

Guideline on the Strategic Use of UN Human Rights Mechanisms for Syria

April 2022





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Introduction

Following World War II, states established the United Nations with the goal of maintaining peace and security worldwide. The momentum for preventing atrocities led to significant developments in international law, including the adoption of human rights norms. States committed to respect minimum legal standards, guaranteeing fundamental rights to individuals living in their territories. In 1948, states adopted the Universal Declaration of Human Rights, the pillar of international human rights law¹. Subsequently, states solidified their commitment to the rights enshrined in the declaration by enacting and adopting a total of nine core international human rights treaties. In order to ensure respect for these treaties and other international human rights norms, the UN created different mechanisms to monitor states' compliance with their human rights obligations. These mechanisms are herein referred to as "UN mechanisms."

Part I: Introduction to UN Mechanisms, their Functions, General Rules for Submission, and Working Procedures

1. What are UN Mechanisms and Why Should We Engage with Them?

UN mechanisms are bodies established under international human rights treaties, the UN Charter, or other UN instruments to monitor the states' compliance with their human rights obligations. While their specific mandates and working procedures differ, they all collect information about a state's human rights issues, assess these issues in light of international human rights norms, and issue recommendations to improve the implementation of the relevant human rights norms in the state.

UN mechanisms can be divided into three categories: treaty-based mechanisms, Charter-based mechanisms, and independent investigations.

A treaty-based mechanism is a body established under one of the nine core international human rights treaties or their optional protocols². They consist of a group of independent experts that are mandated to monitor whether the state parties to the treaty are in compliance with their obligations under the treaty. There are currently ten treaty-based mechanisms, nine of which are mandated to review the implementation of the core international human rights treaties. One of the ten, the Subcommittee on the Prevention of Torture, monitors places of detention in state parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

1 G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

2 Human Rights Bodies, UN OHCHR, <https://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx> (last visited Dec. 9, 2020). For a list of all treaty-based mechanisms and the respective international human rights treaties and their relevance for Syria, its neighboring countries, and selected European countries, see annexes 1 and 2.

Treaty-based mechanisms address human rights issues when two basic conditions are met:

- The issue concerns the fundamental rights that are enshrined in the respective international human rights treaty; and
- The state where the human rights issues occurred has ratified the treaty in question.

A Charter-based mechanism is a body created by a resolution agreed upon by an entity that is directly established under the UN Charter. They primarily include the Human Rights Council and Special Procedures.³

- The Human Rights Council is an intergovernmental body created by the UN General Assembly with 47 elected UN member states who serve for a period of three years and may be reelected for one sequential term.
- The Special Procedures are specialized mandate holders established by the Human Rights Council whose work focuses on a thematic issue (thematic mandates)⁴ or on a specific region that has faced particular human rights challenges (country-specific mandates).⁵ As of December 2021, there are 45 thematic mandates and 13 country-specific mandates. The Special Procedures operate as either working groups or individuals acting as so-called special rapporteurs or independent experts.

Contrary to the treaty-based avenues, Charter-based mechanisms examine human rights issues regardless of whether states have ratified a particular human rights instrument or otherwise given permission to monitor the implementation of human rights on their territory. These mechanisms address any human rights issue in a state provided that the reports about these issues are well-founded, credible, and submitted to the appropriate mandate holder.

Independent investigations are mechanisms established to respond to serious abuses of international human rights law and advance accountability for these acts. Some are also concerned with violations of international humanitarian law. They include fact-finding missions, investigations, and commissions of inquiry and are created by the UN Security Council, UN General Assembly, Human Rights Council, or other UN bodies. Their scope of work is limited to human rights abuses and other atrocities committed on a specific territory within a specific timeframe.

In the Syrian context, the independent investigations include the Independent International Commission of Inquiry on the Syrian Arab Republic (COI) and the International, Impartial, and Independent Mechanisms to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM). Their respective mandates and procedures are discussed below.

³ UN OHCHR, *supra* note 2.

⁴ Examples of Special Procedures with thematic mandates are the Working Group on Arbitrary Detention or the Special Rapporteur on Torture.

⁵ Examples of Special Procedures with country-specific mandates are the Special Rapporteur on the situation of human rights in Myanmar or the Special Rapporteur on the situation of human rights in Iran.

All UN mechanisms have created a space for civil society actors to submit information about human rights issues. These civil society actors can either bring forward alleged violations of international human rights law committed by the state against an individual person or report a general situation or pattern of human rights abuses committed by the state. For the independent investigations mechanisms, civil society actors may provide information about serious human rights abuses and other atrocities, depending on the mechanisms' specific mandates.

In the Syrian context, civil society actors have largely underutilized UN mechanisms. The discrepancy between the large number of human rights abuses reported by civil society organizations and the number of cases received by UN mechanisms demonstrates this fact. Between 2011 and 2019, the Working Group on Arbitrary Detention, a Charter-based mechanism mandated to, inter alia, investigate cases of arbitrary deprivations of liberty and assist states in preventing this practice, has received only 11 individual communications on Syria. However, credible human rights reports speak of “[t]ens of thousands of persons [who] have been detained or disappeared since 2011, the vast majority by government forces.”⁶ Similarly, while thousands of Syrians have reportedly died from torture in Syrian detention facilities, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment received less than 50 individual communications about Syrians between 2011 and 2019. These numbers indicate that Syrian civil society actors have not utilized the full potential of UN mechanisms.

Syrian civil society's engagement with UN mechanisms is important for the following main reasons:

1. Utilizing UN mechanisms may keep the names of individuals who have been harmed or killed during the Syrian conflict in the consciousness of the international community. Submissions to these mechanisms help ensure that a full and accurate record of the violations that occurred is not lost or forgotten. With this, submissions contribute to public memory even if there is little to no expectation that Syria will comply with UN recommendations or decisions.
2. Statements from UN mechanisms may support the political process. Those engaged in political negotiations may use the statements of UN mechanisms to strengthen their calls for accountability and justice reforms. Syrian civil society actors may enhance the value of these statements because they have access to invaluable information about human rights abuses that they can directly feed into the UN mechanisms' work.
3. Decisions and recommendations from UN mechanisms often play a role in larger advocacy campaigns. For instance, a statement from a UN mechanism, like the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, informed by a communication from a civil society group about a particular state, may be reprinted in domestic and international news. Statements from the UN mechanisms can thus add weight and additional credibility to advocacy campaigns on human rights issues.

⁶ World Report 2020, Human Rights Watch 538-46 (2020), https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2020_0.pdf.

4. Statements from UN mechanisms may in some instances be cited as persuasive evidence that the state has violated its obligations within subsequent domestic or international litigation. Where procedural rules allow, advocates litigating the same issue reported to a UN mechanism can reference a favorable finding from that mechanism when seeking to prove a state's violation of law within a domestic court or international court. The relative weight of such a finding will vary depending on the state and tribunal.

When engaging with UN mechanisms, civil society actors should also be aware of the mechanisms' limitations so they can manage the expectations of people affected by human rights abuses. While some limitations are specific to a particular UN mechanism, the following limitations apply to all mechanisms:

- UN mechanisms are subsidiary to domestic remedies; the primary avenue for justice and accountability for human rights abuses are domestic systems. In some cases, civil society actors are even required to exhaust domestic remedies before submitting a human rights claim to a UN mechanism. Civil society actors should first examine the available options for bringing alleged human rights violations at the domestic level. A submission to a UN mechanism is possible only if these domestic options are closed.
- The mandate of UN mechanisms is limited to reviewing the states' compliance with their human rights obligations and issuing recommendations to the states for improving implementation. The UN human rights system does not have enforcement mechanisms similar to the domestic police or court systems, nor does it provide financial compensation or other remedies to victims of human rights violations. Additionally, states' level of compliance with the recommendations of UN mechanisms varies greatly, and may not result in improved human rights conditions. Individuals affected by human rights abuses cannot obtain full reparation through UN mechanisms for the harm suffered.

This manual explains the mandates and procedures of UN mechanisms that are relevant to the Syrian conflict and discusses practical considerations and strategies for engaging with these mechanisms. It seeks to encourage Syrian civil society actors to utilize the available UN mechanisms to establish a narrative of the Syrian conflict and the gross human rights abuses committed during this conflict.

2. Treaty-Based Mechanisms

The UN has created four treaty-based avenues for individuals and civil society actors to bring claims of human rights abuses against states, namely individual communications, alternative reports ("shadow reports"), inquiry procedures, and the early-warning and urgent measures procedure under the Convention on the Elimination of All Forms of Racial Discrimination.⁷ While the individual communications serve to highlight a single incident of human rights abuses, the others shed light on a general situation or pattern of human rights abuses.

⁷ International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195 (hereinafter CERD).



a. Communications to Human Rights Treaty Bodies

Communications are complaints from individuals who have personally suffered human rights abuses, or from civil society groups acting on behalf of such individuals, submitted to the monitoring body established under the relevant international human rights treaty. Through these communications, individuals or civil society groups report the state's failure to ensure respect for the affected persons' rights enshrined in one of the core international human rights treaties.⁸

Admissibility Criteria for Submitting a Communication to the Treaty Bodies:

To file an individual complaint against a particular state, the following admissibility criteria must be met:⁹

- The state must be a party to the treaty: This means that the state must have ratified the treaty in question.
- The state explicitly recognizes the competence of the treaty body to hear individual complaints against it: States must agree to the individual complaint mechanism by making a declaration under the relevant treaty article or ratifying the treaty's relevant optional protocol defining this mechanism. The fact that a state has ratified a treaty does not necessarily mean they have agreed to the individual complaint mechanism. For example, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁰ requires states to make a declaration under article 22 that it recognizes the treaty body's competence to hear individual complaints; the Convention on the Elimination of All Forms of Discrimination Against Women¹¹ requires states to ratify its Optional Protocol to consent to the individual complaint mechanism.
- The human rights violations alleged in the complaint must fall within the scope of the international human rights treaty that allows for individual complaints.
- The complaint may not ask the human rights treaty body to review decisions of national courts. It may only ask the treaty body to assess whether the state in question has violated any right enshrined in the respective human rights treaty.
- The alleged human rights violations concern one or more specific individuals.

8 As of April 2020, the Committee on Migrant Workers is the only core international human rights treaty body that does not have an individual complaint mechanism in place because Article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which establishes the individual complaint procedure, has not yet entered into force. This provision will only become effective when ten states have made the necessary declaration.

9 Human Rights Bodies - Complaints Procedures, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx> (last visited Dec. 9, 2020).

10 Dec. 10, 1984, 1465 U.N.T.S. 85 (hereinafter CAT).

11 Dec. 18, 1979, 1249 U.N.T.S. 13 (hereinafter CEDAW).

- The person who brings the complaint must either be the victim of the alleged human rights violation or be authorized to bring the claim.¹²
- The facts and arguments raised in the communication must be sufficiently substantiated.
- The communication has not been submitted to another UN mechanism or regional human rights body, such as the European Court of Human Rights, provided that this mechanism or body is one that produces a judgment.¹³ Alternatively, if the communication has already been submitted to such an entity, it must not have reached the merit stage of that body.
- The individual who suffered the human rights abuse, or the civil society group representing the individual, must have exhausted all available and effective domestic remedies before filing a complaint to a treaty body. This means that the complainants must recur to the domestic judicial system of the state even if they doubt the effectiveness of the remedy.¹⁴ However, if the domestic proceedings are “unreasonably prolonged, or the remedies are unavailable or would plainly be ineffective,”¹⁵ the complainants may directly bring the claim to the human rights treaty bodies. In this case, they should provide a detailed explanation of why they did not exhaust the domestic remedies.
- The state did not preclude the human rights abuse raised in the communication in a reservation.¹⁶
- The submission does not constitute an abuse of the procedure before the human rights treaty body. An example of a procedure abuse would be the repeated submission of the same claim to the same treaty body.

Steps of Reviewing Individual Communications:

If an individual complaint includes the basic content of a submission,¹⁷ the treaty body officially registers the case in its system and submits it to the concerned state to respond.¹⁸ The complainant may then comment on the state’s response, and the treaty body adopts a decision on the complaint (so-called “opinion”). If the state fails to respond to the complaint, the treaty body will issue its opinion based on the facts presented in the complaint.

12 See *infra* section 4.

13 This means that a communication can be submitted to a treaty body and a UN working group because the UN working groups do not issue binding judgments.

14 Int’l Justice Res. Ctr., *Exhaustion of Domestic Remedies in the United Nations System 2* (2017) <https://ijrcenter.org/wp-content/uploads/2018/04/8.-Exhaustion-of-Domestic-Remedies-UN-Treaty-Bodies.pdf>.

15 UN OHCHR, *supra* note 9.

16 See *infra* section 3.

17 See *infra* section 4(b)(i).

18 Human Rights Treaty Bodies - Individual Communications, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx> (last visited Dec. 9, 2020).

When adopting an opinion, the treaty body usually first reviews whether the complaint fulfills the above-mentioned admissibility criteria. In the affirmative, it proceeds to consider the merits of the case; otherwise, the treaty body issues an inadmissibility decision. If, in the consideration of the merits, the treaty body finds the state in violation of its obligations under the respective human rights treaty, it issues recommendations to the state and asks the state to submit follow-up information on the measures taken to comply with the treaty body's recommendations, typically after six months.

b. Shadow Reports to Human Rights Treaty Bodies

Shadow reports, also called "alternative" reports, are submissions that civil society actors, including nonprofit organizations, professional associations, academic institutions, and individual experts make to international human rights treaty bodies.¹⁹ Civil society actors can submit these reports at different stages of the treaty bodies' procedure to review the state parties' compliance with their obligations under the relevant human rights treaty. The shadow reports typically highlight information that states do not submit to the human rights treaty bodies. They serve to provide the human rights treaty bodies with a counter-narrative about the state's compliance with its treaty obligations.

General Rules for Submissions:

While each treaty body follows slightly different modalities for interacting with civil society actors, civil society actors should keep in mind the following general rules when submitting a shadow report:²⁰

- The shadow report to a treaty body may only concern a human rights issue in a state that has ratified the relevant human rights treaty. This human rights issue must fall within the scope of the human rights treaty in question.
- The shadow reports do not focus on single incidents of human rights abuses but rather describe general human rights issues in a country. They may however illustrate these issues with individual cases, requiring the state to provide follow-up information to the treaty body on that person's status and wellbeing.
- The shadow report should be submitted on time for the sessions during which the treaty body will discuss the state in question. The session dates are published on the treaty body's website, but it is important to check these dates regularly as they might change on short notice.
- Civil society actors should be aware of specific reporting guidelines that the human rights treaty body may have.

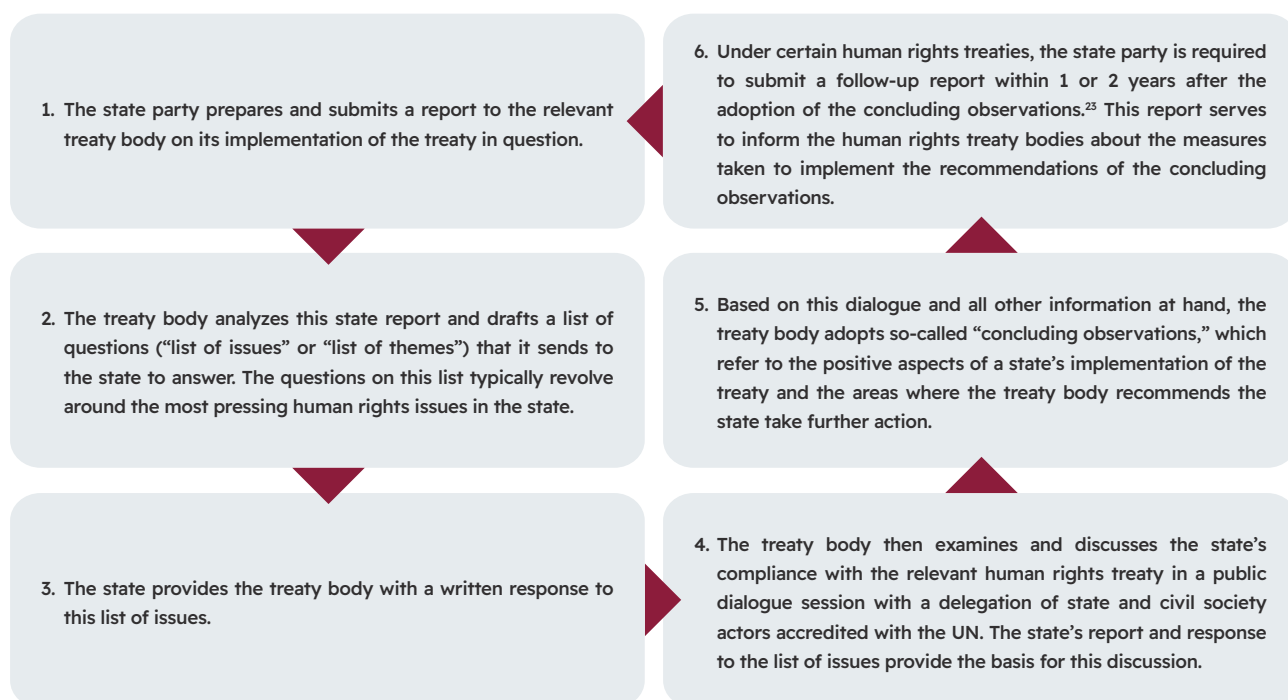
¹⁹ The Committee on Enforced Disappearances under the International Convention for the Protection of All Persons from Enforced Disappearance is the only treaty body that does not have a periodic review procedure.

²⁰ Working with the United Nations Human Rights Programme: A Handbook for Civil Society, UN OHCHR 50 (2008), https://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf.

Steps of the Review Process:

Human rights treaty bodies review states' compliance with treaty obligations through an ordinary or simplified review process. Civil society actors can make submissions at three stages of the reporting procedure.²¹

The ordinary review process consists of the following six steps:²²



To shorten the periodic reporting procedure and reduce their workload, the human rights treaty bodies have started to implement a simplified reporting procedure.²⁴ This procedure replaces the periodic state report and list of issues (steps 1 and 2 above) with a "list of issues prior to reporting" adopted by the treaty body. This means that the only submission of the state party prior to the public dialogue session is its response to the treaty body's "list of issues prior to reporting;" the subsequent steps of the reporting procedure remain the same. Currently, treaty bodies apply the simplified reporting procedure to the state parties that have formally accepted it.

21 The United Nations Human Rights Treaty System, UN OHCHR 27 (2012), <https://www.ohchr.org/Documents/Publications/FactSheet-30Rev1.pdf>.

22 Id. at 25-29.

23 Follow-up procedures exist under most international human rights treaties (see, Follow up Procedure, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/Pages/FollowUpProcedure.aspx> (last visited Dec. 9, 2020)).

24 E.g., Simplified Reporting Procedure, Human Rights Comm., <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/SimplifiedReporting-Procedure.aspx> (last visited Dec. 9, 2020).

Throughout the reporting procedures, civil society actors may make submissions to inform

- (1) the treaty body's list of issues or list of issues prior to reporting;
- (2) the dialogue session with the state party; and
- (3) the treaty body's review of the follow-up report of the state.

While the deadlines of each submission vary,²⁵ the general rules of submission apply to all three types of shadow reports.

c. Inquiry Procedure

The inquiry procedure is a confidential mechanism that the treaty bodies initiate when receiving credible, well-founded information about serious, grave, or systematic violations of the state's obligations under the relevant treaty. The treaty bodies mandated to conduct inquiry procedures include the Committee against Torture,²⁶ the Committee on the Elimination of Discrimination against Women,²⁷ the Committee on the Rights of Persons with Disabilities, the Committee on Enforced Disappearances,²⁸ the Committee on Economic, Social and Cultural Rights,³⁰ and the Committee on the Rights of the Child.³¹ Both individuals and civil society organizations may submit information to these treaty bodies to initiate the inquiry procedure.

General Rules of Submission:

Individuals and civil society organizations should consider the following general rules when planning to submit information under the inquiry procedure:

- Inquiries may only be made about states that have ratified the human rights treaty in question and recognized the competency of the treaty body to make a confidential inquiry. This recognition is done through a declaration under the relevant article of the treaty or through the ratification of an optional protocol. The recognition of the inquiry procedure is separate from the recognition of the individual communication procedure.
- The alleged human rights violations must fall within the scope of the human rights treaty body in question.

²⁵ See *infra* section 4.

²⁶ Article 20 CAT.

²⁷ Article 8 Optional Protocol to the CEDAW (Oct. 6, 1999, 2131 U.N.T.S. 83).

²⁸ Article 6 Optional Protocol to the Convention on the Rights of Persons with Disabilities (Dec. 13, 2006, 2518 U.N.T.S. 283).

²⁹ Article 33 International Convention for the Protection of All Persons from Enforced Disappearance (Dec. 20, 2010, 2716 U.N.T.S. 3 [hereinafter CED]).

³⁰ G.A. Res. 63/117, art. 11 (Dec. 10, 2008).

³¹ G.A. Res. 66/138, art. 13 (Dec. 19, 2011).

Steps of the Inquiry Procedures:

The inquiry procedure primarily involves the relevant treaty body and the concerned state.³² Unlike the individual communications procedure, this procedure is not adversarial and does not involve individuals or civil society organizations submitting information. Upon receipt of reliable information about systematic human rights abuses in a state from a civil society actor, the treaty body asks the state to submit its observations about alleged human rights abuses.

The treaty body may then mandate its members to conduct an inquiry and report back to the treaty body. Such an inquiry may include a country visit, provided the state consents to it. The treaty body proceeds to examine the report from its members and issue recommendations to the concerned state with the request to submit follow-up information regarding the implementation of its recommendations, usually within six months. The treaty bodies publish the state's initial observations, its findings and recommendations to the state, and the state's follow-up report on their websites. It does not however name the individuals or civil society organizations who invoked the inquiry procedure.

d. Early-Warning Measures and Urgent Procedures under the CERD

The early-warning measures and urgent procedures are specific to the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and seek to prevent or respond to serious violations of the CERD if there are indicators that a certain situation may turn violent, or victims of racial discrimination may suffer irreparable harm.³³ While the early-warning measures seek to prevent existing problems in state parties from escalating further, urgent procedures respond to problems that arose recently in order to limit or prevent serious violations of the CERD. In practice, the two procedures take place simultaneously.

The Committee on the Elimination of All Forms of Racial Discrimination may initiate the procedures based on information available through the UN human rights system or submitted by civil society actors. The procedures take place with the Committee and do not involve the civil society actors submitting the information. They typically result in the Committee adopting different measures, such as requesting the state to urgently submit information about the situation under consideration, or expressing its concerns about the situation in a decision and issuing recommendations to the state and other UN human rights mechanisms concerned with discrimination issues to remedy the situation. For instance, on September 2, 2011, the Committee issued a statement to Syria under the early warning and urgent action procedures declaring the state to be in breach of articles 2, 4(a), and 5 of CERD because the state's armed forces and security agents committed mass killings and used excessive force against civilians.³⁴ The Committee urged Syria "to put an immediate end to violence and serious human rights violations against the civilian population."³⁵

³² UN OHCHR, *supra* note 9.

³³ Early-Warning Measures and Urgent Procedures, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx#about> (last visited Dec. 9, 2020).

³⁴ Statement on the Situation in the Syrian Arab Republic, Committee on the Elimination of Racial Discrimination (Sept. 2, 2011), <https://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx#about> (navigate down the page to the section on the Syrian Arab Republic).

³⁵ *Id.*



3. Charter-Based Mechanisms

The UN human rights system recognizes three main Charter-based mechanisms, including communications to special procedures, communications to the Human Rights Council, and alternative reports (“shadow reports”) to the Universal Periodic Review (UPR). The communications to special procedures serve to address both single incidents of human rights abuses as well as broader human rights concerns in a country. The communications to the Human Rights Council are concerned with individual cases of human rights abuses only, while the shadow reports to the UPR highlight the state’s general human rights issues.

a. Communications to Special Procedures

The special procedures, including Special Rapporteurs, Individual Experts, and Working Groups, serve to alert the UN human rights system to a broad range of human rights issues.³⁶ Individuals and civil society actors may submit individual communications under special procedures to bring forward individual cases, general patterns and trends of human rights abuses, cases affecting a particular group or community, or the content of existing or proposed legislation, policy, or practice considered to be not fully compatible with international human rights standards. Allegations can relate to a human rights violation that already happened, is happening, or is very likely to happen.

General Rules for Submission:

Individuals and civil society should consider the following general rules when submitting information to the special procedures:³⁷

- Communications may be brought regardless of whether a state has ratified any of the human rights treaties or an alleged victim has exhausted domestic remedies.
- Communications do not need to come from the victim or individual directly, but the source of information should be reliable.
- Communications can only be submitted to a special procedure that is mandated to monitor the specific human rights issue or country at stake. Some special procedures, particularly Special Rapporteurs and Independent Experts, do not have the competence to receive and review individual communications at all.
- The decision to act upon an individual communication is at the discretion of the special procedures and depends on criteria established under their respective mandates. These criteria generally relate to the reliability of the source and the credibility of information received.
- Individuals and civil society actors may present individual communications simultaneously to a special procedure and a human rights treaty body, provided that both bodies have the jurisdiction to review the alleged human rights violation.

³⁶ What are Communications?, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx> (last visited Dec. 9, 2020).

³⁷ UN OHCHR, *supra* note 20, at 157 (2008).

Steps of Reviewing Individual Communications:

The steps for examining the individual communications vary depending on the special procedure.

- **The Special Rapporteurs** do not follow an adversarial procedure to reviewing the communication. They generally send a letter to the concerned state identifying the facts of the allegation, applicable international human rights norms and standards, any relevant questions, and a request for follow-up action (“letter of allegation”).³⁸ In some cases, communications are also sent to inter-governmental organizations or non-state actors. The Special Rapporteurs may also ask the state to take preventive measures or initiate investigations (“urgent actions”) if a serious human rights abuse is ongoing or imminent. Depending on the state’s response, the special procedures may then conduct further inquiries, make recommendations, or issue a public statement. The results of all individual communications received are published in the Special Rapporteurs’ annual report to the Human Rights Council, unless confidentiality is explicitly requested.
- **The Working Group on Arbitrary Detention** reviews communications in an adversarial procedure. Like the Special Rapporteurs, it sends a letter of allegation to the concerned state with a request to respond within 60 days. Then, it transfers the state’s response to the source of the communication for comments or observations. Based on the available information, the Working Group usually proceeds to issue an opinion on the case in a private session.³⁹ This opinion is then communicated to the state and source of the communication. If the case involves life-threatening situations or other grave damage to the alleged victims of arbitrary detention, the Working Group sends the communication through diplomatic channels and requests the concerned state to take appropriate measures.
- **The Working Group on Enforced or Involuntary Disappearances** also follows an adversarial procedure. For cases that occurred in the past 3 months, it transmits the communication quickly to the state concerned (urgent procedures). If the alleged victim has been “arrested, detained, abducted, or otherwise deprived of their liberty and has been forcibly disappeared or is at risk of being disappeared,”⁴⁰ the Working Group transfers the case to the state without delay (urgent appeals). For disappearances that happened more than 3 months ago, it reviews the communication in one of the 3 yearly sessions and transfers them to the state (standard procedures). Then, the Working Group submits the state’s response to the source of the communication to comment. It publishes the results of the procedure in its annual reports.

³⁸ Id. at 115.

³⁹ In some instances, the Working Group does not issue an opinion because it does not have sufficient resources to deal with all communications received. It does not publish the total number of communications received nor the selection criteria for a decision; it simply states in its annual reports that issuing a decision is priority.

⁴⁰ Working Group on Enforced or Involuntary Disappearances - Procedures, UN OHCHR, <https://www.ohchr.org/EN/Issues/Disappearances/Pages/Procedures.aspx> (last visited Dec. 9. 2020); for details see infra section 3.

b. Individual Communications to the Human Rights Council

The individual communications procedure of the Human Rights Council is a mechanism for alerting the UN of “consistent patterns of gross and reliably attested human rights violations”⁴¹ occurring in any part of the world under any circumstances, including in armed conflicts. Communications must be concerned with human rights violations that are of a particularly inhuman or degrading nature and affect multiple people. Thus, the complaint procedure before the Human Rights Council is generally not suitable for individual cases or single incidents of human rights abuses.

The Council’s complaint procedure is the only UN mechanism addressing all human rights and fundamental freedoms in all states. This means that victims of human rights abuses or civil society groups acting on behalf of such victims may use this procedure irrespective of the state’s ratification of any international human rights treaty or the existence of any special procedures.

Admissibility Criteria:

Communications submitted to the Human Rights Council should fulfill the following admissibility criteria:

- The submission must be drafted in one of the six official UN languages (Arabic, Chinese, English, French, Russian, or Spanish).
- The alleged human rights violations must be sufficiently substantiated on 15 pages maximum.
- The submission may not primarily be politically motivated or written in abusive or insulting language.
- It may not be solely based on media reports.
- Individuals or civil society actors must exhaust all available and effective domestic remedies before submitting a communication to the Human Rights Council.
- They may not seek remedies or compensation for individual victims of the alleged human rights violations.
- Communications may not be simultaneously submitted to other human rights mechanisms, such as special procedures, treaty bodies, or regional human rights complaint procedures.

Steps of Reviewing Individual Communications:

The procedure before the Human Rights Council is time-consuming, as there are several stages involved in the Council’s consideration. Upon receipt of a communication, the Human Rights Council’s Working Group on Communications conducts an initial screening of the complaint to determine whether the above-mentioned admissibility criteria are fulfilled.⁴²

⁴¹ UN OHCHR, supra note 9.
⁴² UN OHCHR, supra note 9.

If it considers the communication to be admissible, the Working Group may request further information from the complainant or state concerned, or transmit the communication to the other working group of the Human Rights Council, the Working Group on Situations. The Working Group on Situations then considers the complaint and the reply received from the state. If the complaint read in conjunction with the state's reply seems to reveal a consistent pattern of gross human rights violations, the Working Group on Situations will review the communication and make specific recommendations to the Human Rights Council. In the plenary session, the Human Rights Council reviews the recommendations of the Working Group on Situations in a confidential manner and decides on one of the following measures:

- Discontinue monitoring the alleged human rights violations if no further action is required;
- Continue reviewing the alleged violations, requesting the state of concern to provide further information, or nominating an independent expert to monitor the situation and report back to the Human Rights Council;
- Discontinue reviewing the alleged violations under the Human Rights Council's communication procedure in order to make the situation public;
- Ask the Office of the High Commissioner on Human Rights to assist the state of concern in overcoming the human rights issues in its territory.

c. Shadow Reports to the Universal Periodic Review (UPR)

The UPR is a procedure of the Human Rights Council for monitoring states' fulfillment of their human rights commitments under (1) the UN Charter, (2) Universal Declaration of Human Rights, (3) ratified international human rights treaties, (4) voluntary pledges and other commitments made by the state, and (5) applicable international humanitarian law.⁴³ Shadow reports to the UPR are submissions from civil society organizations on human rights issues in a given state.⁴⁴ These reports serve to provide a fuller picture of human rights implementation in a state and highlight the state's general human rights compliance. The Human Rights Council considers these reports along with information provided by the state, other UN mechanisms, and national human rights institutions in the UPR.

General Rules for Submission:

For successful engagement with the UPR of a state, civil society organizations should consider the following:⁴⁵

- Civil society organizations may submit reports to the UPR Working Group typically six months before the dialogue session with the state under review. The deadlines for submitting these reports are published on the Human Rights Council's website.

⁴³ Basic Facts About the UPR, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx> (last visited Dec. 9, 2020).

⁴⁴ G.A. Res. 60/251 (Apr. 3, 2006) (establishing the UPR); Human Rights Council Res. 5/1 (June 18, 2007) (elaborating the process and modalities of the UPR).

⁴⁵ 3rd UPR Cycle: Contributions and Participation of "Other Stakeholders" in the UPR, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NGosNhris.aspx> (last visited Dec 9, 2020).

- Civil society organizations in consultative status with the United Nations Economic and Social Council may attend the UPR Working Group's sessions as observers. They are also allowed to attend the subsequent sessions of the Human Rights Council and comment on the outcome documents of the reviewed states.

Steps of the UPR:

Consideration of a state under review takes place in a session of the UPR Working Group composed of the 47 member states of the Human Rights Council.⁴⁶ The review is an interactive dialogue between the state under review and the member/observer states of the Human Rights Council. After each review, the Working Group drafts a so-called "outcome document" with recommendations for the reviewed state, which the Human Rights Council then considers and adopts in a later session. The reviewed state is expected to implement the recommendations adopted in the outcome document and provide information about measures taken to implement these recommendations in the next review cycle.

Civil society organizations may engage in the UPR by (1) submitting a report to the UPR Working Group prior to its dialogue session with the state under review; (2) attending the sessions of the UPR Working Group; or (3) making statements at the Human Rights Council's session adopting the outcome document of the reviewed state. It is important to note that individuals are not allowed to participate in the UPR process.

4. Independent Investigations Mechanisms for Syria

The UN has adopted two mechanisms to address the ongoing armed conflict in Syria, namely the Commission of Inquiry and IIIM.

a. Commission of Inquiry

The Commission of Inquiry was established by the Human Rights Council in 2011.⁴⁷ The Commission is tasked with investigating "all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable."⁴⁸ Since its establishment, the Commission of Inquiry has produced over 25 reports, including special reports on the siege of Aleppo, crimes committed by the Islamic State, or the prevalence of sexual and gender-based violence in the Syrian conflict.⁴⁹

⁴⁶ Id.

⁴⁷ Human Rights Council Res. S-17/1, U.N. Doc. A/HRC/S-17/1 (Aug. 22, 2011).

⁴⁸ Id. at ¶ 13.

⁴⁹ Independent International Commission of Inquiry on the Syrian Arab Republic, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx> (last visited Dec 9, 2020).

It has also issued regular updates on human rights abuses that are corroborated with first-hand accounts of witnesses and victims, secondary interviews in neighboring countries, photographs, video, satellite imagery, forensic reports, and reports from states and non-state groups on human rights issues. The Commission of Inquiry publishes its findings when it has “reasonable grounds to believe”⁵⁰ that the incidents occurred as described.

Civil society actors, including individual human rights activists and civil society organizations, may engage with the Commission of Inquiry by providing it with first-hand data of human rights abuses committed during the Syrian conflict. They may directly contact the Commission of Inquiry to discuss ways of collaboration and data exchange.

b. IIIM

In December 2016, the UN General Assembly established IIIM with the mandate (1) “to collect, consolidate, preserve and analyze evidence of violations of international humanitarian law and human rights violations and abuses,” and (2) “to prepare files in order to facilitate and expedite fair and independent criminal proceedings [...] in national, regional or international courts or tribunals.”⁵¹ IIIM’s Terms of Reference of January 2017 clarify the mandate, procedures and methodology, institutional structure, funding, and reporting tasks. The Terms of Reference call on civil society actors to provide information and documentation of crimes under international law, and other forms of assistance that lie within their mandate.⁵² To further specify its interactions with civil society, IIIM signed a protocol of collaboration with 28 Syrian civil society organizations on April 3, 2018, outlining overarching principles to guide the engagement of civil society organizations with IIIM and to ensure mutual understanding regarding the opportunities for collaboration.⁵³ Since the adoption of this protocol of collaboration, IIIM has engaged with Syrian civil society through appointing an Arabic-speaking focal point, signing memoranda of understanding on data sharing with civil society organizations, conducting in-person meetings in Europe and in Syria’s neighboring countries, and periodically publishing information bulletins.

Civil society organizations may collaborate with IIIM by sharing information and evidence, and raising awareness of IIIM’s work in communities of Syrian war victims who are typically isolated from justice discussions. To share data, civil society organizations are encouraged to sign a memorandum of understanding with IIIM that establishes the terms and conditions of confidentiality and regulates the transfer of data to third parties such as domestic or international prosecutors.⁵⁴

⁵⁰ Id.

⁵¹ G.A. Res. 71/248, ¶ 4 (Dec. 21, 2016).

⁵² Terms of Reference of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, IIIM, <https://iiim.un.org/terms-of-reference-of-iiim/> (last visited Dec. 9, 2020).

⁵³ Protocol of Cooperation between the International, Independent and Impartial Mechanism and Syrian Civil Society Organisations Participating in the Lausanne Platform, IIIM, https://iiim.un.org/wp-content/uploads/2018/04/Protocol_IIIM_-_Syrian_NGOs_English.pdf (last visited Dec. 10, 2020).

⁵⁴ See NGOs, IIIM, <https://iiim.un.org/engagement-with-stakeholders/> (last visited Dec. 10, 2020).



Part II: Strategic Considerations to Make Before Engaging with UN Mechanisms

Individuals and civil society actors seeking to shed light on human rights abuses committed by a state frequently have multiple options to do so at the domestic and UN levels. The most suitable venue for a particular human rights issue always depends on the specific circumstances of the case. The following sections discuss some considerations that individuals and civil society actors should make when deciding on the strategically best avenue for achieving the desired remedy or outcome.

1. Mapping Avenues and Outcomes

In choosing to seek enforcement of human rights obligations, civil society actors should carefully evaluate the mechanisms available to them at the domestic and UN levels based on the desired remedy or outcome for the individuals concerned. They should also weigh other considerations, including whether the avenues ensure confidentiality for the victims of human rights abuses, or whether these avenues will be part of a larger strategy, such as domestic litigation and/or a campaign addressing human rights abuses. When evaluating the strategically best human rights mechanisms, mapping exercises of available venues, forms of relief, and possible outcomes are valuable for ensuring both the civil society actors and individual(s) concerned are informed of the advantages and disadvantages of using one or more mechanisms. Mapping can take many forms, but at its most basic level it entails diagramming the choices and outcomes that are available.

2. Victim-Centered Considerations

A victim-centered approach is instrumental in the ethical practice of the legal profession. Victims of human rights violations may be traumatized and may have different perceptions of what obtaining redress means. It is therefore extremely important to ensure that at every step of the process, the victim understands the timeline and consequences of human rights mechanisms that may be used to seek any type of redress.

Individuals and civil society actors are advised to carefully weigh the following factors to ensure a victim-centered approach to their strategic human rights litigation:

- **Expectations of the Victims:** What do the victims of the alleged human rights violations seek to gain from bringing the allegations forward? Can the available avenues meet these expectations? It is essential to directly engage with the individuals who suffered human rights abuses in a transparent conversation in order to understand their perspectives and ensure their needs are respected.
- **Confidentiality and Safety:** Do the individuals and civil society actors who allege human rights abuses incur any risk when resorting to domestic institutions or UN mechanisms? What confidentiality measures do the available domestic institutions or UN mechanisms have in place for those who are affected by human rights abuses or who bring the abuses forward?

If there are no confidentiality measures, do the benefits of a favorable communication outweigh the risks? Do the individuals involved fully understand the risks they may incur if their names are shared in public documents? In some cases, a general report may be safer because it highlights human rights abuses to the public without revealing the individual victims.

- **Anticipated Outcome:** For an individual complaint, does the affected person know about the possible outcomes of a procedure with a UN mechanism? What impact is an outcome of a UN mechanisms' procedures likely going to have, whether positive or negative? How may a positive outcome impact a larger advocacy or litigation strategy at the domestic or international levels?
- **Position:** How will a communication or decision from the UN impact the individual's situation in the state? What attitude does the state adopt towards the UN and international community? Does the state usually comply with UN mechanisms and its reporting obligations to the UPR and relevant treaty bodies?
- **Timing:** Can the individual or human rights abuse wait one year or more for a response? Are there effective domestic remedies available that may lead to a faster or enforceable outcome? Is credible documentation available to bring a claim now?
- **Forum:** What is the best mechanism for reporting the alleged abuse to the UN? Which treaties has the state ratified, and has it recognized the individual complaint mechanism of those treaties? Would a general report submitted through regular reporting processes be a better option? Does the domestic or UN mechanism bar the victim from utilizing a different mechanism to report the abuse in the future?

3. Resources and Factual Considerations

Once civil society actors have gained an overview of the avenues available for lodging a human rights complaint against a state domestically or internationally and the victims' perspectives, they need to weigh the following factual and resource considerations:

- **Information Required:** What kind of factual information is needed to bring a human rights claim to the particular avenue? This may include data about the victims and perpetrators of the human rights abuses, place and date of the abuses, or background information.
- **Sources of Information and Access:** What kind of sources reveal the information needed? How can we access these sources? Sources may include testimonies of affected persons, reports from state authorities or civil society groups, statistics, legal texts, social media, etc. They can be accessible online or in a physical archive, through private or professional networks, by collaborating with individuals or civil society actors, or by requesting special access from a certain entity.
- **Financial Resources:** Do we incur financial expenses to gather the necessary data? What is the budget for bringing the human rights claim forward? Expenses may incur in the form of transportation expenses for gathering data or the like.

- **Time Management:** Do we have the necessary time to bring a human rights claim forward? How much time do we estimate we need to submit the human rights claim? Some submission to UN mechanisms, such as shadow reports to human rights treaty bodies or the UPR, may be time-consuming. It is therefore important to consider the deadlines of domestic and UN mechanisms for submitting human rights claims and the time and other commitments that the submitting entities have. This helps calculate whether there is sufficient time for gathering the factual and other data and properly preparing the submission.
- **Human and Other Resources:** Do we need specific human or other resources? For example, individuals or civil society actors without prior knowledge of human rights mechanisms may need to consult with a relevant expert before submitting information.

4. Legal Considerations

Strategic litigation of human rights claims always entails legal considerations both at the domestic and UN levels, ranging from questions about the availability of domestic remedies to a legal analysis of the applicable international human rights instruments. The following considerations are of particular importance for choosing the appropriate avenue for human rights claims:

- **Exhaustion of Domestic Remedies:** Are there any domestic avenues available that the victims of human rights abuses need to exhaust before submitting a human rights claim to UN mechanisms? It is important to remember that some UN mechanisms only consider human rights claims submitted to them if domestic remedies are exhausted.
- **Ratifications by the State:** What human rights instruments has the state of concern ratified? Has this state accepted the mandate of an international human rights treaty body to review individual complaints of human rights abuses? Are there any special procedures mandated to review the human rights issue at stake in the state concerned?
- **Applicable Human Rights Norms:** What human rights norms may the state of concern have infringed upon? Are these norms established in an international human rights treaty that the state has ratified? How have UN and other relevant mechanisms defined the nature, scope, and content of the applicable human rights norms?
- **Reservations:** Has the territorial state made any reservations to selected norms when ratifying an international human rights treaty? Under international human rights law, a state may ratify a treaty but decide to make a reservation regarding a particular obligation that it may consider against its interests or against the core of its local system. It is therefore important to inquire whether there are certain aspects of the treaty and the larger reporting process that the state may not be bound to provide information about, and thus cannot be the focus of a human rights claim.



Part III: How to Use UN Mechanisms in Practice

Writing a successful submission highly depends on the time and consideration taken to review the mandate, rules for submission, and deadlines of the mechanism. The following guidance on drafting a successful submission to a UN mechanism lays out general considerations applicable to all submissions and highlights specific strategies for each UN mechanism.

1. General Considerations

Written submissions to UN mechanisms should meet the following criteria:⁵⁵

- Clear, precise, and credible. Assertions of fact should be cited and where information is received via oral testimony, this should be disclosed, as well as the source's relationship to the victim;
- Free from structural or typographical errors;
- Responsive to and within the scope of the mandate of the receiving UN mechanism. If possible, make direct reference to the article of the treaty or other legal instruments providing the specific right that is allegedly violated;
- Supported by relevant evidence and documentation. Allegations of human rights violations should be substantiated with credible and reliable information. They may not have a primarily political motivation;
- Cited in compliance with the UN citation system, where relevant. This means that if referencing a UN document, paragraph numbers should be used rather than page numbers, as the document lengths and pages vary from one language to another. The same also applies to citations to state reports; only the official UN version may be referred to;
- Written with language that is not deemed to be abusive;
- Drafted in an official language of the receiving UN mechanism. While some UN mechanisms accept submissions in any of the six official UN languages, others consider submissions only in selected languages.

⁵⁵ UN OHCHR, *supra* note 20, at 51.

2. Practical Guidelines for Different UN Mechanisms

This section explains practical considerations for submissions to UN mechanisms, including the persons who are entitled to make the submissions, deadlines, required basic content of the submissions, evidentiary rules where applicable, and other useful information for drafting a successful submission.

a. Communications to UN Human Rights Treaty Bodies⁵⁶

Persons Who May Submit

- Individuals who have suffered abuses of their rights under the relevant treaty;
- Civil society groups or individuals acting on behalf of another person with written consent;
- Civil society groups or individuals acting on behalf of another person without consent if the person is objectively unable to provide consent, for example where the person is in prison or forcibly disappeared. In these cases, a clear explanation of why there is no informed consent is required.

Deadlines for the Submission

- In general, as soon as possible after exhausting all domestic remedies;
- Certain treaty bodies allow for a submission window starting from the time all domestic remedies are exhausted, except for cases where it was impossible for the author to submit within the timeframe. Under the International Covenant on Civil and Political Rights, this deadline is 5 years after exhausting domestic remedies and 3 years after the conclusion of another international dispute resolution mechanism.⁵⁷ Under the CERD, it is 6 months after exhausting domestic remedies,⁵⁸ and under the International Covenant on the Economic, Social and Cultural Rights⁵⁹ and Covenant on the Rights of the Child, it is 1 year after exhausting domestic remedies.⁶⁰

Urgent Procedures

- At the beginning of the procedure, the author of the submission may request interim measures to prevent irreparable harm to the alleged victim that might render a decision of the treaty body futile.
- During the procedure, it is possible to request measures to protect against harm suffered as a consequence of submitting the communication.

Confidentiality

- The treaty bodies publish the victim's name in their final decision unless requested otherwise in the submission.

⁵⁶ UN OHCHR, *supra* note 20, at 160-63.

⁵⁷ Human Rights Committee, Rules of Procedure of the Human Rights Committee, ¶ 99(c), U.N. Doc. CCPR/C/3/Rev.11 (Jan. 9, 2019); International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (hereinafter ICCPR).

⁵⁸ Article 14(5) CERD.

⁵⁹ Dec. 16, 1966, 993 U.N.T.S. 3 (hereinafter ICESCR).

⁶⁰ Article 3(2)(a) Optional Protocol to the ICESCR; article 7(h) Optional Protocol to the CRC on a Communications Procedure.

Model Form for the Submission

- For submissions under the ICCPR, CAT, and CERD, a model complaint form is available (see annex 3). Model forms are also available for submissions under the CEDAW, CRPD, and CED.⁶¹

Basic Content of the Submission

- Personal information about the author of the communication. Be sure to update your contact information if it changes after the submission;
- Personal information about the victim of the human rights abuse, if different from the author;
- Written consent, or an explanation of why consent cannot be obtained;
- If necessary, request to keep the victim's name confidential in the final decision of the treaty body;
- Facts of the complaint in chronological order and with supportive documentation, and an explanation of why these facts are a violation of the treaty, including the specific treaty provisions if possible;
- Steps taken to exhaust domestic remedies and, if applicable, documentary proof with full or summary translation into an official UN language. If domestic remedies were not exhausted, a detailed explanation is required;
- Information about whether the complaint has been submitted to another UN or international mechanism;
- If applicable, attachments of documentary evidence, listed in chronological order, numbered consecutively, and with a short description of the content.

Standard of Proof

- There is no explicit rule. Generally, the communications should be sufficiently substantiated and prima facie credible.

Burden of Proof

- There is no explicit rule, but the burden of proof generally lies with the complainant.⁶²
- For an individual communication to the Committee against Torture, the burden of proof is with the state if the victim suffered harm or died in state custody, or the state violated the principle of non-refoulement.⁶³

Page Limit of the Submission

- 50 pages excluding annexes. If the submission exceeds 20 pages, it should include a summary of 5 pages maximum listing the submission's main sections.

⁶¹ UN OHCHR, *supra* note 18.

⁶² Drafting Complaints to the United Nations Human Rights Committee and Committee against Torture, Open Society Foundations 34 (2018), <https://www.justiceinitiative.org/uploads/507acc52-2c91-4d0f-8410-62c31cb2f391/litigation-toolkit-torture-20180427.pdf>.

⁶³ Comm. against Torture, U.N. Doc. CAT/C/GC/4, ¶ 38 (Sep. 4, 2018), https://www.ohchr.org/Documents/HRBodies/CAT/CAT-C-GC-4_EN.pdf; David Weissbrodt and Isabel Hortreiter, The Principle of Non-Refoulement: Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Comparison with the Non-Refoulement Provisions of Other International Human Rights Treaties, 5 Buff. Hum. Rts. L. Rev. 1, 69-70 (1999), https://scholarship.law.umn.edu/faculty_articles/362.

Language Requirements

- The submission can be drafted in any of the 6 official UN languages.

Other Submission Requirements

- The communication should be in writing, preferably typed, and signed by hand.

Where to Submit

- Communications to all treaty bodies may be submitted by mail, fax, or email to the following addresses:

Petitions and Inquiries Section

Office of the High Commissioner for Human Rights

United Nations Office at Geneva

1211 Geneva 10, Switzerland

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

Email: petitions@ohchr.org.

b. Communications to Special Rapporteurs⁶⁴

Persons Who May Submit

- Any individual, group of individuals, or non-governmental organization.

Deadline for the Submission

- Not applicable.

Availability of Urgent Procedures

- The Special Rapporteurs accept urgent actions for allegations of time sensitive human rights violations, requesting the state of concern to respond within 30 days.

Confidentiality

- The Special Rapporteurs never reveal the identity of the person or organization submitting the communication.
- The Special Rapporteurs share identifying information of the victim of the alleged human rights violation with the state concerned, but all communications and state responses are confidential until the Special Rapporteurs publish them in their annual communication reports to the Human Rights Council. Occasionally, Special Rapporteurs reveal the communications and state responses in a public statement before the release of the annual report.
- The author of the communication may request that the Special Rapporteurs not mention the names of the alleged victims in the communications with the state and in the annual communication reports for privacy or security purposes. The decision to keep the names confidential lies with the Special Rapporteurs.

⁶⁴ Special Procedures Communications, UN Human Rights Special Procedures, https://www.ohchr.org/Documents/HRBodies/SP/SPP_PresentationFlyer.pdf (last visited Dec. 10, 2020); Submission of Information to the Special Procedures, UN OHCHR, <https://spsubmission.ohchr.org/en> (last visited Dec. 10, 2020).



Availability of a Model Form for Submission

- A model communication form is available for all online communications to Special Rapporteurs under <https://spsubmission.ohchr.org/en>.⁶⁵

Basic Content of the Submission

- Identifying information of the alleged victims;
- If different from the victims, identifying information of the person or organization submitting the communication and the victims' explicit consent authorizing the authors to submit the communication;
- Identifying information of the alleged perpetrators, including substantiated information about state and non-state actors involved;
- Date, time, place, and a detailed and substantiated description of the circumstances of the incident, including information about the context of the alleged violations, any measures taken by the victims, their representatives, or state authorities to remedy the situation. Mere reliance on media reports is not sufficient;
- If necessary, request to keep the victims' names confidential in communications with the state or other entities and in the Special Rapporteurs' annual report of communications.

Standard of Proof

- While the Special Rapporteurs do not explicitly mention rules related to standard of proof of the communication, the communication should be prima facie credible. This means that the source should be reliable and the information submitted should be credible.

Burden of Proof

- The burden of proof typically lies with the author.

Page Limit of the Submission

- Not applicable.

Language Requirements

- Communications must be drafted in English, French, or Spanish.

⁶⁵ Some Special Rapporteurs have other model forms on their websites, but the online model form for all Special Procedures covers the same information.

Where to Submit

- While communications can be submitted by mail, email, or through the online platform, the Special Rapporteurs highly recommend online submissions to expedite the procedure.
- Communications requesting urgent action are best submitted by email since the online submission tool does not have an option to request urgent action.
- Online submissions: <https://spsubmission.ohchr.org/en>
- OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland
- Email: urgent-action@ohchr.org

c. Communications to the Working Group on Arbitrary Detention⁶⁶

Persons Who May Submit

- Any individual, group of individuals, or non-governmental organization.

Deadline for the Submission

- Not applicable.

Availability of Urgent Procedures

- The urgent appeals procedure is available for time-sensitive allegations of human rights violations, particularly if the alleged victim is in a life-threatening situation or would suffer imminent or ongoing grave damages if the detention continued.

Confidentiality

- The confidentiality measures are the same as for the communications to the Special Rapporteurs (see above).

Availability of a Model Form for Submission

- A model form is attached in annex 4. Communications can also be submitted through the online submission tool under <https://spsubmission.ohchr.org/en>.

⁶⁶ Individual Complaints and Urgent Appeals, UN OHCHR, <https://www.ohchr.org/EN/Issues/Detention/Pages/Complaints.aspx> (last visited Dec. 10, 2020); Revised Fact Sheet No. 26, Working Group on Arbitrary Detention (Feb. 8, 2019), <https://www.ohchr.org/Documents/Issues/Detention/FactSheet26.pdf>; see infra annex 4.

Basic Content of a Submission

- Identifying information of the victim;
- Contact information of the individual or organization submitting the communication and, if different from the victim or their family members, explicit consent of the victim or family members authorizing the author to submit the communication;
- Information about the arrest including data, place, and circumstances of the arrest and deprivation of liberty;
- Information about the alleged perpetrators of the arbitrary deprivation of liberty;
- Reasons provided by the state authorities for the arrest and deprivation of liberty;
- Laws that the authorities applied to the case;
- Information about measures taken by state authorities to investigate or remedy the situation, measures taken at the international level, and the results of these measures or an explanation of why they were ineffective or not taken;
- Explanation of why the deprivation of liberty is considered arbitrary;
- Other information related to the arrest and deprivation of liberty, including judicial trials, provisional or definitive release, and changes of detention conditions or location. If the communication does not provide this information, the Working Group may decide not to consider the case.

Standard of Proof

- The Working Group applies the standard of proof of “convincing evidence.”⁶⁷

Burden of Proof

- The burden of proof lies with the source of the communication. If the source can prove that the case *prima facie* amounts to arbitrary detention under international human rights law, the burden of proof lies with the state to refute this allegation.⁶⁸

Page Limit of the Submission

- The submission should not exceed 20 pages.

Language Requirements

- Communications must be drafted in English, French, or Spanish.

Where to Submit

- Submissions can be made by mail, fax, email, or through the online submission tool of the special procedures.
- Communications requesting urgent action are best submitted by email since the online submission tool does not have an option to request urgent action.

⁶⁷ Frans Viljoen, Fact-Finding by UN Human Rights complaints Bodies - Analysis and Suggested Reforms, 8 Max Planck UNYB 49, 77, 88 (2004) available at https://www.mpil.de/files/pdf1/mpunyb_viljoen_8.pdf.

⁶⁸ Working Group on Arbitrary Detention Opinion 57/2019, U.N. Doc. A/HRC/WGAD/2019/57, ¶ 16 (Jan. 27, 2020); Rep. of the Working Group on Arbitrary Detention, at ¶ 68, U.N. Doc. A/HRC/19/57 (Dec. 26, 2011).

- Working Group on Arbitrary Detention
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8-14, avenue de la Paix
1211 Geneva 10, Switzerland
- Fax: +41 22 9179006
- Email: ohchr-wgad@un.org
- Online submission: <https://spsubmission.ohchr.org/en>

d. Communications to the Working Group on Enforced or Involuntary Disappearances⁶⁹

Persons Who May Submit

- Relatives of the disappeared or organizations acting on their behalf.
- The prior consent of the victim is not required.

Deadline for the Submission

- There is no deadline to bring a case to the Working Group, but different procedures apply depending on the time that has passed since the disappearance of the victim (see below).

Availability of Urgent Procedures

- Urgent appeal: The Working Group submits an “urgent appeal” to the state if it receives a communication with credible allegations that a person is arrested, detained, or otherwise deprived of liberty and is disappeared or at risk of being disappeared. The urgent appeal to the state includes a request to investigate the case and inform the Working Group about the results.
- Urgent procedure: The Working Group applies an “urgent procedure” for communications that are submitted within 3 months of the disappearance, transmitting them to the state concerned as soon as possible.

Confidentiality

- The confidentiality measures are the same as for the communications to the Special Rapporteurs (see above).

Availability of a Model Form for the Submission

- A model form is attached in annex 5. Alternatively, the author can use the online submission tool under <https://spsubmission.ohchr.org/en>.
- For each disappeared individual, a separate form should be used.

⁶⁹ Working Group on Enforced or Involuntary Disappearances - Procedures, UN OHCHR, <https://www.ohchr.org/EN/Issues/Disappearances/Pages/Procedures.aspx> (last visited Dec. 10, 2020); see infra annex 5.

Basic Content of the Submission

- Identifying information of the victim;
- Identifying information of the person or organization submitting the communication;
- Information about the circumstances of the disappearance, including the exact date and place;
- Information about state or state-sponsored actors considered responsible for the disappearance. The Working Group does not look into cases of disappearance by non-state actors because international human rights law is only concerned with the responsibility of the state;
- Information about any search efforts or an explanation of why a search was not possible;
- If necessary, request to keep the victim's names confidential in communications with the state or other entities, and in the Working Group's annual report of communications;
- Statement that the author of the communication is able to follow up with the case by conveying information between the victim's relatives and the Working Group.

Standard of Proof

- The Working Group does not explicitly mention rules related to the standard of proof of communications, but communications should be prima facie credible. This means that the source should be reliable and the information submitted should be credible.

Burden of Proof

- The burden of proof typically lies with the source of the communication.

Page Limit of the Submission

- Not applicable.

Language Requirements

- Communications must be drafted in English, French, or Spanish.

Where to Submit

- Submissions can be made by mail, fax, email, or through the online submission tool of the special procedures.
- Working Group on Enforced or Involuntary Disappearances
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
8-14, avenue de la Paix
1211 Geneva 10, Switzerland
- Fax: +41 22 9179006

- Email: ohchr-wgeid@un.org
- Online submission: <https://spsubmission.ohchr.org/en>

e. Communications to the Human Rights Council⁷⁰

Persons Who May Submit

- Any individual, group of individuals, or non-governmental organization.

Deadline for the Submission

- Not applicable.

Availability of Urgent Procedures

- There is no urgent procedure available.

Confidentiality

- The exchanges between the complainant and the state are confidential even after the procedure is concluded.
- The Human Rights Council will reveal the name of the complainant to the state unless confidentiality is requested.

Availability of a Model Form for Submission

- The model form is attached in annex 7.

Basic Content of the Submission

- Personal information of the complainant and any later changes in the contact information later to allow the Human Rights Council to inform the complainant of all procedural steps;
- Mention of the UN member state of concern;
- If necessary, a request to maintain the personal information of the complainant confidential;
- All relevant facts of the communication in chronological order and substantiated with documentary evidence, demonstrating a consistent pattern of gross human rights violations. Mere reliance on media reports is not permissible;
- Information about the steps taken to exhaust domestic remedies and documentary proof of the final decision of domestic institutions with a summary translation into one of the official UN languages. If domestic remedies are ineffective or unreasonably prolonged, the submission should include an explanation thereof.

⁷⁰ Human Rights Council Complaint Procedure, UN OHCHR, <https://www.ohchr.org/en/hrbodies/hrc/complaintprocedure/pages/hrc-complaintprocedureindex.aspx> (last visited Dec. 10, 2020); see infra annex 6.

Standard of Proof

- There are no explicit rules related to the standard of proof of the communication. However, the communication should be *prima facie* credible. This means that the source should be reliable and the information submitted should be credible.

Burden of Proof

- The burden of proof typically lies with the author of the communication.

Page Limit of the Submission

- The description of the relevant facts may not exceed 15 pages. Otherwise, there is no page limit.

Language Requirements

- The submission can be drafted in any of the 6 official UN languages.

Other Submission Requirements

- The communication should be in writing, preferably typed, and signed by hand.

Where to submit

- Communications may be submitted by mail, fax, or email to the following addresses:

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

E-mail: CP@ohchr.org

- Communications may also be submitted to any country or regional office of the United Nations High Commissioner for Human Rights.

f. Shadow Reports to Human Rights Treaty Bodies⁷¹

Persons Who May Submit

- Civil society organizations, academic institutions, and individual experts.

Deadline for the Submission

- For submitting a report informing the list of issues, or list of issues prior to reporting: approximately 10 weeks before the next dialogue session;
- For submitting a report informing the dialogue session: approximately 2 weeks before the session;
- For submitting a report informing the follow-up review: no information available.

⁷¹ UN OHCHR, *supra* note 20, at 59-71.

Confidentiality

- All reports are published on the treaty body's session website unless the author of the report explicitly requests confidentiality.

Availability of a Model Form for Submission

- A general model form is not available.
- A model form for reports on the states' implementation of concluding observations under the CERD is available here: <https://www.ohchr.org/EN/HRBodies/CERD/Pages/CivilSociety.aspx>.

Basic Content of the Submission

- Shadow reports should include the full name of the author, the state concerned, an executive summary, discussion of the human rights issues with references to the relevant treaty provisions, a request not to publish the report on the treaty body's website if applicable, and recommendations to the treaty body.
- There are no other requirements for the submission content, but it is advised that the shadow report follows the structure or addresses topics of the state's submission to the treaty body.

Suggested Approach to Drafting a Shadow Report

- Read the state's submission (state report, response to the list of issues, or response to the list of issues prior to reporting) to identify the topics that the state neglects to address or does not comprehensively address.
- Familiarize yourself with the previous concluding observations of the treaty body and previous state reports.
- Identify 2-3 topics to address that are ideally connected with each other. Focus on human rights issues that the state can improve without huge costs.
- Substantiate these issues by highlighting gaps in the domestic legislation or policies, or examining the practical implementation on the ground.
- Make specific recommendations to the human rights treaty body. These recommendations depend on the type of shadow report. They could be questions to include in the list of issues, or questions or recommendations to bring forward during the dialogue session.

Page Limit of the Submission

- The page limit of submissions depends on the treaty body. For instance, the Committee on the Rights of Persons with Disabilities imposes a limit of 10,700 words,⁷² while the Committee on the Rights of the Child has a limit of 20,000 words for shadow reports.⁷³

⁷² Informative note on the participation of organization of persons with disabilities, civil society organizations, National Human Rights institutions and independent monitoring mechanisms in the 13th session and 3rd pre-session working group of the Committee, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/NoteonCivilSocietyParticipation.aspx> (last visited Dec. 10, 2020).

⁷³ The Reporting Cycle of the Committee on the Rights of the Child, Child Rights Connect 14, https://www.ohchr.org/Documents/HRBodies/CRC/GuideNgoSubmission_en.pdf (last visited Dec. 10, 2020).

Language Requirements

- Shadow reports may be drafted in English, French, or Spanish.
- The Committee on the Enforced Disappearance and the Committee on the Elimination of Racial Discrimination prefer submissions in English.

Other Submission Requirements

- Some treaty bodies have additional reporting guidelines. It is important to consult these before submitting the shadow report.

Where to Submit

- Most treaty bodies receive shadow reports by email:⁷⁴
- Committee on the Elimination of Racial Discrimination: ohchr-cerd@un.org;
- Human Rights Committee: ccpr@ohchr.org;
- Committee on Economic, Social, and Cultural Rights: cescr@ohchr.org;
- Committee on the Elimination of Discrimination against Women: ohchr-cesdaw@un.org;
- Committee against Torture: ohchr-cat@un.org;
- Committee on Enforced Disappearances: ohchr-ced@un.org;
- Committee on Migrant Workers: cmw@ohchr.org;
- Committee on the Rights of Persons with Disabilities: crpd@ohchr.org.
- The Committee on the Rights of the Child requests shadow reports to be submitted through the Child Rights Connect website: <https://www.childrightsconnect.org/upload-session-reports/>.

g. Shadow Reports to the UPR⁷⁵

Persons Who May Submit

- Non-governmental organizations.

Deadline for Submission

- At least 6 months before the review session of the state of concern.

Availability of Urgent Procedures

- There are no urgent procedures available for reports to the UPR, but acts of intimidation or reprisal that an organization suffers as a result of submitting a report should be promptly reported to the UPR at reprisals@ohchr.org.

Confidentiality

- There are no confidentiality measures, and all reports are published on the UPR website.
- Reports should include references to individual cases only if the security situation permits it.

Availability of a Model Form for Submission

- Not available.

⁷⁴ The Office of the Human Rights Commissioner's Handbook for Civil Society mentions the submission of physical copies of shadow reports. The websites of the human rights treaty bodies do not indicate whether this requirement of 2008 is still applicable. It is therefore recommended to check with the relevant treaty bodies about the preferred way of submission.

⁷⁵ UN OHCHR, *supra* note 43.

Basic Content of the Submission

- The report must include a brief description of the main activities of the submitting organization.
- Generally, the report should include first-hand information about a specific human rights issue and the submitting organization's own views, findings and conclusions.
- Second-hand information should be referenced and referred to in endnotes and included only if necessary.
- The report should also include recommendations that are specific, measurable, achievable, result-oriented, and time-bound.

Page Limit of the Submission

- Reports to the UPR may not exceed 2,815 words without a cover page, endnotes, and annexes (additional documentation can be annexed for reference).
- Joint reports submitted by more than one organization may not exceed 5,630 words without a cover page, endnotes, and annexes.
- Additional documentation may be annexed for reference; submissions may not exceed 10 annexes.

Language Requirements

- Reports may be drafted in any of the official UN languages, but preferably in English, French, or Spanish.

Other Submission Requirements and Advice

- All submissions must include a cover page with identifying information of the submitting organization. Use endnotes for citations and notes, and number the paragraphs and pages.
- The UPR encourages joint submissions.

Where to Submit

- Reports should be submitted online under <https://uprdoc.ohchr.org/Account/Login.aspx>.

h. Inquiry Procedure⁷⁶

Persons Who May Submit

- Any individual, group of individuals, or non-governmental organization.

Deadline for Submission

- Not applicable.

⁷⁶ Inquiry procedure, UN OHCHR, <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/InquiryProcedure.aspx>, (last visited Dec. 10, 2020); UN OHCHR, *supra* note 20, at 55.

Confidentiality

- The inquiry procedure is always confidential. Identifying information of the authors or victims is not made public but may be revealed to the state of concern unless the author of the submission requests confidentiality.

Availability of a Model Form for Submission

- Not available.

Basic Content of the Submission

- Contact information of the author of the submission;
- Mention of the state party of concern;
- Facts of the alleged human rights violations, including information of the grave or systematic nature of the infringements by the state and relevant treaty provisions;
- Supportive documents in an official UN language in annexes with consecutive numbering, date of the document, and a short description;
- Request to keep the identifying information of the submitting organization confidential in communications with the state.

Page Limit of the Submission

- Submissions may not exceed 7,000 words excluding annexes

Language Requirements

- Submissions can be made in any of the official UN languages.

Where to Submit

- Submissions should be sent to the general email addresses of the treaty bodies (see above for the shadow reports to human rights treaty bodies).

i. Early-warning Measures and Urgent Procedures under the CERD

Non-governmental organizations may submit information to initiate the early-warning measures and urgent procedure before the CERD.⁷⁷ The CERD has not published more detailed information regarding the requirements for these submissions.

j. Commission of Inquiry and IIIM

There are no formalities for submissions to the Commission of Inquiry and IIIM. Civil society actors interested in sharing information and evidence with these UN entities are encouraged to contact them in advance and discuss modalities of data sharing.

- Commission of Inquiry: ohchr-coisyrria@un.org;
- IIIM: iiimsyria@un.org.

⁷⁷ Rep. of the Committee on the Elimination of Racial Discrimination, U.N. Doc. A/62/18, at Annex III ¶ 13 (2007).



Annex 1: Treaty-Based UN Mechanisms

Corresponding Treaty Bodies	Core International Human Rights Treaties
<p>International Convention on the Elimination of All Forms of Racial Discrimination (CERD)</p> <p>> The CERD prohibits all forms of discrimination based on race, color, descent, or national or ethnic origin. It obliges states to take legislative, educational, and other measures against racial discrimination and to provide victims an effective judicial remedy for the harm suffered.</p>	<p>Committee on the Elimination of Racial Discrimination</p>
<p>International Covenant on Civil and Political Rights (ICCPR)</p> <p>> The ICCPR grants individuals a range of civil and political rights, including the right to life, not to be subjected to torture and cruel, inhuman, or degrading treatment, to a fair trial, to recognition as a person before the law, to freedom of thought, speech, and association, and to participate in the public affairs of their countries. The ICCPR obliges states to respect, protect, and fulfill these rights without any discrimination.</p>	<p>Human Rights Committee</p>
<p>International Covenant on Economic, Social, and Cultural Rights (ICESCR)</p> <p>> The ICESCR establishes economic, social, and cultural rights of individuals, obligating the states to work progressively towards the full realization of these rights according to their available resources. The rights enshrined in the ICESCR include the right to work, an adequate living standards, health, education, and participation in the cultural life of one's community.</p>	<p>Committee on Economic, Social, and Cultural Rights</p>
<p>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p> <p>> The CEDAW prohibits discrimination against women defined as “any distinction, exclusion or restriction made on the basis of sex” that results in “impairing or nullifying” women’s fundamental rights and freedoms (article 1). It obliges states to eliminate this practice in the area of public affairs, education, employment, health, and family life, among others.</p>	<p>Committee on the Elimination of Discrimination against Women</p>

<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</p> <ul style="list-style-type: none"> • Optional Protocol to the CAT > The CAT prohibits torture and cruel, inhuman, or degrading treatment or punishment. It obligates states to take legislative, judicial, and other measures to prevent it, to prosecute and punish the perpetrators, and to provide a remedy to the victims. Under the CAT, “torture” is defined as any act that inflicts severe mental or physical pain or suffering with the purpose of obtaining information or a confession and that is committed by a state agent or a person acting in official capacity (article 1). 	<p>Committee against Torture</p> <ul style="list-style-type: none"> • Subcommittee on the Prevention of Torture
<p>Convention on the Rights of the Child (CRC)</p> <ul style="list-style-type: none"> > The CRC grants a set of rights for minors (under the age of 18), such as the right of the child to preserve their identity, enter and leave a country for family reunification, and freedom of thought and expression. States must always consider the best interest of the child when implementing the rights under the CRC. 	<p>Committee on the Rights of the Child</p>
<p>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)</p> <ul style="list-style-type: none"> > The CMW establishes the rights of migrant workers and their families, including the right to be free to leave a state, not to be held in slavery, to hold an opinion without interference, and to access certain services like the health care and justice systems on an equal footing with the state’s nationals. 	<p>Committee on Migrant Workers</p>
<p>Convention on the Rights of Persons with Disabilities (CPRD)</p> <ul style="list-style-type: none"> > The CPRD guarantees the full and equal enjoyment of fundamental rights and freedoms by persons with disabilities. It obliges states to take legislative, awareness-raising, and other measures for this purpose and make public places and information accessible to everyone. 	<p>Committee on the Rights of Persons with Disabilities</p>
<p>International Convention for the Protection of All Persons from Enforced Disappearance (CED)</p> <ul style="list-style-type: none"> > The CED prohibits enforced disappearances and obliges states to outlaw it, investigate acts, and prosecute and punish the perpetrators even if the perpetrators committed the act in another state. 	<p>Committee on Enforced Disappearances</p>

Annex 2: Treaty-Based Mechanism Applicable to Syria and Selected Countries of Residence of Displaced Syrians

	Syria	Lebanon	Jordan
CERD	Ratified on April 21, 1969. Individual complaint procedure not accepted.	Ratified on Nov. 12, 1971. Individual complaint procedure not accepted.	Ratified on May 30, 1974. Individual complaint procedure not accepted.
ICCPR	Ratified on April 21, 1969. Individual complaint procedure not accepted.	Ratified on Nov. 3, 1972. Individual complaint procedure not accepted.	Ratified on May 28, 1975. Individual complaint procedure not accepted.
ICESCR	Ratified on April 21, 1969. Individual complaint procedure not accepted.	Ratified on Nov. 3, 1972. Individual complaint procedure not accepted.	Ratified on May 28, 1975. Individual complaint procedure not accepted.
CEDAW	Ratified on March 28, 2003. Individual complaint procedure not accepted.	Ratified on April 16, 1997. Individual complaint not accepted.	Ratified on July 1, 1992. Individual complaint procedure not accepted.
CAT	Ratified on Aug. 19, 2004. Individual complaint procedure not accepted.	Ratified on Oct. 5, 2000. Individual complaint procedure not accepted. Inquiry procedure accepted on Oct. 5, 2000.	Ratified on Nov. 13, 1991. Individual complaint procedure not accepted. Inquiry procedure accepted on Nov. 13, 1991.
CRC	Ratified on July 15, 1993. Individual complaint procedure not accepted.	Ratified on May 14, 1991. Individual complaint procedure not accepted.	Ratified on May 24, 1991. Individual complaint procedure not accepted.
CMW	Ratified on June 2, 2005.	Not signed or ratified.	Not signed or ratified.
CPRD	Ratified on July 10, 2009. Individual complaint procedure accepted.	Signed on June 14, 2007 (not ratified yet).	Ratified on March 31, 2008. Individual complaint procedure not accepted.
CED	Not signed or ratified.	Signed on Feb. 6, 2007 (not ratified yet).	Not signed or ratified.

Turkey	France	Germany	Sweden
Ratified on Sept. 16, 2002. Individual complaint procedure not accepted.	Ratified on July 28, 1971. Individual complaint procedure accepted on Aug. 16, 1982.	Ratified on May 16, 1969. Individual complaint procedure accepted on Aug. 31, 2001.	Ratified on Dec. 6, 1971. Individual complaint procedure accepted on Dec. 6, 1971.
Ratified on Sept. 23, 2003. Individual complaint procedure accepted on Nov. 24, 2006.	Ratified on Nov. 4, 1980. Individual complaint procedure accepted on Feb. 17, 1984.	Ratified on Dec. 17, 1973. Individual complaint procedure accepted on Aug. 25, 1993.	Ratified on Dec. 6, 1971. Individual complaint procedure accepted on Dec. 6, 1971.
Ratified on Sept. 23, 2003. Individual complaint procedure not accepted.	Ratified on Nov. 4, 1980. Individual complaint procedure not accepted.	Ratified on Dec. 17, 1973. Individual complaint procedure not accepted.	Ratified on Dec. 6, 1971. Individual complaint procedure not accepted.
Ratified on Dec. 20, 1985. Individual complaint procedure not accepted on Oct. 29, 2002. Inquiry procedure accepted on Oct. 29, 2002.	Ratified on Dec. 14, 1983. Individual complaint procedure accepted on June 9, 2000. Inquiry procedure accepted on June 9, 2000.	Ratified on July 10, 1985. Individual complaint procedure accepted on Jan. 15, 2002. Inquiry procedure accepted on Jan. 15, 2002.	Ratified on July 2, 1980. Individual complaint procedure accepted on April 24, 2003. Inquiry procedure accepted on April 24, 2003.
Ratified on Aug. 2, 1988. Individual complaint procedure accepted on Aug. 2, 1988. Inquiry procedure accepted on Aug. 2, 1988.	Ratified on Feb. 18, 1986. Individual complaint procedure accepted on June 23, 1988. Inquiry procedure accepted on Feb. 18, 1986.	Ratified on Oct. 1, 1990. Individual complaint procedure accepted on Oct. 19, 2001. Inquiry procedure accepted on Oct. 1, 1990.	Ratified on Jan. 8, 1986. Individual complaint procedure accepted on Jan. 8, 1986. Inquiry procedure accepted on Jan. 8, 1986.
Ratified on April 4, 1995. Individual complaint procedure not accepted.	Ratified on Aug. 7, 1990. Individual complaint procedure accepted on Jan. 7, 2016. Inquiry procedure accepted on Jan. 7, 2016.	Ratified on March 6, 1992. Individual complaint procedure accepted on Feb. 28, 2013. Inquiry procedure accepted on Feb. 28, 2012.	Ratified on June 29, 1990. Individual complaint procedure not accepted.
Ratified on Sept. 27, 2004.	Not signed or ratified.	Not signed or ratified.	Not signed or ratified.
Ratified on Sept. 28, 2009. Individual complaint procedure not accepted.	Ratified on Feb. 18, 2010. Individual complaint procedure accepted on Feb. 18, 2010. Inquiry procedure accepted on Feb. 18, 2010.	Ratified on Feb. 24, 2009. Individual complaint procedure accepted on Feb. 24, 2009. Inquiry procedure accepted on Feb. 24, 2009.	Ratified on Dec. 15, 2008. Individual complaint procedure accepted on Dec. 15, 2008. Inquiry procedure accepted on Dec. 15, 2008.
Not signed or ratified.	Ratified on Sept. 23, 2008. Individual complaint procedure accepted on Dec. 9, 2008. Inquiry procedure accepted on Sept. 23, 2008.	Ratified on Sept. 24, 2009. Individual complaint procedure accepted on Sept. 24, 2009. Inquiry procedure accepted on Sept. 24, 2009.	Signed on Feb. 6, 2007 (not ratified yet).

Annex 3: Model form of individual complaint to human rights treaty bodies of the ICCPR, CAT, and CERD.

Model Complaint Form

For communications under:

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

Please indicate which of the above procedures you are invoking:

Date:

I. Information on the complainant:

Name:

First name(s):

Nationality:

Date and place of birth:

Address for correspondence on this complaint:

Submitting the communication:

on his/her own behalf:

on behalf of another person:

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

Please provide the following personal details of that other person

Name:

First name(s):

Nationality:

Date and place of birth:

Address or current whereabouts:

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

Or

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

II. State concerned/Articles violated

Name of the State against which the complaint is directed:

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

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

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

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

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

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

IV. Facts of the complaint

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

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

Author's signature:

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

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

- Written authorization to act (if you are bringing the complaint on behalf of another person and are not otherwise justifying the absence of specific authorization):
- Decisions of domestic courts and authorities on your claim (a copy of the relevant national legislation is also helpful):
- Complaints to and decisions by any other procedure of international investigation or settlement:

- Any documentation or other corroborating evidence you possess that substantiates your description in Part IV of the facts of your claim and/or your argument that the facts described amount to a violation of your rights:

Please include, if necessary, an indication in a UN language (Arabic, Chinese, English, Spanish, French and Russian) of the contents of the accompanying documentation. Your communication should not exceed 50 pages (excluding annexes). In case your application exceeds twenty pages, you must also file a short summary.

Annex 4: Model form for communications to the Working Group on Arbitrary Detention.

MODEL QUESTIONNAIRE TO BE COMPLETED BY PERSONS ALLEGING ARBITRARY
ARREST OR
DETENTION

I. IDENTITY

1. Family name:
2. First name:
3. Sex: (Male) (Female)
4. Birth date or age (at the time of detention):
5. Nationality/Nationalities:
6. (a) Identity document (if any):
- (b) Issued by:
- (c) On (date):
- (d) No.:
7. Profession and/or activity (if believed to be relevant to the arrest/detention):
.....
8. Address of usual residence:
.....
.....

II. Arrest

1. Date of arrest:
2. Place of arrest (as detailed as possible):
.....
.....
.....
3. Forces who carried out the arrest or are believed to have carried it out:
.....
.....
4. Did they show a warrant or other decision by a public authority?
(Yes)..... (No).....
5. Authority who issued the warrant or decision:
.....
.....
6. Reasons for the arrest imputed by the authorities:
.....
.....
.....
.....

7. Legal basis for the arrest including relevant legislation applied (if known):

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

III. Detention

1. Date of detention:

2. Duration of detention (if not known, probable duration):

3. Forces holding the detainee under custody:

.....
.....

4. Places of detention (indicate any transfer and present place of detention):

.....
.....

5. Authorities that ordered the detention:

.....
.....

6. Reasons for the detention imputed by the authorities:

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

7. Legal basis for the detention including relevant legislation applied (if known):

.....
.....

IV. Describe the circumstances of the arrest.

V. Indicate reasons why you consider the arrest and/or detention to be arbitrary .
Specifically provide details on whether:

(i) The basis for the deprivation of liberty is authorized by the Constitution or the domestic law?

(ii) The reason the individual has been deprived of liberty is a result of the exercise of his or her rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights?

(iii) The international norms relating the right to a fair trial have been totally or partially observed, specifically, articles 9 and 10 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 9 and 14 of the International Covenant on Civil and Political Rights?

(iv) In the case of an asylum seeker, migrant or refugee who has been subjected to prolonged administrative custody, if he or she has been guaranteed the possibility of administrative or judicial review or remedy?

(v) The individual has been deprived of his or her liberty for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status which aims towards or can result in ignoring the equality of human rights?

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

VI. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken.

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

VII. Full name, postal and electronic addresses of the person(s) submitting the information (telephone and fax number, if possible).

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

Date: Signature:

Annex 5: Model form for communications to the Working Group on Enforced and Involuntary Disappearances.

FORM TO SUBMIT A COMMUNICATION ON AN ALLEGED ENFORCED OR INVOLUNTARY DISAPPEARANCE

IMPORTANT PRELIMINARY NOTICE

INSTRUCTIONS RELEVANT TO ALL COMMUNICATIONS

- There are 6 required elements, indicated with * without which the communication cannot be processed.

These are:

- 1) Identity of the disappeared person (full name);
- 2) Date on which the disappearance occurred (at least month and year);
- 3) Place of arrest or abduction, or where the disappeared person was last seen;
- 4) Forces (State or State-supported) believed to be responsible for the disappearance;
- 5) Action taken by the relatives or others to locate the person. If action was not possible, explain why;
- 6) Identity of the person or organization submitting the report.

Please, make sure, before sending the communication form, that all the above mentioned required elements are included. This will allow for a smoother consideration of the case.

- If submitting a handwritten communication, please use capital letters.

- Please provide names in full of institutions (security forces, governmental bodies or others).

Please, do not use abbreviated forms.

- Describe facts in a clear and concise fashion, providing as much details as possible.

- Submit one form per disappeared person.

- If you would like particular information to be kept confidential please indicate this.

INSTRUCTIONS RELEVANT TO COMMUNICATIONS SUBMITTED BY NGOs

- It is necessary for your organization:

- a) to have the consent of the family of the disappeared, and;
- b) to be able to carry out follow-up, by conveying Government information to the family sent from the Working

Group, and from the family to the Working Group until the fate or whereabouts of the person are determined.

- Therefore, please answer to the following mandatory questions:

* Does your organization have direct consent from the family of the disappeared to submit this communication form to the Working Group on Enforced or Involuntary Disappearances on their behalf? Yes _____ No _____

* Will your organization be able to provide follow up by conveying information between the family and the Working Group: Yes _____ No _____

ADDRESS TO SUBMIT A COMMUNICATION

E-mail: wgeid@ohchr.org

Fax: +41 22 917 9006 (please, indicate: "For the attention of: WGEID").

Post: Working Group on Enforced or Involuntary Disappearances
Office of the High Commissioner for Human Rights
Palais des Nations, 8-14 Avenue de la Paix
CH-1211 Geneva 10, Switzerland



WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

COMMUNICATION FORM

1. INFORMATION CONCERNING THE DISAPPEARED PERSON

(a) * Family name(s):

(b) * Given names(s):

(c) Pseudonyms or other forms besides given name, by which he or she may be known: ...
.....

(d) Sex: __ male / __ female (e) Occupation/profession.....

(f) father's name: mother's name.....

(g) Date of birth: (h) Place and country of birth:

(i) Was the person below 18 years-old at the moment of the disappearance?
_____ yes / _____ no

(j) Identity document (passport, national identity card, voter's card or any other relevant national identity card)

type..... number.....

date of issue: place and country of issue:

(k) Nationality or nationalities

(l) Address of usual residence:
.....
.....

(m) Any other place of residence at the moment of the disappearance
.....
.....
.....

(n) Marital status:
__ yes / __ no

(o) Indigenous: __ yes / __ no

(p) Pregnant:

2. INFORMATION CONCERNING THE FACTS

(a) * Date of arrest, abduction or disappearance (at least month and year)
.....

(b) * Place of arrest, abduction or where the disappearance occurred (be as precise as possible. Indicate street, city, province or any other relevant information).....

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

(c) * Date when the person was last seen (at least month and year), if different from date of arrest or abduction (for example: if seen in a prison months after the initial arrest or abduction)

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

(d) * Place where the person was last seen (if different from place of arrest or abduction. For example: if seen in a prison months after the initial arrest or abduction. Please, be as precise as possible. Indicate street, city, province or any other relevant information)

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

(e) Please, provide a full description of how the disappearance took place (attach one page if necessary. Please note that, although this is not a required element, providing a description as detailed as possible of the circumstances of the disappearance will enhance the possibilities to find the person).....

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

(f) * State or State-supported forces believed to be responsible for the disappearance. If the perpetrators are believed to be State agents, please specify and indicate who and why they are believed to be responsible. Be as precise as possible (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, identifications presented, etc.).....

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

(g) If identification as State agents is not possible, please indicate why you believe that Government authorities, or persons linked to them, may be responsible for the incident.....

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

(h) If there are witnesses to the incident, please provide their names and relation to the victim. If they wish to remain anonymous, indicate if they are relatives, by-standers, or others. If there is evidence, please specify.

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

(i) Additional Information on the case. Please indicate any other relevant information that could be useful to find the person

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

3. INFORMATION CONCERNING ACTIONS TAKEN AFTER THE DISAPPEARANCE

* Indicate any action taken (police inquiries, jail, human rights commission, habeas corpus petition etc.) taken by the relatives or others to locate the person. You are required to state the following: when, by whom, and before which organ the actions were taken.

(a) Complaints (when, by whom, and before which organ/s).....

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

(b) Other steps taken (when, by whom, and before which organ/s).....

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

(c) If no action was taken, please explain why.....

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

4. PERSON OR ORGANIZATION SUBMITTING THE COMMUNICATION

* Person submitting the communication

(a) Family name:

(b) First name:

(c) Relationship with the disappeared person:

(d) Contact details (address, telephone, fax, email)

.....

.....

.....

* Organization submitting the communication (if applicable)

(e) Contact details (address, telephone, fax, email):

.....

.....

.....

5. CONFIDENTIALITY REQUEST

Please state whether you would like your identity to be kept confidential

Yes, keep my identity confidential: _____ No request for confidentiality: _____

* Date: Place:

* Signature of author:

Annex 6: Model form for communications to the Human Rights Council.

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):

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 institutions , the claims made, at which times, and what the outcome was:

2- If domestic remedies have not been exhausted on 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 procedures 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 0 No 0

Please indicate which information you would like to be kept confidential

Date:

Signature:

N.B. 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): 0
- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure): 0
- Any other evidence or supporting documents deemed necessary: 0

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>



The Syrian Initiative to Combat Sexual and Gender-Based Violence is a locally driven initiative supported by and hosted at American University Washington College of Law.

info@syriainitiative.org
syriainitiative@wcl.american.edu
www.syriainitiative.org