respect the confidentiality of the meeting and to refrain from recording it and from allowing any person other than the parties and their representatives access to it;
 - (f) The Chair of the Committee will lead the meeting and, if necessary, may extend the period of time allocated to the parties for their oral comments;

*Adopted by the Committee at its 120th session and amended at its 124th session (8 October-2 November 2018).

(g) Each party will be allocated 20 minutes in which to provide comments on the submissions of the other party and to respond to the written list of questions formulated by the Committee, where such a list exists;

(h) Members of the Committee may present follow-up questions and requests for further clarification to either party. Each party will have 15 minutes to respond to all of those questions and requests. The Chair of the Committee may allow members of the Committee to present another set of questions and requests and will allocate 10 minutes for each party to respond;

(i) The parties will be invited to make closing statements, for which they will each be allocated five minutes.

Annex Guidance on identifying cases for oral comments

1. The Committee will decide whether to invite oral comments concerning a communication on the basis of the following three considerations:

(a) *Complexity*. Does the case involve particularly nuanced or technical legal problems that have to be understood against a rich background of domestic law, the history and culture of the country concerned, its institutional structures and the like? Does it involve complicated facts? Alternatively, does it raise particularly intricate or novel questions of interpretation of the Covenant?

(b) *Importance*. Does the case raise issues that are likely to have a significant influence on the Committee's jurisprudence? Does the case address matters involving systematic problems in the country in question?

(c) *Appropriateness for oral comments*. Are oral perspectives from the parties beyond their written submissions likely to considerably clarify the issues in the case and improve the ability of the Committee to come to an appropriate conclusion? (This includes consideration of the likely quality of oral submissions by the parties.) What are the implications of obtaining oral comments for prompt resolution of the case?

2. The Committee will select such cases according to the following procedure:

(a) The invitation for the parties to a communication to make oral comments will be extended pursuant to a decision of the Committee;

(b) A recommendation to this effect may be made to the Committee by the relevant working group on communications, the case rapporteur or any member of the Committee;

(c) The Committee can decide to extend such an invitation at any time during the proceedings.

CCPR/C/159/Rev.1