



Geneva Institute for Human Rights

**United Nations
Treaty Monitoring Bodies**



United Nations Treaty Monitoring Bodies

1. Human Rights Committee (CPR)

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".

In addition to the reporting procedure, article 41 of the Covenant provides for the Committee to consider complaints. Furthermore, the First Optional Protocol to the Covenant gives the Committee competence to examine individual complaints with regard to alleged violations of the Covenant by States parties to the Protocol.

The full competence of the Committee extends to the Second Optional Protocol to the Covenant on the abolition of the death penalty with regard to States who have accepted the Protocol.

The Committee meets in Geneva and normally holds three sessions per year.

The Committee also publishes its interpretation of the content of human rights provisions, known as general comments on thematic issues or its methods of work.



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2. Committee on Economic, Social and Cultural Rights (CESCR)

The Committee on Economic, Social and Cultural Rights (CESCR) is the body of independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties. The Committee was established under ECOSOC Resolution 1985/17 of 28 May 1985 to carry out the monitoring functions assigned to the United Nations Economic and Social Council (ECOSOC) in Part IV of the Covenant.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially within two years of accepting the Covenant and thereafter every five years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

In addition to the reporting procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which entered into force on 5th May 2013, provides the Committee competence to receive and consider communications from individuals claiming that their rights under the Covenant have been violated. The Committee may also, under certain circumstances, undertake inquiries on grave or systematic violations of any of the economic, social and cultural rights set forth in the Covenant, and consider inter-state complaints.

The Committee meets in Geneva and normally holds two sessions per year, consisting of a three-week plenary and a one-week pre-session working group.

The Committee also publishes its interpretation of the provisions of the Covenant, known as general comments.



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3. Committee on Elimination of Racial Discrimination (CERD)

The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination 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 Convention and then every two years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

In addition to the reporting procedure, the Convention establishes three other mechanisms through which the Committee performs its monitoring functions: the early-warning procedure, the examination of inter-state complaints and the examination of individual complaints.

The Committee meets in Geneva and normally hold three sessions per year consisting of three-four-three weeks per year.

The Committee also publishes its interpretation of the content of human rights provisions, known as general recommendations (or general comments), on thematic issues and organizes thematic discussions.



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4. Committee on the Elimination of Discrimination against Women (CEDAW)

The Committee on the Elimination of Discrimination against Women (CEDAW) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

CEDAW Committee consists of 23 experts on women's rights from around the world.

Countries who have become party to the treaty (States parties) are obliged to submit regular reports to the Committee on how the rights of the Convention are implemented. During its sessions the Committee considers each State party report and addresses its concerns and recommendations to the State party in the form of concluding observations.

In accordance with the Optional Protocol to the Convention, the Committee is mandated to : (1) receive communications from individuals or groups of individuals submitting claims of violations of rights protected under the Convention to the Committee and (2) initiate inquiries into situations of grave or systematic violations of women's rights. These procedures are optional and are only available where the State concerned has accepted them.

The Committee also formulates general recommendations and suggestions. General recommendations are directed to States and concern articles or themes in the Conventions.



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5. Committee Against Torture (CAT)

The Committee Against Torture (CAT) is the body of 10 independent experts that monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 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 Convention and then every four years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

In addition to the reporting procedure, the Convention establishes three other mechanisms through which the Committee performs its monitoring functions: the Committee may also, under certain circumstances, consider individual complaints or communications from individuals claiming that their rights under the Convention have been violated, undertake inquiries, and consider inter-state complaints.

The Optional Protocol to the Convention, which entered into force in June 2006, creates the Subcommittee on Prevention of Torture (SPT). The SPT has a mandate to visit places where persons are deprived of their liberty in the States parties. Under the Optional Protocol, States parties shall establish a independent national preventive mechanisms for the prevention of torture at the domestic level which has also a mandate to inspect places of detention.

As of 2015, the Committee holds three four-week sessions per year in April-May, July-August and November-December.

The Committee also publishes its interpretation of the content of the provisions of the Convention, known as general comments on thematic issues.



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6. Committee on the Rights of a Child (CRC)

The Committee on the Rights of the Child (CRC) is the body of 18 Independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties. It also monitors implementation of two Optional Protocols to the Convention, on involvement of children in armed conflict (OPAC) and on sale of children, child prostitution and child pornography (OPSC). On 19 December 2011, the UN General Assembly approved a third Optional Protocol on a communications procedure (OPIC), which allow individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols. The Protocol entered into force in April 2014.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must submit an initial report two years after acceding to the Convention and then periodic reports every five years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

The Committee also reviews the initial reports which must be submitted by States who have acceded to the first two Optional Protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography. The Committee is also able to consider individual complaints alleging violations of the Convention on the Rights of the Child and its first two optional protocols (OPAC and OPSC) by States parties to the OPIC, as well as to carry out inquiries into allegations of grave or systematic violations of rights under the Convention and its two optional protocols.

The Committee meets in Geneva and normally holds three sessions per year consisting of a three-week plenary and a one-week pre-sessional working group. In 2010, the Committee considered reports in two parallel chambers of 9 members each, "as an exceptional and temporary measure", in order to clear the backlog of reports.

The Committee also publishes its interpretation of the content of human rights provisions, known as general comments on thematic issues and organizes days of general discussion.



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7. Committee on Migrant Workers (CMW): Monitoring the protection of the rights of all migrant workers and members of their families

The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is the body of independent experts that monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by its State parties. It held its first session in March 2004.

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 Convention and then every five years. The Committee will examine each report and address its concerns and recommendations to the State party in the form of "concluding observations".

The Committee will also, under certain circumstances, be able to consider individual complaints or communications from individuals claiming that their rights under the Convention have been violated once 10 States parties have accepted this procedure in accordance with article 77 of the Convention.

The Committee meets in Geneva and normally holds two sessions per year.

The Committee also organizes days of general discussion and can publish statements on themes related to its work and interpretations of the content of the provisions in the Convention (general comments).



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8. Committee on the Rights of Persons with Disabilities (CRPD)

What is the Convention on the Rights of Persons with Disabilities?

The Convention on the Rights of Persons with Disabilities (GA resolution A/RES/61/106) is an international human rights treaty adopted by the United Nations General Assembly on 13th December 2006; it opened to signatures on 30th March 2007 and came into force on 3rd May 2008 following ratification by the 20th State Party.

As of February 2011, the Convention had 98 State Parties and was the first Human Rights Treaty to be ratified by a regional integration organization, the European Union. It has 147 signatories.

The Convention adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptation have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.

What is the Committee on the Rights of Persons with Disabilities (CRPD)?

The Committee is a body of **18 independent experts** which monitors implementation of the Convention on the Rights of Persons with Disabilities. The members of the Committee serve in their individual capacity, not as government representatives. They are elected from a list of persons nominated by the States at the Conference of the State Parties for a four year term with a possibility of being re-elected once (cf. Article 34 of the Convention).

How does CRPD work?

All States parties have to submit regular reports to the Committee on how the rights enshrined in the Convention are being implemented. States must report initially within two years of ratifying the Convention and, thereafter, every four years. The Committee examines each report and makes suggestions and general recommendations on the report. It forwards these recommendations, in the form of concluding observations, to the State Party concerned.

The Committee normally meets in Geneva and holds two sessions per year.

What is the Optional Protocol to the Convention?

The Optional Protocol (GA resolution A/RES/61/106) which entered into force at the same time as the Convention, establishes two additional mandates for the Committee:

1. The receipt and examination of individual complaints (please refer to the "Petitions" section on the right-hand side of the CRPD webpage).
2. The undertaking of inquiries in the case of reliable evidence of grave and systematic violations of the Convention



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9. Committee on Enforced Disappearances (CED)

The Committee on Enforced Disappearances (CED) is the body of independent experts which monitors implementation of the Convention by the States Parties.

All States parties are obliged to submit reports to the Committee on how the rights are being implemented. States must report within two years of ratifying the Convention. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

In accordance with article 31, a State Party may at the time of ratification of this Convention or at any time afterwards declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State Party of provisions of this Convention. In addition to the reporting procedure, article 32 of the Convention provides for the Committee to consider inter-state complaints.

The Committee meets in Geneva and holds two sessions per year.



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10. Optional Protocol to the Convention Against Torture (OPCAT) Subcommittee on Prevention of Torture

The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (“SPT”) is a new kind of treaty body in the United Nations human rights system. It has a preventive mandate focused on an innovative, sustained and proactive approach to the prevention of torture and ill treatment. The SPT started its work in February 2007.

The SPT was established pursuant to the provisions of a treaty, the Optional Protocol to the Convention against Torture (“OPCAT”). The OPCAT was adopted on December 2002 by the General Assembly of the United Nations and entered into force in June 2006.

The SPT is composed of 25 independent and impartial experts coming from different backgrounds and from various regions of the world. Members are elected by States Parties to the OPCAT for a four-year mandate and can be re-elected once.

What does the SPT do?

Mandate – The SPT has two primary operational functions. First, it may undertake visits to States Parties, during the course of which it may visit any place where persons may be deprived of their liberty. Second, it has an advisory function which involves providing assistance and advice to States Parties on the establishment of National Preventive Mechanisms (“NPM”), which OPCAT requires that they establish, and also providing advice and assistance to both the NPM and the State Party regarding the working of the NPM. In addition, the SPT cooperates, for the prevention of torture in general, with relevant United Nations organs and mechanisms as well as with international, regional, and national institutions or organizations. The SPT produces a public annual report on its activities which it presents to the Committee against Torture and the UN General Assembly in New York. In addition to its field work, the SPT also convenes three times a year for one week-long sessions at the United Nations Office at Geneva.

Visits – Under the OPCAT, the SPT has unrestricted access to all places where persons may be deprived of their liberty, their installations and facilities and to all relevant information. The SPT visits police stations, prisons (military and civilian), detention centres (e.g. pre-trial detention centres, immigration detention centres, juvenile justice establishments, etc.), mental health and social care institutions and any other places where people are or may be deprived of their liberty.

The SPT is able to interview in private persons deprived of their liberty and any other person who in the SPT’s view may be able to assist it with relevant information, including Government officials, NPMs, representatives of national human rights institutions, non-governmental organizations, custodial staff, lawyers, doctors, family members, etc. People who provide information to the SPT must not be subject to any form of sanction or reprisal for having provided information to the SPT.

In order for the SPT to fully realize its mandate under the OPCAT, the SPT has so far devised four types of visits: these are SPT country visits, SPT country follow-up visits, NPM advisory visits and OPCAT advisory visits. (For details see the information on SPT visits and follow-up).



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All visits are conducted by at least two members of the SPT, accompanied, if necessary by experts with relevant professional experience and knowledge, as well as by members of its Secretariat and, where needed, interpreters.

Assistance and advice – Pursuant to article 17 of the OPCAT, State Parties have an obligation to establish NPMs, which are independent national bodies for the prevention of torture and ill treatment at the domestic level. The OPCAT and the SPT provide guidance concerning the establishment of those bodies, including their mandate, powers and methods of working. It is the responsibility of the State to ensure that it has in place a NPM which complies with the requirements of the OPCAT.

For its part, the SPT's mandate includes assisting and advising States in the establishment of NPMs and it has produced guidelines on NPMs to add further clarity to what is required of states in this regard. The SPT also assists NPMs by providing them with guidance on effective operational practice and on how best to reinforce their powers, independence and capacities in order to strengthening safeguards against ill treatment of persons deprived of their liberty. To that end, the SPT makes itself available for engaging in continuous dialogue and works in close collaboration with NPMs.

How does the SPT do its work?

The SPT undertakes country visits during which a delegation of its members visits places where persons may be deprived of their liberty. During its visits, the SPT examines the conditions of their detention, their daily life, including the manner in which they are treated, the relevant legislative and institutional frameworks, and other questions that may be related to the prevention of torture and ill treatment. At the end of its visits, the SPT draws up a written report which contains recommendations and observations to the State, requesting a written response within 6 months of its receipt. This then triggers a further round of discussion regarding the implementation of the SPT's recommendations, and thus begins the process of continual dialogue. The SPT visit reports are confidential, though State Parties are encouraged to make them public documents, as permitted by the OPCAT.

When undertaking NPM advisory visits, the SPT focuses on issues concerning the establishment and/or operation of the NPM in the country concerned. OPCAT advisory visits focus on high-level discussions with the relevant authorities concerning a whole range of issues concerning OPCAT compliance.

The SPT is guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity. The SPT conducts its work in a spirit of co-operation. It aims to engage with States Parties through a process of constructive dialogue and collaboration rather than condemnation. Nevertheless, if the State party refuses to co-operate or fails to take steps to improve the situation in light of the SPT's recommendations, the SPT may request the Committee against Torture to make a public statement or to publish the SPT report if it has not yet been made public.



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