



**Office of the United Nations
High Commissioner for
Human Rights**

TREATY BODIES

What are the treaty bodies?

The promotion and protection of human rights is one of the fundamental aims of the United Nations. Since its creation in 1945, the United Nations has made enormous progress in setting legal standards in the field of human rights and establishing mechanisms to monitor the implementation of those standards. Some of the major international human rights treaties adopted within the framework of the United Nations are:

- The International Covenant on Economic, Social and Cultural Rights (entered into force in 1976);
- The International Covenant on Civil and Political Rights (entered into force in 1976);
- The International Convention on the Elimination of All Forms of Racial Discrimination (entered into force in 1969);
- The Convention on the Elimination of All Forms of Discrimination against Women (entered into force in 1981);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entered into force in 1987);
- The Convention on the Rights of the Child (entered into force in 1990);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (has not yet entered into force).

Each of these treaties established a “treaty body”, a committee of independent experts, to monitor the implementation of the human rights provisions contained in those treaties. Currently, there are six treaty bodies:

- The Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights;
- The Committee on Economic, Social and Cultural Rights, which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights;
- The Committee against Torture, which monitors the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Committee on the Elimination of Racial Discrimination, which monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;
- The Committee on the Elimination of Discrimination against Women, which monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women;
- The Committee on the Rights of the Child, which monitors the implementation of the Convention on the Rights of the Child.

A seventh treaty body will be established in relation to the Migrant Workers Convention, when 20 States ratify or accede to the convention. This is expected to occur in the near future.¹

These Committees are composed of independent experts (ranging in number from 10 to 23) who are of recognized competence in the field of human rights and who are nominated and elected by State parties. All the Committees are serviced by the Office of the High Commissioner for Human Rights (OHCHR) in Geneva, except the Committee on the Elimination of Discrimination against Women, which is serviced by the Division for the Advancement of Women in New York.

In June 2002, representatives of all treaty bodies will convene for the first "inter-committee" meeting to discuss issues of common concern and common approaches to the main treaty body activities.

What do the treaty bodies do in practice?

When a State ratifies an international treaty, it assumes the obligation to implement the provisions of the treaty at the national level. It also assumes the obligation to submit reports periodically to the treaty bodies on the measures it has taken to ensure the enjoyment of the rights provided in the treaties. Reports of the States parties are examined by the treaty bodies, along with information from a variety of sources, in the presence of a delegation from the reporting State. The examination of a report culminates in the adoption of "concluding observations/comments", in which the treaty body presents its concerns and makes specific recommendations to the State party for future action. The State party is expected to undertake the necessary measures to implement the recommendations of the treaty bodies.

¹ In February 2002, only one more ratification or accession was needed for the Convention to enter into force.

In addition, the treaty bodies also adopt general comments or recommendations in which they share their views about the concrete meaning of specific articles of the treaties.

Two of the Committees, namely the Committee against Torture and the Committee on the Elimination of Discrimination against Women may undertake confidential inquiries when they receive information indicating that systematic violations of the human rights contained in the respective treaties are taking place in the territory of a State Party.

If one of my rights has been violated by a State party how can I bring a complaint before a treaty body? Can I send my complaint to any treaty body?

Four treaty bodies have established procedures under which individuals who claim to be victims of a violation by a State party of any of the rights set out in the respective treaties, may submit complaints for examination. Only complaints from persons within the jurisdiction of States that have formally accepted these procedures can be examined by the treaty bodies. Formal acceptance comes, in two cases, in the form of ratification of separate treaties called Optional Protocols (the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women) and, in the two other cases, by specific declarations made by States which are provided for in the treaty itself (International Convention on the Elimination of All Forms of Racial Discrimination and the Committee against Torture). The list of States parties to the Optional Protocols or having made the declarations may be found on the OHCHR website referred to below.

Certain criteria must be fulfilled before a complaint can be examined by any of these procedures. First, all domestic remedies must have been exhausted before the complaint is placed before the Committee, i.e. the matter has been submitted to the local courts or competent

authorities for examination. Second, the complaint must not be anonymous. The complaint must be submitted personally by the alleged victim, a duly authorized representative or another person who justifies his/her authority to act on behalf of the alleged victim. The complaint must be about a violation of a specific right provided for in the treaty under which it is submitted. Complaints cannot be considered if the same matter is being examined under another international procedure of investigation or settlement, normally a regional procedure such as that under the European Court of Human Rights and the Inter-American Commission on Human Rights.

Authors may send their complaints to the following addresses:

1. For all complaints to the Human Rights Committee, the Committee on the Elimination of All Forms of Racial Discrimination and the Committee against Torture to:

The Office of the High Commissioner for
Human Rights
United Nations Office at Geneva
1211 Geneva 10
Switzerland

2. For complaints to the Committee on the Elimination of All Forms of Discrimination against Women to:

The Division for the Advancement of Women
United Nations Headquarters
DC-2 Building
New York, NY 10017
United States of America

Further information on the treaty bodies and on how to submit individual complaints may be found on the OHCHR website at www.unhcr.ch.

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