

COMPLAINT MECHANISMS

Human rights advocates have many options for bringing a complaint (also called a "communication" or "petition") about a particular human rights violation to the attention of an international or regional human rights body. A complaint mechanism is any procedure that will address individual factual circumstances of human rights violations. The primary options for bringing a complaint are: the UN Human Rights Council; UN treaty bodies; UN special procedures; and regional human rights bodies. Most mechanisms have a limited mandate, and many have special rules. This document contains a checklist of nearly 80 different mechanisms that receive and respond to complaints alleging violations of human rights. In addition to considering litigation under domestic laws, advocates should consider whether a complaint to one or more of these mechanisms would be an appropriate advocacy tool.

Advocates should consider carefully which complaint mechanisms are most appropriate. For example, some complaint mechanisms require that the affected party first exhaust domestic remedies or demonstrate that attempting to do so would be futile. Some complaint mechanisms also have a non-duplication requirement; if a person submits a complaint to one mechanism, sometimes the other mechanisms will not review the same issues. The UN special procedures mandate-holders, however, often address individual complaints jointly. Other important considerations include: rules on confidentiality; the types of remedies the mechanism offers; and whether a group or individual may submit a complaint on behalf of a victim. There are four main entities through which complaint procedures are possible:

UN HUMAN RIGHTS COUNCIL: Individual Complaints

The UN Human Rights Council has a procedure for reviewing and acting on communications that identify consistent patterns of gross and reliably attested human rights violations. This mechanism applies to all UN Member States. For more information about this procedure, see Chapter 9, Part A(i)(c).

2 UN TREATY BODIES: Inquiries and Individual Complaints

UN treaty bodies have jurisdiction over State Parties to the applicable treaty. Some treaty bodies have inquiry procedures to investigate emergency, grave, or systematic human rights violations. Most treaty bodies also have individual complaint mechanisms, but State Parties generally must "opt in" to those procedures. For more information about these procedures, see Chapter 9, Part B and Chapter 11, Part D(v).

UN SPECIAL PROCEDURES: Urgent Appeals and Allegation Letters

Many of the complaint mechanisms described below consist of urgent appeals (for time-sensitive, life-threatening matters) or allegation letters to UN special procedures mandate-holders (special rapporteurs, independent experts, and working groups). These mechanisms apply to all UN Member States and are not tied to a country's acceptance of particular treaty obligations. They do not require exhaustion of domestic remedies, but the decision of whether to send a communication is left to the discretion of the particular special procedure, and each special procedure has its own criteria for determining whether a communication is appropriate. Anyone may submit credible and reliable information on a human rights violation to a special procedures mandate-holder. Submitting such information, in the form of an urgent appeal or allegation letter, is one way that advocates can act as a conduit for people facing human rights abuses. In 2012, special procedures mandate holders sent 603 communications to a total of 127 UN Member States. 74% of these communications were sent jointly by multiple special procedures mandate-holders. 54% were urgent appeals. For more information about urgent appeals and allegation letters, see Part D(v) of Chapter 11, and Part B(iv) of Chapter 9.

REGIONAL HUMAN RIGHTS BODIES

The European Court of Human Rights, the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights, the African Committee of Experts on the Rights and Welfare of the Child, and the Economic Community of West African States Community Court of Justice can hear individual complaints alleging violations of human rights. For more information about these regional mechanisms, see Chapter 10 and Part 4(?) of Chapter 11.

COMPLAINT MECHANISMS: MENU OF OPTIONS

Depending on the complaint, advocates may want to consider options either by human rights issue area or by region. The following pages provide a menu through which advocates can search for the complaint procedures that best fit their needs. The first part of this list is organized by human rights subject-area: general mechanisms; civil and political rights; women's rights; racism and other minority issues; torture; disability; disappearances; economic, social, and cultural rights; rights affected by business practices, migrants; children; older persons; and indigenous peoples. The second part of this list identifies mechanisms that are limited in scope to particular countries or regions. It is organized by geography: Africa, Americas, Asia, Europe; and the Middle East.

COMPLAINT MECHANISMS BY HUMAN RIGHTS ISSUE AREA

GENERAL HUMAN RIGHTS

PROCEDURE

DESCRIPTION

Individual Complaint

(Human Rights Council)

In 2007, the UN Human Rights Council adopted a new, confidential complaint procedure to address consistent patterns of gross human rights violations. A Working Group on Communications examines the complaints and a Working Group on Situations brings consistent patterns of gross and reliably attested human rights violations to the attention of the Human Rights Council. To date, the Working Group on Situations has referred 14 situations to the Human Rights Council.

- · mechanism is currently in effect and applies to all UN Member States
- · mechanism is not tied to a country's acceptance of particular treaty obligations
- remedies are limited; no compensation for individual victims or similar individual remedies

Action Against Reprisal

(All UN Bodies)

Sometimes governments retaliate against individuals or groups in response to their participation in or engagement with a human rights mechanism. All of the UN human rights mechanisms, including the UN Human Rights Council, UN special procedures, and UN treaty bodies, have procedures for taking action against these kinds of reprisals.

- mechanism is currently in effect and applies to all UN Member States
- each of the treaty bodies has recognized that there is a general right to be free from reprisals when giving evidence to a treaty body about a country situation
- no person is to be threatened, coerced, or intimidated due to an appearance before a treaty body or arising out of information or testimony submitted to a treaty body
- any individual or group that faces reprisals for engaging with a human rights mechanism should contact the relevant mechanism immediately to inform it of the circumstances

CIVIL AND POLITICAL RIGHTS

PROCEDURE

DESCRIPTION

Individual Complaint (ICCPR)

The First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) has an individual complaint mechanism managed by the UN Human Rights Committee. Of all of the complaint mechanisms in the UN treaty body system, this mechanism has enjoyed the most use and success.

- mechanism is currently in effect and applies to 115 countries
- it applies to all State Parties to the First Optional Protocol to the ICCPR
- mechanism has been available since 1976—the UN's oldest human rights complaint procedure
- the majority of complaints filed and decisions issued so far under the treaty body system have come under this mechanism
- complaint may allege any violation of the ICCPR
- complaint must be timely, and must be submitted only after domestic remedies have been exhausted
- Human Rights Committee will not consider a complaint if a court or another human rights mechanism is presently conducting proceedings on the same matter

CIVIL AND POLITICAL RIGHTS

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) The UN Commission on Human Rights established the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in 1993. The special rapporteur accepts urgent appeals and allegation letters. This special rapporteur has identified specific categories of human rights violations of particular interest to his work.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- special rapporteur's website includes a model questionnaire identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 1,278 communications, 255 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on freedom of religion or belief) The UN Commission on Human Rights established the Special Rapporteur on freedom of religion or belief in 1986. The special rapporteur accepts urgent appeals and allegation letters. This special rapporteur has identified specific categories of human rights violations of particular interest to his work.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- the special rapporteur's website includes a model questionnaire in English, French, Russian, and Spanish identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 205 communications, 50 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the rights to freedom of peaceful assembly and of association) In 2010, the UN Human Rights Council established the Special Rapporteur on the rights to freedom of peaceful assembly and of association. This special rapporteur is a relatively new special procedure, but he has been very active in responding to urgent appeals and letters of allegation.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- special rapporteur's website includes detailed guidelines for submitting an urgent appeal or letter of allegation
- from 2010 through the end of May 2013, the special rapporteur sent 348 communications, 198 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the situation of Human Rights Defenders) The UN Commission on Human Rights established the Special Rapporteur on the situation of Human Rights Defenders in 2000. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- special rapporteur's website includes a model questionnaire identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 1,350 communications, 255 of which were sent during the last year of that time period

Urgent Appeal / Individual Complaint

(UN Working Group on Arbitrary Detention) The UN Commission on Human Rights established the Working Group on Arbitrary Detention in 1991. Its mandate expressly provides for the consideration of individual complaints. It also responds to urgent appeals.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- working group's website includes a model questionnaire identifying all of the information required in an urgent appeal
- from 2006 through the end of May 2013, the working group sent 669 communications in response to urgent appeals, 112 of which were sent during the last year of that time period
- in 2012, the working group adopted 69 opinions in response to individual complaints concerning the detention of 198 persons in 37 countries



CIVIL AND POLITICAL RIGHTS

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Working Group on the use of mercenaries In 2005, the UN Commission on Human Rights established the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. The working group accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- working group's website includes a model questionnaire in English, French, and Spanish identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the working group sent 39 communications, 4 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on extrajudicial, summary or arbitrary executions) In 1982, the UN Human Rights Council established the Special Rapporteur on extrajudicial, summary or arbitrary executions. The special rapporteur accepts urgent appeals and allegation letters. The special rapporteur responds to allegations regarding specific cases of alleged extrajudicial, summary, or arbitrary executions, as well as alleged death threats and fear of imminent execution of death sentences in contravention of human rights standards.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- special rapporteur's website includes a model questionnaire identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 634 communications, 44 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on contemporary forms of slavery) The UN Human Rights Council established the Special Rapporteur on contemporary forms of slavery in 2007. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- · mechanism is not tied to a country's acceptance of particular treaty obligations
- special rapporteur's website includes a model questionnaire in English, French, and Spanish identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 18 communications, 2 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the independence of judges and lawyers) The UN Commission on Human Rights established the Special Rapporteur on the independence of judges and lawyers in 1994. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the special rapporteur sent 533 communications, 83 of which were sent during the last year of that time period

Urgent Appeal / Individual Complaint

(UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism) The UN Commission on Human Rights established the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in 2005. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the special rapporteur sent 158 communications, 19 of which were sent during the last year of that time period

CIVIL AND POLITICAL RIGHTS

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Independent Expert on the promotion of a democratic and equitable international order)

The UN Human Rights Council appointed the first independent expert for this special procedures mandate in 2012. The independent expert accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- from 2012 through the end of May 2013, the special rapporteur sent one communication

WOMEN'S RIGHTS

PROCEDURE

DESCRIPTION

Individual Complaint (CEDAW)

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) has an Optional Protocol establishing an individual complaint mechanism.

- mechanism is currently in effect and applies to 104 countries
- mechanism applies to all State Parties to the Optional Protocol to CEDAW

Inquiry **Procedure**

(CEDAW)

CEDAW has an inquiry procedure that permits the committee to study a problem in depth and to conduct country visits to investigate the situation. Through this procedure, the committee can make recommendations and solicit pledges from the government to rectify the problems identified. These investigations usually take several years and lead to a comprehensive report. The committee often engages in long-term follow-up with the government to ensure that recommendations are implemented. This inquiry procedure can be used when there is a widespread problem or a trend that is causing discrimination against multiple women.

- mechanism is currently in effect and applies to 100 countries
- procedure is described in Article 8 of the Optional Protocol to CEDAW
- mechanism applies to all State Parties to the Optional Protocol to CEDAW, unless they have expressly "opted out" by making a declaration under Article 10 (Four State Parties have opted out: Bangladesh, Belize, Colombia, and Cuba)

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on violence against women, its causes and consequences) The UN Commission on Human Rights established the Special Rapporteur on violence against women, its causes and consequences in 1994. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- special rapporteur's website includes a model questionnaire identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 228 communications, 60 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on trafficking in persons, especially in women and children)

The UN Commission on Human Rights established the Special Rapporteur on trafficking in persons, especially in women and children in 2004. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the special rapporteur sent 31 communications, 5 of which were sent during the last year of that time period



WOMEN'S RIGHTS

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Working Group on the issue of discrimination against women in law and in practice) The UN Human Rights Council established the Working Group on the issue of discrimination against women in law and in practice in 2010. The working group accepts urgent appeals and allegation letters concerning laws, policies, or practices that discriminate against women in general, as well as concerning cases involving an individual woman or a particular group of women.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- working group's website includes additional information about what information to include in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the working group sent 29 communications, 21 of which were sent during the last year of that time period

RACISM & OTHER MINORITY ISSUES

PROCEDURE

DESCRIPTION

Individual Complaint (CERD)

Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination establishes an individual complaint mechanism. The Committee on the Elimination of Racial Discrimination received its first complaint under this mechanism in 1984.

- mechanism is currently in effect and applies to 55 countries
- it applies to all State Parties to the CERD that have accepted the competence of the committee under Article 14
- mechanism has been in place for 30 years, but it is used infrequently
- committee can usually issue a decision more quickly than some of the other treaty bodies because it typically hears only one or two cases each year

Early Warning Procedure

(CERD)

The Committee on the Elimination of Racial Discrimination has adopted an early warning / urgent action mechanism under its rules of procedure. The purpose of this mechanism is to prevent potential genocide or events of mass discrimination.

- mechanism is currently in effect and applies to 176 countries
- committee adopted the mechanism under Article 9(1) of CERD
- under the procedure, the committee will act to address serious violations brought to its attention, including potential genocide, mass discrimination events, significant flows of refugees and displaced persons, and forced removal of indigenous groups

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) The UN Commission on Human Rights established the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in 1993. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the special rapporteur sent 53 communications, 15 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Independent Expert on Minority Issues) The UN Commission on Human Rights established the Independent Expert on Minority Issues in 2005. The expert's priorities are: increase the focus on minority communities in the context of poverty alleviation and development; increase the understanding of minority issues in the context of promoting social inclusion and ensuring stable societies; and mainstream the consideration of minority issues within the work of the UN. The independent expert accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- 2006 through the end of May 2013, the special rapporteur sent 108 communications, 34 of which were sent during the last year of that time period

RACISM & OTHER MINORITY ISSUES

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Working Group of Experts on People of African Descent) The UN Commission on Human Rights established the mandate of the Working Group of Experts on People of African descent in 2002. The working group accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the working group sent two communications, both of which were sent during the last year of that time period

TORTURE

PROCEDURE

DESCRIPTION

Individual Complaint (CAT)

The individual complaint mechanism under the Convention against Torture (CAT) is the second most used mechanism in the treaty body system. The Committee against Torture typically issues 25 to 30 decisions each year under this procedure.

- mechanism is currently in effect and applies to 64 countries
- it applies to all State Parties to the CAT that have accepted the competence of the Committee against Torture under Article 22 of the CAT
- any private individual who is the victim of a violation of the CAT by a State Party that has accepted
 the competence of the Committee against Torture under Article 22 may submit a complaint
- if the alleged victim is not able to submit the complaint, relatives or representatives may act on the victim's behalf

Inquiry Procedure

(CAT)

The Committee against Torture has an inquiry procedure to investigate a pattern of violations brought to its attention.

- mechanism is currently in effect and applies to 146 countries
- Article 20 of the CAT describes the inquiry procedure
- the inquiry procedure applies to all State Parties to the CAT, unless a State Party has expressly "opted out" by making a declaration under Article 28 (eight State Parties have opted out)
- Committee against Torture may designate one or more of its members to make a confidential inquiry, including a visit to the country in question
- Committee against Torture used the mechanism in 2012 to investigate conditions in Syria and Nepal

Country Visit

(OPCAT)

The Convention against Torture has an Optional Protocol (OPCAT) designed to establish preventive mechanisms in countries to avoid incommunicado detention and other conditions that may facilitate torture of detained persons. The Subcommittee for the Prevention of Torture is responsible for monitoring compliance with OPCAT. The procedures are confidential, but they involve publicly announced visits to several countries each year. These procedures are not technically an individual complaint mechanism, but victims and NGOs may provide testimony to the Subcommittee about individual human rights violations.

- mechanism is currently in effect and applies to 70 countries
- the purpose of OPCAT is to assist State Parties in implementing effective mechanisms to prevent torture and inhuman treatment in jails, prisons, and other detention facilities
- OPCAT does not directly establish an individual complaint mechanism, but when the committee schedules a visit to a particular country, it welcomes the opportunity to speak to NGOs and representatives of civil society about the human rights conditions in detention facilities in the country
- the committee schedules 5 to 10 country visits a year, but plans to increase this to 8 to 10 visits per year
- in 2014, the committee will visit Azerbaijan, Ecuador, Malta, the Netherlands, Nicaragua, Nigeria, and Togo



TORUTURE

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment)

The UN Commission on Human Rights established the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 1985. The special rapporteur receives urgent appeals and allegation letters. He responds to allegations suggesting that an individual or a group of individuals is at risk of torture, and to allegations when people are feared to be at risk of: corporal punishment; means of restraint contrary to international standards; prolonged incommunicado detention; solitary confinement; "torturous" conditions of detention; the denial of medical treatment and adequate nutrition; imminent deportation to a country where there is a risk of torture, and the threatened use or excessive use of force by law enforcement officials. The special rapporteur also responds to urgent appeals concerning the enactment of legislation that will allegedly undermine the prohibition of torture. The special rapporteur responds to allegation letters concerning systematic patterns of torture, including specific groups of victims or perpetrators, the use of particular methods of torture, and detention conditions amounting to ill-treatment. The special rapporteur also responds to allegation letters concerning legislation that has an effect on the occurrence of torture, including: criminal sentencing provisions; criminal procedure legislation; legal provisions granting amnesty; and other legal provisions providing for de facto or de jure impunity in violation of the prohibition of torture.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- special rapporteur's website includes a model questionnaire identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 1,021 communications, 157 of which were sent during the last year of that time period

DISABILITY

PROCEDURE

DESCRIPTION

Individual Complaint (CPRD)

The Convention on the Rights of Persons with Disabilities (CPRD) has an Optional Protocol establishing an individual complaint mechanism. Even though the treaty and mechanism are relatively new, the committee has already issued several important decisions under this mechanism.

- mechanism is currently in effect and applies to 79 countries
- it applies to all State Parties to the Optional Protocol to CRPD
- the committee issued its first decision under this mechanism in May 2012, in a case addressing building permit requirements for the construction of a private home hydrotherapy pool for a severely disabled woman who had fragile skin & bone conditions; the local zoning requirements did not permit the construction of the hydrotherapy pool but the committee determined that the CRPD required an exception

Inquiry Procedure

(CPRD)

The CRPD has an inquiry procedure under articles 6 and 7 of the Optional Protocol. No case has yet been decided under this procedure.

- mechanism is currently in effect and applies to 78 countries
- Articles 6 and 7 of the Optional Protocol describe the procedure
- if the committee receives reliable information of grave or systematic violations of the CRPD, it may investigate, invite the State Party to respond, conduct a country visit, and issue a report on its findings
- the procedure applies to all State Parties except those that have "opted out" by making a declaration under Article 8 of the Optional Protocol (Syria has opted out)

DISAPPEARANCES		
PROCEDURE	DESCRIPTION	
Individual Complaint (CED)	The newest treaty to come into force, the International Convention for the Protection of All Persons from Enforced Disappearances (CED) has an individual complaint mechanism in Article 31. No case has yet been decided under this procedure.	
	 mechanism is currently in effect and applies to 16 countries it applies to all State Parties that have accepted the competence of the committee under Article 31 of CED 	
Urgent Action (CED)	Article 30 of the CED establishes an urgent action procedure that can be invoked when a person has disappeared. Several actions are currently pending before the committee under this procedure, but the committee has not released any information to the public about the cases.	
	 mechanism is currently in effect and applies to 41 countries it applies to all State Parties to the CED Article 30 of the CED describes the procedure: a relative or legal representative of a disappeared person may submit a request to seek and find the person on an urgent basis; the committee investigates, contacts the State Party, and keeps the relatives informed; the committee continues its efforts as long as the fate of the person remains unknown 	
Inquiry Procedure (CED)	 Article 33 of the CED establishes an inquiry procedure. No case has yet been decided under this mechanism. mechanism is currently in effect and applies to 41 countries it applies to all State Parties to the CED Article 33 of the CED describes the procedure: if the committee receives reliable information demonstrating serious violations of the CED, it may, after consulting with the government of the country concerned, conduct an investigatory visit and issue a report 	
Report on Systematic, Widespread Violations (CED)	The CED also permits the committee to report a case of systematic disappearances immediately to the attention of the UN General Assembly for extraordinary action. No case has yet been decided under this mechanism. • mechanism is currently in effect and applies to 41 countries • it applies to all State Parties to the CED • Article 34 of the CED describes the procedure: if the committee receives well-founded information of widespread or systematic enforced disappearances it may bring the matter to the attention of the UN General Assembly on an urgent basis	
Urgent Appeal / Urgent Procedure / Standard Procedure / Prompt Intervention (UN Working	In 1980, the UN Commission on Human Rights established the Working Group on Enforced or Involuntary Disappearances. It was the United Nations' first thematic mechanism with a universal mandate. It acts as a channel of communication between governments and the family members of disappeared persons. Its urgent appeal process is the same as the other UN special procedures mechanisms, but it has distinct procedures for: urgent procedures; standard procedures; prompt interventions; and general allegations. From 1980 through 2012, it transmitted a total of 53,986 cases to Governments. • mechanism is currently in effect and applies to all UN Member States	
Group on Enforced or Involuntary Disappearances)	 mechanism is currently in effect and applies to all off Member States mechanism is not tied to a country's acceptance of particular treaty obligations the working group's website includes a model questionnaire identifying all of the information required in an urgent appeal from 2006 through the end of May 2013, the working group sent 202 communications in response to urgent appeals, 31 of which were sent during the last year of that time period as of the end of 2012, it had 42,889 cases in 84 countries under active consideration 	



ECONOMIC, SOCIAL, AND CULTURAL RIGHTS		
PROCEDURE	DESCRIPTION	
Individual Complaint (ICESC - Optional Protocol)	The newest instrument to come into effect is the Optional Protocol to the International Convention on Economic, Social and Cultural Rights (ICESC). This Optional Protocol has an individual complaint mechanism. The Committee on Economic, Social and Cultural rights has not yet decided any cases under this mechanism.	
	 mechanism is currently in effect and applies to 11 countries it applies to all State Parties to the Optional Protocol 	
Inquiry Procedure (ICESC - Optional Protocol)	The ICESC Optional Protocol includes an inquiry procedure. The committee has not yet decided any cases under this mechanism.	
	 mechanism is currently in effect it applies to one State Party so far (El Salvador) Articles 11 and 12 of the Optional Protocol describe the inquiry procedure the inquiry procedure applies only to State Parties that "opt in" under Article 11 	
Urgent Appeal / Letter of Allegation (UN Special Rapporteur on the Right to Adequate Housing)	The UN Commission on Human Rights established the mandate of the Special Rapporteur on the right to adequate housing in 2000. The special rapporteur accepts urgent appeals and allegation letters.	
	 mechanism is currently in effect and applies to all UN Member States mechanism is not tied to a country's acceptance of particular treaty obligations from 2006 through the end of May 2013, the special rapporteur sent 154 communications, 27 of which were sent during the last year of that time period 	
Urgent Appeal / Letter of Allegation (UN Special Rapporteur on the Right to Education)	The UN Commission on Human Rights established the Special Rapporteur on the right to education in 1998. The special rapporteur accepts urgent appeals and allegation letters.	
	 mechanism is currently in effect and applies to all UN Member States mechanism is not tied to a country's acceptance of particular treaty obligations from 2006 through the end of May 2013, the special rapporteur sent 39 communications, 4 of which were sent during the last year of that time period 	
Urgent Appeal / Letter of Allegation (UN Special Rapporteur on the Right to Food)	The UN Commission on Human Rights established the Special Rapporteur on the right to food in 2000. The special rapporteur accepts urgent appeals and allegation letters.	
	 mechanism is currently in effect and applies to all UN Member States mechanism is not tied to a country's acceptance of particular treaty obligations from 2006 through the end of May 2013, the special rapporteur sent 65 communications, 14 of which were sent during the last year of that time period 	
Urgent Appeal / Letter of Allegation (UN Special Rapporteur on the Right to Safe Drinking Water and Sanitation)	The UN Human Rights Council established the Special Rapporteur on the human right to safe drinking water and sanitation in 2008. The special rapporteur accepts urgent appeals and allegation letters.	
	 mechanism is currently in effect and applies to all UN Member States mechanism is not tied to a country's acceptance of particular treaty obligations from 2006 through the end of May 2013, the special rapporteur sent 27 communications, 8 of which were sent during the last year of that time period 	
Urgent Appeal / Letter of	The UN Commission on Human Rights established the Special Rapporteur on extreme poverty in 1998. The special rapporteur accepts urgent appeals and allegation letters.	
Allegation (UN Special Rapporteur on Extreme Poverty and Human Rights)	 mechanism is currently in effect and applies to all UN Member States mechanism is not tied to a country's acceptance of particular treaty obligations from 2006 through the end of May 2013, the special rapporteur sent 19 communications, 12 of which were sent during the last year of that time period 	

RIGHTS AFFECTED BY BUSINESS PRACTICES

PROCEDURE

DESCRIPTION

Individual Complaint

(the UN Working Group on the issue of human rights and transnational corporations and other business enterprises) The UN Human Rights Council established the Working Group on the issue of human rights and transnational corporations and other business enterprises in 2011. The working group states that it is not generally in a position to address individual cases of alleged business-related human rights abuse. In some circumstances, however, it "may exercise its discretion to raise specific allegations that it determines to be particularly emblematic with relevant State authorities and companies, and request clarification or additional information as appropriate."

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- from 2011 through the end of May 2013, the working group sent six communications, all of which were sent during the last year of that time period

MIGRANT'S RIGHTS

Individual Complaint

PROCEDURE

(CMW)

DESCRIPTION

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) has an individual complaint mechanism in Article 77. The mechanism has not yet come into effect.

- · mechanism has not yet entered into force
- under Article 77 of the CMW, ten State Parties must accept the procedure for it to take effect; just two State Parties have done so

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the Human Rights of Migrants) The UN Commission on Human Rights established the Special Rapporteur on the Human Rights of Migrants in 1999. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- special rapporteur's website includes a model questionnaire in Arabic, Chinese, English, French, Russian, and Spanish identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 101 communications, 15 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the Human Rights of Internally Displaced Persons) The UN Commission on Human Rights established the Special Rapporteur on the human rights of internally displaced persons in 2004. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the special rapporteur sent ten communications, one of which was sent during the last year of that time period

CHILDREN'S RIGHTS

PROCEDURE DE

DESCRIPTION

Individual Complaint (CRC - OPIC)

The Convention on the Rights of the Child (CRC) has a new Optional Protocol establishing an individual complaint mechanism.

- the 10th ratification required to bring the Optional Protocol on an individual complaints procedure (OPIC) into force was received from Costa Rica on Jan 14, 2014.
- The mechanism enters into force three months later, on April 14, 2014



CHILDREN'S RIGHTS

Inquiry Procedure

PROCEDURE

(CRC - OPIC)

DESCRIPTION

The Optional Protocol on Individual Communications (OPIC) to the CRC has an inquiry procedure. Article 13 of the OPIC describes the inquiry procedure.

- the 10th ratification was received January 14; it now comes into effect three months later, on April 14, 2014
- a state that has ratified the Protocol is automatically subject to this procedure, unless the state has
 expressly "opted out" by making a declaration under article 13 at the time of signing or ratification
 (so far, no state has opted out)

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the sale of children, child prostitution and child pornography) In 1990, the UN Commission on Human Rights established a Special Rapporteur on the sale of children, child prostitution and child pornography. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- the special rapporteur's website includes a model questionnaire identifying all of the information required in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 18 communications, 1 of which was sent during the last year of that time period
- * See the section above on Women's Rights for information about the Urgent Appeal / Letter of Allegation to the UN Special Rapporteur on trafficking in persons, especially in women and children.
- * See the section below on Africa for information about the complaint procedure of the African Committee of Experts on the Rights and Welfare of the Child.

RIGHTS OF OLDER PERSONS

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Independent Expert on the enjoyment of all human rights by older persons) In September 2013, the UN Human Rights Council adopted a resolution establishing the mandate for an Independent Expert on the enjoyment of all human rights by older persons. It will appoint a person to the position of independent expert in March 2014. The independent expert will likely accept urgent appeals and allegation letters.

- mechanism is not yet in effect
- mechanism applies to all UN Member States and is not tied to a country's acceptance of particular treaty obligations

INDIGENOUS PEOPLES RIGHTS

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples) The UN Commission on Human Rights established the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples in 2001. The special rapporteur accepts urgent appeals and allegation letters alleging human rights violations of indigenous peoples.

- mechanism is currently in effect and applies to all UN Member States
- mechanism is not tied to a country's acceptance of particular treaty obligations
- the special rapporteur's website explains the information to include in an urgent appeal or allegation letter
- from 2006 through the end of May 2013, the special rapporteur sent 146 communications, 38 of which were sent during the last year of that time period



REGIONAL AND COUNTRY-SPECIFIC COMPLAINT MECHANISMS

AFRICA		
PROCEDURE	DESCRIPTION	
Individual Communication (African Charter on Human and Peoples' Rights)	The African Commission on Human and Peoples' Rights receives and considers individual communications alleging that a State Party to the convention has violated a person or group's rights under the charter. Between 1988 and 2012, the commission received over 400 communications and issued approximately 200 decisions.	
	 mechanism is currently in effect and applies to all countries in Africa except Morocco it applies to all State Parties to the African Charter on Human and Peoples' Rights if the State Party fails to comply with the commission's recommendations, the commission may refer the communication to the African Court on Human and Peoples' Rights a party filing a communication with the African Commission may request that the commission refer the case immediately to the African Court on Human and Peoples' Rights for the establishment of provisional measures 	
Case (African Court on Human and Peoples' Rights)	The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights established the African Court. The court is designed to complement the mandate of the African Commission. The court delivered its first ruling in 2009 and has since decided 13 cases.	
	 mechanism is currently in effect, and for cases brought by individuals and non-governmental organizations, it applies to seven countries it applies to any State Party that has made a declaration under Article 34(6) of the Protocol "opting in" to give the court jurisdiction over cases brought by individuals and non-governmental organizations as of January 2014, seven State Parties have made declarations under Article 34(6) recognizing the court's jurisdiction in individual cases: Burkina Faso, Côte d'Ivoire, Ghana, Malawi, Mali, Rwanda, and Tanzania 	
Individual Complaint (ACERWC)	Article 44 of the African Charter on the Rights and Welfare of the Child empowers the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to consider individual complaints of violations of the charter.	
	 mechanism is currently in effect and applies to 45 countries it applies to all State Parties to the African Charter on the Rights and Welfare of the Child, except State Parties that "opt out" of the Article 44 procedure (Egypt is the only State Party that has opted out) as of 2011, the committee had received two individual complaints 	
Case (ECOWAS)	The Economic Community of West African States (ECOWAS) Community Court of Justice has jurisdiction to rule on violations of fundamental human rights. The court does not require exhaustion of domestic remedies.	
	 mechanism is currently in effect and applies to 15 countries it applies to all ECOWAS Member States the court's website includes instructions for submitting a case 	
Urgent Appeal / Letter of Allegation (UN Independent Expert on the situation of human rights in Central African Republic)	The UN Human Rights Council established the mandate for the independent expert in 2013. The council will appoint the independent expert in March 2014. It is not clear whether the independent expert will accept urgent appeals and allegation letters.	



AFRICA

PROCEDURE DESCRIPTION **Urgent Appeal /** The UN Human Rights Council established the mandate for this independent expert in 2011. It is Letter of Allegation not clear whether the independent expert accepts urgent appeals and allegation letters. (UN Independent Expert mechanism is currently in effect and is not tied to Côte d'Ivoire's acceptance of particular on the situation of human rights in Côte d'Ivoire) treaty obligations as of May 2013, the independent expert had not sent any communications The UN Human Rights Council established this special procedures mandate-holder in 2012. The Urgent Appeal / special rapporteur accepts urgent appeals and allegation letters. Letter of Allegation mechanism is currently in effect and is not tied to Eritrea's acceptance of particular treaty (UN Special Rapporteur on the situation of human obligations rights in Eritrea) the special rapporteur's website includes a model questionnaire available in Arabic, English, and Tigrinya as of May 2013, the special rapporteur had not sent any communications **Urgent Appeal / Letter of Allegation** The UN Human Rights Council established this special procedures mandate-holder in 2013. It is (UN Independent Expert not clear whether the independent expert will accept urgent appeals and allegation letters. on the situation of human rights in Mali) The UN Commission on Human Rights established the Independent Expert on the situation of Urgent Appeal / human rights in Somalia 1993. The independent expert accepts urgent appeals and allegation Letter of Allegation letters. (UN Independent Expert on the situation of human mechanism is currently in effect and is not tied to Somalia's acceptance of particular treaty rights in Somalia) obligations from 2006 through the end of May 2013, the independent expert has sent six communications, one of which was sent during the last year of that time period The UN Human Rights Council established this special procedures mandate-holder in 2009. The Urgent Appeal / independent expert accepts urgent appeals and allegation letters. **Letter of Allegation** mechanism is currently in effect and is not tied to Sudan's acceptance of particular treaty (UN Independent Expert obligations on the situation of human rights in the Sudan) from 2006 through the end of May 2013, the independent expert sent 12 communications, 5 of which were sent during the last year of that time period

AMERICAS

PROCEDURE DESCRIPTION Under Article 25 of the Inter-American Commission on Human Rights' Rules of Procedure, the Request for IACHR can grant precautionary measures to help protect human rights defenders and others who precautionary are at risk. The commission can act on requests for precautionary measures even in the absence measures of an individual complaint. In 2012, the commission received 448 requests for precautionary (Inter-American measures, granted 35 such requests, denied 149, and sought additional information with respect Commission on Human to the others. Rights) mechanism is currently in effect and is not tied to an OAS Member State's ratification of the American Convention on Human Rights it applies to all 35 independent countries of the Americas precautionary measures are appropriate only for "serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the inter-American system



AMERICAS

PROCEDURE

DESCRIPTION

Individual Complaint

(Inter-American Commission on Human Rights) The Inter-American Commission on Human Rights has the authority to hear individual complaints (called "individual petitions") against all Members of the Organization of American States (OAS). Petitions may request interim "precautionary measures." In 2012, the commission received 1,936 petitions, issued 59 decisions on admissibility, and issued 15 decisions on the merits. The commission may refer petitions against some countries to the Inter-American Court of Human Rights. In 2012, the commission referred 12 cases to the court.

- mechanism is currently in effect and is not tied to an OAS Member State's ratification of the American Convention on Human Rights
- it applies to all 35 independent countries of the Americas
- the petition should include the personal details of the victim and the petitioner(s), a detailed description of the alleged violations, the names of the authorities responsible, documentation of previous attempts at recourse, and any additional supporting evidence such as witness statements
- the Inter-American Commission offers pamphlets online in English, French, Portuguese, and Spanish that further explain the petition process and provide a detailed list of submission requirements
- a petition form is also available online at www.cidh.oas.org/cidh_apps/instructions.asp?gc_ language=E

Urgent Appeal / Letter of Allegation

(UN Independent Expert on the situation of human rights in the Haiti) The UN Commission on Human Rights established the Independent Expert on the situation of human rights in Haiti in 1995. This special procedures mandate-holder accepts urgent appeals and allegation letters.

- mechanism is currently in effect and is not tied to Haiti's acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the independent expert sent two communications, both
 of which were sent during the last year of that time period

ASIA

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the situation of human rights in Cambodia) The UN Commission on Human Rights established the Special Rapporteur on the situation of human rights in Cambodia in 1993. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and is not tied to Cambodia's acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the special rapporteur sent 15 communications, 4 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea) The UN Commission on Human Rights established this special procedures mandate-holder in 2004. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and is not tied to the Democratic People's Republic of Korea's acceptance of particular treaty obligations; and
- from 2006 through the end of May 2013, the special rapporteur sent two communications, one of which was sent during the last year of that time period



ASIA PROCEDURE DESCRIPTION The UN Commission on Human Rights established this special procedures mandate-holder in 1992. **Urgent Appeal** The special rapporteur accepts urgent appeals and allegation letters. / Letter of **Allegation** mechanism is currently in effect and is not tied to Myanmar's acceptance of particular treaty (UN Special obligations Rapporteur on the from 2006 through the end of May 2013, the special rapporteur sent 43 communications, 16 of situation of human which were sent during the last year of that time period rights in Myanmar)

EUROPE	
PROCEDURE	DESCRIPTION
Case (European Court of Human Rights)	The European Court of Human Rights is an international court with a mandate to uphold the European Convention on Human Rights. It was established in 1959 and has been a full-time court since 1998. It has delivered over 10,000 judgments. • mechanism is currently in effect and applies to 47 countries • it applies to all Council of Europe Member States that have ratified the European Convention on Human Rights
Request to the Council of Europe's Commissioner for Human Rights	The Commissioner for Human Rights is responsible for providing "strong and effective protection for human rights defenders by intervening, in the manner the Commissioner deems appropriate, with the competent authorities, in order to assist them in looking for solutions, in accordance with their obligations, to the problems which human rights defenders may face, especially in serious situations where there is a need for urgent action." The commissioner's jurisdiction is limited to human rights defenders who are located in one of the Member States of the Council of Europe.
	 mechanism is currently in effect and applies to 47 countries it applies to all Council of Europe Member States that have ratified the European Convention on Human Rights
Urgent Appeal / Letter of Allegation (UN Special Rapporteur on the situation of human rights in Belarus)	The UN Human Rights Council reestablished this special procedures mandate-holder in 2012. The special rapporteur accepts urgent appeals and allegation letters. • mechanism is currently in effect and is not tied to Belarus' acceptance of particular treaty
	 obligations from 2006 through the end of May 2013, the special rapporteur sent two communications, both of which were sent since 2012



MIDDLE EAST

PROCEDURE

DESCRIPTION

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran) The UN Human Rights Council established this special procedure mandate-holder in 2011. The special rapporteur accepts urgent appeals and allegation letters. He has taken a particular interest in gathering information from the Iranian diaspora. In December 2013, he conducted a nine-day fact-finding mission to Amsterdam, Berlin, and Paris to gather information from Iranians in those cities about the past and present experiences of victims of reported human rights violations in Iran. He met with student activists, university professors, lawyers, authors, publishers, former political prisoners, and proponents of minority, women's and LGBT rights. He will present his findings to the Human Rights Council in March 2014.

- mechanism is currently in effect and is not tied to Iran's acceptance of particular treaty obligations
- from 2011 through the end of May 2013, the special rapporteur sent 40 communications, 24 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) The UN Commission on Human Rights established the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 in 1993. The special rapporteur accepts urgent appeals and allegation letters.

- mechanism is currently in effect and is not tied to the acceptance of particular treaty obligations
- from 2006 through the end of May 2013, the special rapporteur sent 13 communications, 5 of which were sent during the last year of that time period

Urgent Appeal / Letter of Allegation

(UN Special Rapporteur on the situation of human rights in the Syrian Arab Republic) The UN Human Rights Council established a mandate for a Special Rapporteur on Syria in 2011, but his work will begin only after the mandate of the Commission of Inquiry on the situation in the Syrian Arab Republic ends. In the meantime, the Commission of Inquiry invites all interested persons and organizations to submit relevant information and documentation on all alleged violations of international human rights law in Syria since March 2011 to COISyria-submissions@ohchr.org or Commission of Inquiry on Syria, c/o OHCHR, Office of the United Nations in Geneva, CH-1211 Geneva 10.

- · mechanism is not yet in effect
- mechanism is not tied to Syria's acceptance of particular treaty obligations