

Modernizing the human rights Complaints system at UNO

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APPREVIATION: Since 1947, the commission on HRs has been working on monitoring, following up and protecting HRs all over the world, and due to the limitations of its competencies, the HRs council was established to replace the commission after granting it broader competencies to exercise the function of monitoring and protecting HRs . The council played an important role in the development of the complaints and communications system in addition to the system of special rapporteurs, taking into account the confidentiality of procedures and information, and on the other hand, it established advisory committees to be a new and effective procedure in supporting and developing the council's procedures in the protection of HRs .

During the past period, the council has been able to increase the effectiveness of the complaints and communications system by modernizing them and ensuring seriousness and reliability .it has also worked to increase the effectiveness of the special rapporteurs system, in addition to deepening the council's closed procedures with the state and the complainant. it has also expanded the complaints procedures to include nine major human rights conventions so that individuals in all countries can submit their complaints, in addition to increasing the effectiveness of states ' reports on HRs violations.

KEYWORDS: HRC, complaint, notification, procedures, violation, Development

INTRODUCTION

Since the establishment of HRs Council in 2006 in an attempt by the United Nations to advance and modernize HRs procedures, especially the complaints system, which is a refuge and sanctuary for individuals whose rights are persecuted. Submitting a complaint or communication so that it includes all the required information, defining criteria for accepting the complaint, expanding the special mechanisms (special rapporteurs) and increasing their effectiveness, and adhering to the confidentiality of the procedures and information that countries aren't keen to disclose in order to encourage them to cooperate and respond to the procedures.

On the other hand, the treaty committees emanating from the HRs conventions have evolved to be an effective means in the complaints system, and they monitor the extent of the commitment of the states parties to the conventions, and they follow procedures for individual complaints, and they follow investigation procedures to verify the reliability and accuracy of information.

The advisory committees were established to be a new measure to support and develop the Council's procedures to keep pace with developments and expand the scope of human rights protection.

The complaints system in the UNO is one of the most important measures to protect HRs . In order to allow the users of this system to benefit from it in the face of violations of their established rights, it is necessary to inform them of how to submit a complaint and the information required in it, in addition to ensuring its acceptance in preparation for helping them in facing the violations they are exposed to. Clarification of the stages of the procedures taken to find out the results of complaints or communications.

RESEARCH QUESTIONS

- How did the complaints system begin in the United Nations agencies?
- What are the functions of the HRs Council?
- How is the complaint or communication submitted? What are the criteria for acceptance? How to ensure confidentiality of procedures?
- What are treaty bodies? How do you monitor the HRs situation? What are its procedures for individual complaints and communications? How do you conduct investigations?
- What are the mandate and tasks of the advisory committees of the HRs Council?

In order to answer the above questions, the following plan has been adopted:

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The Plan:

- 1- Introduction to the complaints system under Resolution 1503
- 2- Complaints procedures in the Human Rights Council
 - 2-1- Functions of the Human Rights Council
 - 2-2-How to make a complaint or report
 - 2-3 Criteria for accepting a complaint or communication
 - 2-4- Special Procedures
 - 2-5- Closed sessions
- 3- Complaints procedures in human rights treaties
 - 3-1- Treaty bodies
 - 3-2- Monitoring human rights
 - 3-3- Individual complaints
 - 3-4- Reporting a violation
 - 3-5- Investigations
- 4- Mandate and tasks of the Advisory Committee of the Human Rights Council
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1. Introduction to the complaints system under Resolution 1503

It is called (the procedure) according to the designation of the Economic and Social Council in its resolution (1503) of 1970, and it was greatly modified in the year 2000 to increase its efficiency and facilitate dialogue with governments (ESCRes.1503, 1970) and it is one of the first complaints mechanisms in the United Nations system, (Subcommittee HRs.1235, 1967) where it was entrusted to The former HRs Committee to examine and audit the gross and documented violations of HRs in all countries of the world through complaints submitted by an individual or group of individuals who claim to have been subjected to such violations, and any other person or group of persons who have direct and reliable knowledge of these violations can submit a complaint.. Non-governmental organizations can also file complaints on behalf of people who have been subjected to human rights violations, and the complaint is in accordance with the conditions Determined in the announced formula, including taking into account the working group's meeting times for communications, giving the concerned country sufficient time to respond to the complaint, and the number of pages of the complaint, according to the attached annex .(appendix A).

In order to address these allegations of HRs violations, two working groups have been established, namely, the Communications Working Group and the Cases Working Group. Their task is to study the reports and inform the ECOSOC of consistent patterns of gross violations, and verify the validity of violations of HRs and fundamental freedoms.

This is the only measure that includes all HRs in all countries of the world. This procedure does not require the approval of the concerned state that is, it can be submitted against any country the complainant is not compensated, and the procedure is done confidentially, and the complainant is not informed of the results of what has been reached, meaning that this procedure, although it is exceptional and exceeds the will of the state, but at the same time takes into account the sovereignty of the state and its own interests, and represents an important stage of development in stages Complaints system. (Irina, 1990)

Although the UN works mainly with official representatives of states as wanted by its founders, but because of the necessity to confront gross violations of human rights, it has provided space for individuals or those who represent them or those who know about violations to submit complaints in human rights issues exclusively and as an exception to its established procedures. This procedure remains important because it continues until now to operate in parallel with the complaints procedures in accordance with the HRs treaties and other special procedures that we will address in this research (HRs, 2006).

The Office of the High Commissioner for HRs(OHCHR) at the UN is still receiving complaints under the procedure (1503) until now. (OHCHR, 1993)

This procedure can lead to one of the following results:

- a.End consideration of the matter.
- b.Keeping the case under review in the light of any other information it receives from the concerned country and any other information the committee receives under Procedure (1503).
- c.Keep the situation under review and appoint an independent expert.
- d.Ending the consideration under the secret (1503) procedure so that the committee can start looking into the same subject under its public procedure. (Al-Samaarraee, 1997)

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This procedure may be long due to the stages of consideration of the complaint, and there are no temporary or urgent measures to protect the person complaining and the requirement that a large number of people be subjected to violation in addition to his confidentiality and not inform the complainant of what has been reached, and the reluctance of many countries that have a permanent seat in the UNSC is that its cases of HRs violation are considered, (Smith, 2021) which narrows the cases of resorting to it and turning to other, more effective measures.

2- Complaints procedures in the Human Rights Council (HRC)

In 2006, the HRC was established to be a substitute for the Commission on HRs as a reflection of the desire of the international community to support and activate the oversight and protection of HRs by an organ with greater capacity and broader powers to fulfill its responsibilities. (Chanea, 2006) It undertakes a comprehensive review of the HRs situation in countries of the world every (4) four years. (G.A.Res.251, 2006)

On June 18, 2007, the HRC adopted Resolution 5/1, entitled (Building the Institutions of the UNHRC), by which a new complaints procedure was established in order to address consistent patterns of gross violations, supported by reliable evidence, of all HRs and fundamental freedoms that occur in Any part of the world and in what circumstances. (Worker, 2007)

The complaints procedure deals with communications submitted by individuals, groups or NGOs claiming to be victims of HRs violations or to have direct knowledge of these violations.

Like the previous 1503 procedure, it is confidential in order to enhance cooperation with the concerned country. The new complaints procedure has been improved in order to ensure that the procedure is impartial, objective, effective, victim-oriented, and implemented in a timely manner.

This council has adopted specific procedures for how to submit a complaint, and certain standards are adhered to for accepting the complaint, and then conducting investigations to ensure the validity of the allegations, in addition to special procedures commensurate with some complaints, and finally observing the principle of confidentiality in the procedures, and this is what will be dealt with in the discussion this section of the research.

2-1- Functions of the Human Rights Council

The Council undertakes the following functions:

- Carry out all the tasks and responsibilities previously assigned to the committee and work to improve and rationalize them and maintain the system of special procedures and procedures related to complaints.
 - Promoting and protecting HRs and addressing cases of gross and systematic HRs violations.
 - Advance education and education in the field of HRs, as well as advisory services and technical assistance in consultation with the member states of the Council.
 - Establishing dialogue among member states on all issues related to HRs .
 - Submitting recommendations to the UNGA with the aim of developing international HRs law.
 - Monitoring the extent to which states fulfill their obligations under int`l HRs conventions.
 - Establishing dialogue and urging int`l cooperation; To prevent HRs violations and to respond quickly in emergency situations related to HRs .
 - Replacing the Commission on HRs with regard to its responsibility towards the Office of the OHCHR.
 - Equality in cooperation and work between governments, national HRs institutions and civil society organizations.
- (Activities, 2006)

To make recommendations related to the promotion and protection of HRs, and to submit an annual report to the UNGA . (Derby, 2022)

2-2-How to make a complaint or report

The complaint form (Appendix A) is filled out by an individual or a group of individuals who have been subjected to a grave violation and have evidence to prove it. The communication can also be submitted by any individual who is aware of the occurrence of the violation and has evidence to prove it. The communication can also be submitted by NGOs .

The complaint or communication shall be sent to the official address of the HRC . (Liebscher, 2010)

2-3-Criteria for accepting a complaint or communication

A complaint of a violation of HRs and fundamental freedoms shall be admissible provided that it meets the following:

- a.If they are not politically motivated and are subject to the Charter of the UN, the Universal Declaration of HRs and other applicable instruments in the field of HRs .
- b.If it contains a factual description of the alleged violations, including the rights allegedly violated.
- c.If the language used in it is not offensive. However, a complaint that does not meet this requirement may be considered if the other admissibility criteria are met after the abusive language has been deleted .
- d.If it was outgoing for a person or group of persons claiming to be victims of violations of HRs and fundamental freedoms or for a person or group of persons, including non-governmental organizations, acting in good faith in accordance with HRs principles and not relying on politically motivated positions contrary to the provisions of the Charter of the UN and claiming to have knowledge directly and credibly with these violations. However, it is not permissible not to accept the complaints supported

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by reliable evidence simply because the owners know indirectly about the occurrence of violations, provided that this information is complaints supported by clear evidence.

e. If it wasn't exclusively supported to reports published by the media.

f. If it wasn't refers to a situation that appears to reveal a consistent pattern of gross, reliably attested violations of HRs being dealt with under a special procedure, treaty body or other UN or similar regional complaint procedure in the field of HRs .

g. If local remedies have been exhausted, unless it appears that such remedies are ineffective or unreasonably prolonged.. The complainant should indicate whether he had submitted his complaint to another body for international investigation or settlement.

h. Complainants should be honest serious In correspondence with the secretariat, and that the requested information be sent as soon as possible and no later than one year from the date of its request . If the information is not received within a year from the date of its request, the complaint file will be closed .

National HRs institutions, which are established and operate in accordance with the principles relating to the status of national institutions (Paris Principles), particularly with regard to quasi-judicial jurisdiction, can act as effective means of addressing individual HRs violations..

2-4- Special Procedures

The HRC has initiated the procedures for HRs complaints (the system of the Special Rapporteur) since its first session in the year (2006) and pledged to improve and rationalize them. The UN to take the right treatments for the HRs situation. It includes individual allegations or more general patterns of HRs violations, and it can be submitted to the holders of special mandates that allow this, as they are either special mandates for countries (country mandates) that operate for a period of (3) three years, (Mandates, 2006) or special mandates for specific topics (thematic mandates). It works until the end of the situation, previously approved by the HRs Committee, and states still have the power to respond to the recommendations of the special states or not. (Bennoune, 2002)

The procedures of the Special Rapporteurs can be summarized as follows:

a. Receive complaints and collect information, and individuals, groups and NGOs can contact them about HRs violations.

b. Requesting states to answer the validity of what is stated in complaints or information about HRs violations, or asking for any other information according to a specific form, and what are their procedures to address them.

c. Field visits, this procedure allows field access to HRs conditions and knowledge of facts and correct information in complaints and communications by visiting all places related to HRs, such as prisons, hospitals, shelters, etc., and the visit takes place with the approval of the concerned country. Meeting with the owners of complaints or communications.

d. Urgent Appeals In emergency or urgent cases and when the violations are serious (such as arbitrary detention, severe torture, enforced disappearance) and deportation, the Special Rapporteur may appeal to the State concerned in order to remove or prevent the violation of HRs .

e. Press releases are resorted to as a matter of transparency to reveal and highlight important facts or information that are made available to any individual or entity and help confront HRs violations in one or more countries.

Among the advantages of this procedure are the following:

a. It can be used for individual cases as well as for general patterns of abuse.

b. It can be a useful tool in urgent situations (early warning) because it allows emergency or preventive action to be taken (called urgent appeals).

c. It can be established regardless of the country in which it is signed and whether the country has ratified the HRs treaty or not, i.e. it is not a contractual obligation.

d. It is not necessary to exhaust local remedies before resorting to this procedure.

e. It is not necessary that the communication be submitted by the victim, but it must be reliable. (Appendix B)

Special procedures mandate holders can help advance HRs in several ways:

- National or international legislative reform .

- Improve access to redress mechanisms .

- Reform national or int'l policies .

- Spreading and disseminating the importance of respecting HRs .

- Contribute to judicial government processes .

- Setting rules and standards for HRs .

- Raising awareness of HRs and exposing states' violations of HRs .

- Facilitate dialogue between the conflicting parties .

- Prevent or stop violations .

- Paving the way for raising cases to higher UN bodies, leading to more binding decisions and the ability to prevent violations (such as the UNSC, the Int'l Court of Justice, or the Int'l Criminal Court). (Ouda Allah, 2009)

2-5- Closed sessions

The HRC considers complaints in four stages:

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a. **Initial examination;** The General Secretariat of the HRC, in conjunction with the head of the complaints team, examines all complaints, and anonymous ones are excluded. The accepted ones are referred to the next stage, where the sender of the complaint receives a written notification of receiving his complaint, then it is referred to the concerned country to respond to it. Because of the confidentiality of the procedures, the sender of the complaint is not informed of any information other than the notification of receipt of his complaint.

b. **Complaints working group;** This team meets for two weeks annually in a closed session after the meeting of the Sub-Committee for the Promotion and Protection of HRs . Complaints that have passed the first stage are examined and the responses of states are reviewed. If the violation is serious, continuous and documented, it is presented to the team concerned with cases. (Hanfer- Burton, 2008)

The working group may , during its cycle , to decide:

- reject a report .
- Keep a communication under review and request the State concerned to provide further information within a reasonable time .
- Refer the complaint to the Working Group on Cases .

In accordance with paragraph 106 of decision 5/1, both the author and the State concerned are informed of the proceedings at each stage. (Committee)

c. **Casework team;** This team meets for one week annually in a closed session to consider the cases presented to it from the second stage, in addition to the cases that remained pending from the previous session, as well as the cases that the HRC keeps under review. Or a decision recommended to be taken in the presented case, or to keep the case pending, or to stop looking into it. The Advisory Committee of the HRC appoints the Working Group on Communications to form it from among its members, appointing them for a period of three years (the mandate is renewable once). The working group is composed of five highly qualified independent experts and is geographically representative of the five regional groups.

d. **Human Rights Council (HRC);** During its annual session, this council holds two closed sessions to consider the specific cases referred to it from the previous stage, as well as the cases that remained pending from its previous session. In the first closed session, state representatives are invited to respond to the complaint and answer questions. In the second closed session, the council takes its decision on the cases. which he examined, which could be ending the consideration of the complaint or keeping the case under review for possible new information from the victim or the state or keeping the case under review and appointing an independent expert or ending the consideration of the complaint according to its secret procedure and it could start with the public procedure in examining the case.

All information and documents, as well as decisions at the various stages of the procedure, remain confidential. This applies to cases that have been terminated until the Council decides to submit its recommendations to the ECOSOC at the request of the concerned countries. And final decisions adopted by the committees are announced , and then , the complainants , if they wish to remain anonymous they are required to state their desire as soon as possible , and because of the level of publicity with which committee decisions are met (including online publication , which thus makes it almost impossible to correct or delete data published on the Internet), it may not be possible to satisfy requests for anonymity made after the publication of the decisions of the committees . The Council's procedures are characterized by slow and long breaths in order to affect the behavior of states in stopping HRs violations as acts that affect the reputation of the state and avoid describing its actions as shameful. The Working Group on Situations consists of five members appointed by regional groups from among the States members of the Council for a period of one year (the mandate is renewable once) .Wee examination of communications referred to it by the Working Group on Communications , including replies states on it as well as the cases originally presented to Council in framework Procedure complaints . (Joseph S. &., 2010)

3-Complaints procedures in human rights treaties

Nine HRs conventions (Appendix C) , included provisions allowing individuals, NGOs, or states to complain or report HRs violations, or it was mentioned in protocols attached to the conventions that allow state parties to agree to them separately from the main convention. Permanent bodies for these agreements have been formed, called treaty bodies, working to monitor and follow up on HRs and communications about them, and to take investigative measures to ensure the reliability of complaints, communications or reports.

3-1- Treaty Bodies (Treaty Bodies)

The treaty bodies emanating from the main HRs conventions can consider individual complaints or communications by a group of individuals under two conditions:

First; The complaint should be against a country that is a party to the agreement. **Second** ; That the state has recognized the competence of the concerned committee to receive and consider complaints. Only seven of them have entered into force, as we will explain later. (Gopalan, 2007)

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They are quasi-judicial bodies, although their decisions are not legally binding, but their interpretations of the relevant agreements have strong convincing effects, just as their interpretations are considered binding legal documents. (Hollar, 2013)

The treaty bodies have four procedures: HRs monitoring, individual complaints, interstate communications, and investigations.

3-2 Human rights monitoring

Given what monitoring constitutes as an essential measure in the field of HRs in order to ensure the adoption of HRs standards and obligations throughout the world. and so he lost the OHCHR has developed a framework of indicators to help measure progress and strengthen the ability of states to fulfill their HRs obligations. It also created the Universal Index of HRS, an essential tool for facilitating access to HRS recommendations issued by treaty bodies, special procedures and the universal periodic review .

Therefore, the reporting system has been approved in most HRs conventions (Doc., 1974) according to which the state party to each agreement submits a report on the extent of its commitment to the agreement within the period specified in the agreement (Joseph S. &) and then an annual meeting of the treaty body for each agreement is held, attended by representatives of the concerned state. In which the committee discusses the report and other information from multiple sources and calls on the state to overcome its violations, and this procedure has weak implications and does not affect most countries. And social, and from it if the situation has great dimensions to the UNGA (Res., 2015) or to the UNSC, if the situation is related to int'l peace and security, as happened to Iraq in the issue of the displacement of the Kurds in 1991, (SC.Res.688, 1991) as well as with Somalia in 1992 and Haiti in 1994 and Liberia in 1990 and Sierra Leone in 1998, (Gordon, 1996 ,2002) and this is achieved the procedure is continuous monitoring and follow-up of the HRs situation in the states that are parties to international conventions, while finding appropriate remedies for human rights violations in order to respect them and adhere to their implementation (Di Robilant, 2006) even though the UNSC is paralyzed if the issue concerns one of the permanent members of it or one of its friendly countries. .

The int'l criminal judiciary played an important role in some grave violations (the crime of genocide and a crime against humanity), as happened with the cases of Rwanda, Burundi, the former Yugoslavia and Darfur. (Cerone, 2008)

Historically, the UN has exercised diplomatic and political pressure on countries that do not respect HRs, such as the expulsion of South Africa from the United Nations in 1974, (Ratification, 2023) while the Commonwealth failed to suspend the membership of Zimbabwe in 2002, Fiji in 2006, and Pakistan in 2007. The European Union is more effective and has an impact on the member states, (Res.No.624, 1956) and some believe that the most effective means of forcing states to respect human rights is economic sanctions . (Ewing-Chow, 2007) & (Committee on Economic, 1997)

3-3-individual complaints

Five HRs conventions allow individuals to file complaints:

First, The First Optional Protocol to the Int'l Covenant on Civil and Political Rights (Articles 1-5).

Second, Convention against Torture and Other Cruel, Inhuman Treatment or Punishment humiliating (Article 22).

Third , Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Fourth , The Int'l Convention on the Elimination of All Forms of Racial Discrimination (Article 14).

Fifth, The Int'l Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 77). (UN, 1990)

The procedure for individual complaints in the treaty bodies is characterized by the fact that the state that has declared its consent to it must be committed to implementing the provisions of the Convention, including providing effective remedies in case of violation of the Convention. The presented case is a starting point for guidelines to prevent similar violations in the future.

Certainly, these complaints are subject to the complaints standards that we have discussed previously, which guarantee the seriousness and reliability of the complaint and that it will not be exploited to harm the concerned state, and is sent to the authorities specified in **Appendix C**.

There are timings for submitting a complaint, and failure to comply with it may lead to the concerned committee inadmissibility of the complaint, and the HRs Committee considers not submitting a complaint after (5) five years have passed from the exhaustion of national remedies, or after (3) three years from the conclusion of the last procedure of Int'l investigation or settlement is an abuse of the right unless there are reasons justifying this delay. (Approval, 2023)

Then the complain to the State Party concerned to give it an opportunity to comment . The state is required to submit its observations within a specified period . The two main stages in a complaint they are known as the "admissibility" stage and the "merits" stage. The "admissibility" indicates the complaint to the formal requirements that it must fulfill before the relevant committee can consider its content. The "merits" of the complaint is the content, on the basis of which the Commission decides whether the rights of an alleged victim, guaranteed by a treaty , has been violated or not violated. As a general rule, committees consider admissibility on the merits. Once the state responds to the complaint, the complainant has an opportunity to comment.

With regard to most commissions , the State party is required to submit its observations within six months, from the date on which that State was notified of the complaint . In the event that the State party challenges the admissibility of the complaint , an obstacle to the admissibility of the complaint.

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When a complaint is registered, the State party has three months to submit its observations on the admissibility of the complaint, and if the State party challenges the admissibility, the complainant has six weeks to comment on the State party's observations. After that, the committee makes a decision on admissibility. If the Committee concludes that the complaint is admissible, the State party has three more months to submit its observations on the merits. Thereafter, the complainant has six weeks to comment before the Committee makes a final decision on the merits of the complaint. If the State party has no objection to the admissibility of the complaint and submits its observations on the merits only, the complainant also has six weeks to comment before the Committee makes a final decision on the merits. (Appendix D)

Upon receiving comments from both sides of the complaint, be the complaint is ready for the relevant committee to take a decision regarding it. and if the State party does not respond to the complaint, even after receiving several reminders from the secretariat, the Committee shall take a decision on the complainant's on the basis of the information provided by the complainant.

Some committees may, at any stage before considering a complaint, request the State party to take "interim measures" in order to prevent any irreparable harm to the complainant or to the alleged victim of the specific complaint. Such requests are usually made to prevent acts that can't be subsequently invalidated, such as execution or deportation of a person in danger of torture. A decision to issue a request for interim measures does not imply a determination on the admissibility or merits of the complaint, but the complaint must have reasonable chances of being admitted on the merits in order to conclude that the alleged victim would suffer irreparable harm. If the complainant wishes a request for interim measures to be considered by the Committee, he should make his wish explicitly known and explain in detail why such action was necessary. (Communications, 2013) & (Hampson, 2007)

And if considered the complaint accepted, the concerned committee it proceeds to consider it in terms of its objective bases, and announces the reasons that prompted it to conclude that it did or did not happen, a violation under the provisions of the applicable treaty. And he may I want some Substantive reservations states may limit the scope commitment these countries terms of the agreement in the field of human rights. And in most cases the committee refuses to consider complaints falling within the areas covered by a reservation, States may reserve the committee's competence not only with regard to complaints being examined, but also with respect to complaints that have been examined and decided by another int'l mechanism. If, under exceptional circumstances, it might conclude that a reservation was impermissible and hear the case despite the reservation made.

As the committees do not go beyond the information provided by the parties in an effort to independently verify the facts.

When the Committee takes a decision on a complaint, it transmits it to the complainant and the State party simultaneously. One or more members of the committee may append the decision with an independent opinion in the event that they reach a conclusion different from that of the majority, or in the case in which they may reach the same conclusion but for different reasons. The text of any final decision on the merits of the complaint shall be published, or the text of a decision of inadmissibility, on the website of the Office of the OHCHR as part of the jurisprudence of the Committee.

It does not affect Complaint procedures submitted to special rapporteurs or their working groups do not affect on procedures HRC. Therefore, a complaint submitted to because it's not a mechanism of it. The HRC will not be declared inadmissible if it has been submitted to these mechanisms. Likewise, complaints that have been rejected by other international mechanisms on procedural grounds are not considered to be substantively examined; Therefore, it may be presented to the treaty committees.

3-4 Report a violation

Reporting a violation of HRs shall be through the states parties to the conventions that allow this, (Kurze, 2009) and it may also be from NGOs, as well as from individuals who have information about HRs violations.

This procedure applies only to States parties that have made a declaration accepting the competence of the Committee in this regard. In some conventions there is more detail on disputes between States parties to implement the agreement through the formation of a conciliation committee between them. (Kurze)

The communication is also subject to the criteria for accepting the complaint that we mentioned in Part (2-2) of this research.

In order to deal with these reports of HRs violations, two working groups have been established, namely the Correspondence Working Group and the Cases Working Group. Their mission is to study the communications, inform the Council of consistent patterns of gross violations, and verify the validity of violations HRs and fundamental freedoms..(Appendix E)

3-5 investigations

Upon receiving reliable information on the commission of gross, serious or systematic violations by a State party to conventions monitored by the treaty committees, (Appendix F) These committees may take place, on her own initiative investigations if it receives reliable information containing well-founded indications of gross or systematic violations of conventions in a state party.

Investigations may only be conducted with regard to the States parties that have recognized the competence of the concerned committee in this regard. The States parties may choose not to recognize this competence when signing, ratifying or acceding to the Convention/Protocol by issuing a declaration that they do not recognize the competence of the concerned committee to conduct investigations. Which leads to this procedure being weak and not very reliable in measures to protect HRs, as mentioned in Subject (33) of the Int'l Convention for the Protection of All Persons from Enforced Disappearance, and as happened in the systematic and continuous torture of detainees in Guantanamo. (Committees)

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In this regard, the Committee on Enforced Disappearances is an exception because the competence of conduct investigations no subject to acceptance by the states parties, (AL-Samarraee) in order to make its procedures more effective and effective in protecting the rights stipulated in this agreement.

The investigation is conducted according to the following:

a. An investigation may be initiated if the Committee receives reliable information indicating that the rights contained in the Convention it is monitoring are being systematically violated by a State party.

b. The Committee invites the State party to cooperate in the examination of the information and to submit its observations.

c. The Committee may, on the basis of the State party's observations and other relevant information available to it, decide to appoint one or more of its members to conduct an investigation and to report to the Committee on an urgent basis. The investigation may include a visit to the territory of the concerned State party, when there is justification for that and with the consent of the State party.

d. The Committee then examines the conclusions of the member(s) and transmits them to the State party along with any comments and recommendations.

e. The State party is requested to submit its observations on the Committee's findings and its comments and recommendations within a period specified period (usually six months) and to be submitted to the Committee, when called upon by the Committee. In addition, information on measures taken in response to the investigation.

f. The investigation is conducted in strict confidence and the cooperation of the State party is sought at all stages of the proceedings. (Appendix A)

g. After completing all work related to the investigation, a committee may, after consulting with the state party, decide to include a brief statement of the results of the investigation in its annual report. This is the only opportunity for the committee's work to become public. (UNDoc., 2009)

4. Mandate and tasks of the Advisory Committee of the Human Rights Council

Pursuant to the decision of the HRs Council, (Appendix H) the Advisory Committee of the HRC (hereinafter referred to as the "Advisory Committee"), consisting of 18 experts, was established to serve as the think tank for the Council and act under its direction, the Advisory Committee shall submit to the Board when requested, with an emphasis on implementation, thematic studies and advice-based research on issues related to the Council's mandate; Especially at the level of promoting and protecting all HRs. The Advisory Committee may submit proposals to support its procedural efficiency, in addition to further proposals related to research within the scope of work determined by the Board. The Advisory Committee replaces the former Sub-Committee on the Promotion and Protection of HRs. The committee held its first meeting in August 2008. It is meeting twice a year for one week in February, immediately before the Council session, and in March, and for one week in August. (Advisory)

And according to the rules of procedure of this committee, (Agenda, 2023) it performs the following tasks:

- The Advisory Committee provides expertise to the Council in the manner and form it requests. It mainly focuses on studies and research-based advice.

- The Committee may also submit to the Council, within the scope of work specified by him Suggestions for further research for consideration and approval.

- The Advisory Committee should focus its work on operational aspects and limit its advice to thematic issues related to the Council's mandate, which is the promotion and protection of all HRs.

- The Advisory Committee does not adopt resolutions or decisions. (Advisory/Mandates, 2023)

Currently, the committee undertakes the following mandates:

- National policies and HRs.

- The contribution of development to the enjoyment of all HRs.

- The negative effects of terrorism on the enjoyment of all HRs.

- The negative impact of not repatriating funds of illegal origin on enjoyment of HRS.

- A global call for concrete action to eliminate racism, racial discrimination, xenophobia and related intolerance and comprehensive implementation and follow-up to the Durban Declaration and Program of Action

- The role of technical assistance and capacity building in supporting mutually beneficial cooperation for the promotion and protection of HRs.

- The importance of a legally binding instrument on the right to development.

The Commission decided a contract meetings especially in all framework from frame its, and that with representative organizations not government and society civil; and office council rights Human and coordinators regionalists & politicians. As decided the Commission tracking practice it in petition of experience, on model that you advance UNHCR sublime rights human & organizations not government and academics and others from friends interest Same relevance, with a goal moved it to deliberations the Commission advisory and her work. (Advisory/Decisions, 2014)

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To complete her studies form The Commission usually a team editing consists from four to five members belong to various groups regional . And it works members a team wording from during meetings complexity face to face & communication via internet

Progress studies Later to session the public to the committee from Okay Tours consecutive from discussion and review. And go ahead difference wording usually a report Firstly and a report Suspended before presentation study final to the Council.

Interact with Different friends interest to include track natural for work that follows Preparation studies and solicitation comments and advice from friends interest , any Countries Members and organizations int`l and institutions national HR & NGO, from during questionnaires .

The UN is supposed to open its doors to HRs organizations Don`t shut her up. The Dalit Solidarity Network is a small non-governmental organization based in Copenhagen , seeks to eliminate caste discrimination against the class of untouchables, and has an unfortunate experience with the Committee on NGOs She had to wait 15 years before the committee granted her advisory status . (Varma, 2023)

The Advisory Committee presents its directives to the parties that submit a project to the HRC, explaining to them the purpose of the project, the technical aspects, and everything that helps to take a decision on the problem of the project. The Committee uses its influence and powers to reach a positive outcome for the project through communication with those concerned in the HRC.

It is assumed that this committee was formed in order to ensure the participation of a wide range of NGOs in the work of the UN system . But the committee faces many criticisms , from civil society organizations and individuals from independent experts, diplomats, and even some UN workers . These criticisms claim that some members of the committee are actually working , in contrast to its mission. It has been criticized organizations and individuals on that some Countries used principles guiding undemanding that going a job The Commission to strangle organizations not government real dissociate by herself and allies on criticism . And enjoy Countries members free Same divorced in Subtract any a question on the NGO, what maybe This is amazing Countries from obstruction to request the NGO.

5- CONCLUSION

Since its establishment in 2006, the HRC has been able to make significant progress in HRs protection procedures, especially the complaints system.

In the axis of complaints procedures in the HRs, the terms of reference of the Council were determined to serve as a road map for the Council`s procedures in protecting HRs and preventing their violations, drawing clear guidelines for complaining or reporting allegations of HRs violations to ensure seriousness and reliability and avoiding the exploitation of procedures to offend a particular country, and standards were organized to accept The complaint or communication guarantees the complainant acceptance of his complaint and helps him put an end to the violations he is exposed to. The special procedures related to the rapporteurs (on a state or on a subject) have been developed, as well as the conduct of closed sessions with the state and the complainant in order to reach the truth without informing or defaming a specific party.

In the axis of complaints procedures in HRs treaties, which now includes nine int`l HRs conventions that allow the complaints system, which gave it a great expansion and depth and an advantage over the previous period, where the terms of reference of the treaty bodies were defined, and reliable information was available on the HRs situation in the countries of the world from Through continuous monitoring and control procedures, expanding individual complaints and providing electronic means of communication, allowing countries and NGO to report HRs violations, and initiating investigative procedures to ensure the reliability and correctness of information that reaches the Council.

The axis dealt with the mandates and tasks of the advisory committees in the HRC, which includes experts and specialists at a high level to present to the Council their proposals, research and observations regarding the development of the Council's procedures in the field of HRs .

5-1- Results

- a. The HRC has become more efficient and capable of protecting HRs than its predecessor, the Committee of HR .
- b. The complaints system has been developed through complaint forms, conditions and acceptance criteria, in a way that makes it easier for individuals to use it to confront HRs violations.
- c. State consent is still required in most HRC procedures, and has been bypassed in some procedures (such as complaints of torture or enforced disappearance).
- d. Treaty committees have proven their ability and effectiveness in confronting human rights violations and restrictions on their scope and severity.
- e. The importance of urgent and compulsory measures in mitigating the effects of violations before resolving issues of human rights violations.
- f. It has become available for individuals and NGOs to communicate their complaints and communications through available and accessible electronic means for each type of HRs violation.

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5-2- Recommendations

a. States parties to HRs conventions should cooperate with the HRC and implement its directives, standards and requests with regard to respecting HRs and preventing their violations.

b. The countries to which the complaints of their citizens are referred regarding their violation of HRs stipulated in int'l agreements must answer them within the specified period and provide the Council with all documents documenting the validity and accuracy of the answer.

c. The States Parties shall act to the HRs conventions approve the provisions related to the individual complaints system, as well as the approval of the optional protocols related to complaints.

d. That the UN work through the influence of the states parties to HRs conventions that do not have a treaty committee to be similar to the nine conventions that have treaty committees because of their influence in ensuring the implementation, respect and protection of HRs.

e. States' response to urgent or urgent measures required by the HRC to address HRs violations.

f. The HRC should expand the use of electronic means for individual complaints in all HRs conventions.

REFERENCES

- 1) Activities, F. C. (2006). *As a positive indicator of its involvement in the performance of its duties*. New York: UN. Are the following:
- 2) - Establishing working groups to review the work of the special rapporteurs.
- 3) - Establishing work teams working to establish a periodic and comprehensive review mechanism for the member states of the Council .
- 4) - Adoption of the Int'l Convention for the Protection of All Persons from Enforced Disappearance.
- 5) - Adoption of the United Nations Declaration on the Rights of Indigenous Peoples.
- 6) - Extend the authority of the work of the working group concerned with drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights regarding individual complaints.
- 7) - Maintain or activate the complaints mechanism (1503) regarding gross violations of human rights.
- 8) - Creation of two working groups with a mandate to examine communications and directing the Council's attention to consistent patterns of gross violations of human rights.
- 9) Advisory, C. (n.d.). <https://www.ohchr.org/ar/hr-bodies/hrc/advisory-committee/hrcac-index> . New York: UN.
- 10) Advisory/Decisions. (2014). *Therd ten dad decided at the link* ; <https://www.google.com/search?q=> (reviewed on Aug.4 /2023). New York: UN.
- 11) Advisory/Mandates. (2023). *Her Previous Term on the Website at the link: https://ohchr.org/ar/hr-bodies/hrc/advisory-committee/mandates* (reviewed on Aug.5/2023). New York: UN.
- 12) Agenda, C. (2023). *30th Session on the Website at the Link: https://documentsddsny.un.org/doc/UNDOC/GEN/G23/104/79/PDF/G2310479.pdf?OpenElement*. New York: UN.
- 13) Al-Samaarrae. (1997). *Int'l Protection of HRs Through UN* . Baghdad: Baghdad Uni. - Iraq.
- 14) Al-Samarrae. (n.d.). Baghdad: Baghdad Uni. - Iraq.
- 15) Al-Samarrae .(1997) .*Int'l Protection of HRs Through UN* . Baghdad: Baghdad Uni. -Iraq.
- 16) Approval, C. (2023). *Agreements* , . visit the website at the link: <https://indicators.ohchr.org/> - Reviewed on Jul/29/2023.
- 17) Bennoune, K. (2002). Sovereignty vs. Suffering? Re-examining Sovereignty & HR through the lens. *EJIL, Vol.13, No.1* , p.250.
- 18) Cerone, J. (2008). nappropriate Renderings: The Danger of Reductionist Resolutions. *33 Brooklyn J.*, 357-358.
- 19) Chanea, N. (2006).) From UN Commission on HR to UN HR Council: One Step . *Int'l Comp.L.Quarterly* , Vol.55, pp.695-705.
- 20) Committee on Economic, S. &. (1997). *The relationship between economic sanctions and respect for economic, social and cultural rights, General Comment 8:*. New York: UN , E/C.12/1997/8, 12 December .
- 21) Committee, A. H. (n.d.). *Appoints the Working Group on Communications to form it from among its members* . Appointing them for a period of three years (the mandate is renewable once). The working group is composed of five highly qualified independent experts and is geographically representative of the five regional groups.
- 22) <https://www.ohchr.org/en/hr-bodies/hrc/complaint-procedure/wg-communications>
- 23) New York: UN.
- 24) Committees, I. (n.d.). *Set up by the HRs Bodies of the UN*. New York: <https://libraryresources.unog.ch/factfinding/chronolist>.

Modernizing the Human Rights Complaints System at UNO

- 25) Communications, F. (2013). *The Responses of States to them*, CCPD/c/112/D/2243/2013. <https://documentsddsny.un.org/doc/UNDOC/GEN/G14/229/32/PDF/G1422932.pdf?OpenElement>
- 26) Also, Hampson, Françoise J. (2007). An Overview of the Reform of the UN H.Rs. Machinery. *HL Review*
- 27) Derby, A. R. (2022). The efforts of the UN in the field of HRs protection: a study of experiences and expertise. *J.of Pol.& Econo.16(15)*, pp.237-287. Doi : 10.21608/jocu.2022.124070.1161
- 28) Di Robilant, A. (2006). Genealogies of Soft Law . *54 A.J. Comp. L.*, 499, 508.
- 29) Doc., UN (1974). *UN and South Africa, UN Doc S/11543.Res. was defeated by the vetoes of the US, France and the UK: UN SCOR, 1808th meeting, 30 October*. New York: UN.
- 30) ESCRes.1503. (1970). *Economic & S.C. Res. 1503. d. 48 of the year 1970 and was amended by the same Council Resolution No. (3/2000) of the year 2000*. New York: UN.
- 31) Ewing-Chow, M. (2007). First do no harm: Trade Sanctions & HRs. *5 Northwestern J. of Int'l* , 153.
- 32) Also, Committee, Economic, (1997). Social and Cultural Rights .The relationship between economic sanctions and respect for economic. General Comment 8: E/C.12/1997/8, 12 December 1997.
- 33) G.A.Res.251 (2006). *Who established the Human Rights Council*. New York: UN. . Entitled “building institutions HRs Council affiliate for the UN” mechanisms Main and bodies sub affiliate Council and with reliance on resolution Association the public 62/219 the historian 22 Canon the first/December 2007 The work and procedures of the Human Rights Council have been organized .The council consists of(47)Members distributed geographically to the countries of the world (13 for Africa, 13 for Asia, 6 for Eastern Europe, 7 for Western Europe, 8 for Latin America) and for more see the website at the link:
- 34) <http://www2.ohchr.org/english/bodies/hrcouncil/groaps0610.htm> (reviewed on Aug. 1/2023)
- 35) Gopalan, S. (2007). 'Alternative sanctions and social norms in inter-national law: the case of Abu . *Michigan State Law Review*, 785-789.
- 36) Gordon, R. A. (1996 ,2002). 'Intervention by the UN: Iraq, Somalia and Haiti, Also Resources to force : state action against threats & armed attacks . *31 Texas Int'l L. J. Also Cambridge Uni* , 43, 155-62.
- 37) Also , Franck, Thomas M (2002). *Recourse to Force: State Action against Threats and Armed Attacks* .
- 38) Cambridge Uni. Press. PP.155–62
- 39) Hampson, F. J. (2007). An Overview of the Reform of the UN H.Rs. *Machinery, HL Review*, 23.
- 40) Hanfer- Burton, E. M. (2008). Sticks and Stones: Naming and Shaming the HRs Enforcement. *Int'l Organization ,Vol.62, No.4* , 689.
- 41) Hollar, J. (2013). HR Instruments & Impacts, . *Comp. Politics Oct.* , 107-108.
- 42) HRs. (2006). ,*In its first session affirmed its responsibility for the procedure (1503)*. New York: UN. And it will review it and, if necessary, improve and rationalize it in accordance with UNGA Res. No. (251/60) and stipulated in its decision (102/2006) the continuation of the procedure (1503) and the implementation of the mandate board it.
- 43) Irina, I. (1990). *HRs Committee and the Special Subcommittee(1967)*. New York: UN.
- 44) Joseph, S. &. (2010). *The UN & H.Rs. , Research Handbook Int'l H.Rs. Law* , . London : Edward Elgar Publishing ,UK & USA.
- 45) Joseph, S. &. (2010). *Reference No.20*, PP.28-29.
- 46) Kurze, A. (2009). *Accountability after Mas Atrocity : Latin American & African Examples in Comparaive Perspective ,Rapportour`s Report of an Int'l Symposium*. Washington DC: Washington DC Center for Global Studies, George Mason Uni. .
- 47) Kurze. (2009). *P.P.25-27*.
- 48) Kyriakakis, J. (2010). *UN & HRs. Law , Research Hand Book Int'l HRs*. London: Edward Elgar Publishing , UK & USA.
- 49) Liebscher, D. &. (2010). *Procedure Unit , Complaint*. Federal Anti-Discrimination Agency- Germany (FADA).
- 50) Mandates, H. (2006). *HRC ended (5) five country mandates* . Ended (5) five country mandates, pertaining to Cuba, Belarus, Congo, Uzbekistan and Liberia, and (8) mandates pertaining to Somalia, Sudan, Cambodia, North Korea, Burundi, Myanmar, Haiti and the Palestinian Territories were renewed.
- 51) New York: UN.The latest activities of the country and substantive mandates can be found through the link:
- 52) <https://www.ohchr.org/en/special-procedures-human-rights-council> (reviewed on Jul. 24, 2023)
- 53) To connect with the procedure : Twitter: [@UN_SPexperts](https://twitter.com/UN_SPexperts)
- 54) OHCHR. (1993). *HH Palais des Nation 8-14, avenue la Paix CH-1211 Geneva 10 Switzerland Fax : 41 (0) 22917911*. New York: UN. Email:1503@ohchr.org
- 55) Ouda Allah, K. A. (2009). *UN Protection Mechanisms: Special Procedures*. Bizerte: Uni. of Bizerte College of Graduate Studies.
- 56) Ratification, S. O. (2023). *To find out the of optional conventions and protocols* , . New York: please visit the Commission's website: <http://www.ohchr.org> (reviewed on Aug.2/2023).

Modernizing the Human Rights Complaints System at UNO

- 57) Res., UN (2015). *The right of individuals to external electronic communication on HRs : GA Res.* New York: UN.
- 58) Res.No.624, E. (1956). *B(Session)*. Union Europe.
- 59) SC.Res.688. (1991). *was adopted on 5April, post that concern about the political repression of the Iraqi* Post that receive messages from representatives of France, Iran, and Turkey Expressing concern about the political repression of the Iraqi people. Council, including those in Iraqi Kurdistan, condemned the repression , and demanded to put Iraq As a contribution to removing the threat to peace and security an end to oppression, and respect HRs .*Kurdistan*. New York: UN.
- 60) Smith, R. (2021). Corporate Violations of HR: Addressing the Coordinated Surveillance . *G.A.Int'l L. & Comp.L. -Vol.49*, , 644.
- 61) Subcommittee HRs.1235, C. a. (1967). *Allowed Special Subcommittee*. New York: UN. which is related to the prevention of discrimination and protection of minorities, to work according to mechanisms that ensure that they study issues related to cases of HRs violations, including discrimination against women anywhere in the world., As a result, a number of procedural decisions were issued (Not included in agreements) are named after decision numbers, including the procedure numbered 1235.
- 62) UN(1956). B(session22). New York.624.E.R.
- 63) UN(1974). A draft resolution to expel South Africa was submitted by Iraq, Kenya, Mauritania and Cameroon in 1974: Relationship between the UN and South Africa. UN Doc S/11543. The resolution was defeated by the vetoes of the US, France and the UK: UN SCOR. 1808th meeting.30 October 1974.
- 64) UN (1990). *The work in the field of HRs* . New York: UN . Volume II. United Nations.
- 65) UNDoc. (2009). *A/HRC/AC/3/2, A/65/53*. New York: UN.
- 66) Varma, M. (2023). *Executive Directive of the Dalit Solidarity Network , a pariah caste in India & Sri Lanka :* <https://www.swissinfo.ch/eng/politics/48338992/> (reviewed on Aug. 4/2023).
- 67) Worker, T. (2007). *Summary a discussions that conducted in about Procedure complaints include it documents*. New York: UN.

4 Appendixes:

A. Complaint form to the HRC

Human Rights Council Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author(s) of the communication or the alleged victim(s) if other than the author

Individual Group of individuals NGO Other

Last name:

First name(s):

Nationality:

Address for correspondence on this complaint:

Tel and fax: (please indicate country and area code)

E-mail:

Website:

Submitting the complaint:

On the author's own behalf:

On behalf of other persons: (Please specify:

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s):

.....

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III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

.....
.....
.....

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies— please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions¹, the claims made, at which times, and what the outcome was:

.....

2-If domestic remedies have not been exhausted on the grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

.....

V. Submission of communication to other human rights bodies

1-Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedure in the field of human rights?

.....

2-If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

.....

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality(Please tick as appropriate): Yes No

Please indicate which information you would like to be kept confidential

Date:

Signature:

NB The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):

Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):

- Any other evidence or supporting documents deemed necessary:

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights

Human Rights Council Branch-Complaint Procedure Unit OHCHR- Palais Wilson

United Nations Office at Geneva CH-1211 Geneva 10, Switzerland Fax: (+41 22) 917 90 11 E-mail: CP@ohchr.org

Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

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Complaint Procedure Unit
Human Rights Council Branch
Office of the United Nations High Commissioner for Human Rights
United Nations Office at Geneva CH-1211 Geneva 10, Switzerland
Fax: (41 22) 917 90 11

Email: ohchr-cp@un.org

Some countries (China, for example) prevent their citizens from using the Internet to submit their complaints. For more see Smith, Ross, Op. Cit. , p. 645

B.Orientation Letters under Special Procedures to:

Office of the UN High Commissioner for HR Palais des Nations 8-14, avenue de la Paix CH-1211 Geneva 10 Switzerland
Fax: +41 (0)229179006
Email: urgent-action@ohchr.org

C.Human Rights Treaties:

(1) Civil and political rights, as set forth in the Int`l Covenant on Civil and Political Rights; (2) Acts of torture and cruel, inhuman or degrading treatment or punishment, as defined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; (3) Racial discrimination, which is prohibited by the Int`l Convention on the Elimination of All Forms of Racial Discrimination; (4) Gender discrimination, under the Convention on the Elimination of All Forms of Discrimination against Women; (5) The rights of persons with disabilities, which are set forth in the Convention on the Rights of Persons with Disabilities; (6) The protection of all persons from enforced disappearance, as defined by the Int`l Convention for the Protection of All Persons from Enforced Disappearance; (7) The rights of migrant workers and members of their families, which are set forth in the Int`l Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; (8) Economic, social and cultural rights stipulated in the International Covenant on Rights economic, social and cultural; (9) The rights of the child, contained in the Convention on the Rights of the Child and its Optional Protocols.

D.Complaints submitted to:

Human Rights Committee, Committee against Torture, Committee on the Elimination of Racial Discrimination. Send to Petitions Team

Office of UN High Commissioner for HR
Palais des Nations 8-14, avenue de la Paix
CH-1211 Geneva 10 Switzerland
Fax: +41 (0)229179022

Email: tb-petitions@ohchr.org

Complaints sent to:

Committee on the Elimination of Discrimination against Women, sent to:

Committee on Elimination of Discrimination against Women
Department of Economic & Social Affairs UN Secretariat
2UN Plaza , DC-2/12th Floor New York , NY 10017 , USA
Fax: +212 963 3463

E.Article (96c) of the rules of procedure of the HRs Committee.

- Article 14, paragraph 5, of the Int`l Convention on the Elimination of All Forms of Racial Discrimination provides that “a petitioner shall have, if he fails to obtain what he has requested from the organ established or appointed in accordance with paragraph 2 of this article, the right to communicate his complaint to the Committee within six Months”;

- Article 3, paragraph 2, of the Optional Protocol to the Int`l Covenant on Economic, Social and Cultural Rights provides that “the Committee shall declare a communication inadmissible where: (a) the communication has not been submitted within one year after the exhaustion of domestic remedies, except where the author proves The communication could not be submitted before the expiration of this deadline (...)”;

- Article 7 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure provides that “the Committee considers a communication inadmissible when: (...) (h) the communication is not submitted within one year after the exhaustion of domestic remedies, with the exception of cases where in which the author can prove that it was not possible to submit the communication within this time limit”.

F. Int`l Convention on the Elimination of All Forms of Racial Discrimination(Articles 11-13)and the Int`l Covenant on Civil and Political Rights(Articles 41-43),The procedure normally applies to all states that are parties to the Int`l Convention on the Elimination of All Forms of Racial Discrimination , but it applies only to States parties to the Int`l Covenant on Civil and Political Rights and the Convention on the Rights of the Child that have made a declaration accepting the competence of the relevant committee in this regard.

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G. Committee Against Torture(Article 20 of the Convention against Torture) , And Committee on the Elimination of Discrimination against Women(Article 8 of the Optional Protocol to the Convention on the Elimination of Discrimination against Women) Committee on the Rights of Persons with Disabilities(Article 6 of the Optional Protocol to the Convention on the Rights of Persons with Disabilities) Committee on Enforced Disappearances(Article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance) Committee on Economic, Social and Cultural Rights(Article 11 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights) Committee on the Rights of the Child(Article 13 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure).

H. Pursuant to paragraphs 65-84 of Resolution 5/1 of 2007 , the Advisory Committee is formed as follows:

The committee is composed of 18 independent experts from various professional backgrounds representing different regions of the world (5 African countries , and 5 from Asian countries , and 2 from Eastern European countries , and 3 from Latin America and the Caribbean , and 3 from Western European and other countries) . Experts are nominated by governments and elected by the Council . Elections are usually held during the Council session in September. Members perform their duties for a period of three years and may be re-elected once.



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