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**REVIEW BY THE COMMITTEE ON CONVENTIONS
AND RECOMMENDATIONS OF THE WORKING METHODS
WITHIN THE FRAMEWORK OF 104 EX/DECISION 3.3**

PART I

Proposals by States members of the Committee to make the “104 procedure” better known

SUMMARY

Further to paragraph 10 of 182 EX/Decision 30, the present document contains the proposals transmitted by the members of the Committee on Conventions and Recommendations (CR) to increase the visibility of the “104 procedure” in all regions.

This item has no financial or administrative implications.

1. During the review of the working methods of the Committee on Conventions and Recommendations (CR) at the 182nd session of the Executive Board, members of the CR Committee recalled that, for several sessions, the communications submitted to the Committee called into question governments that were for the most part from the same geographical region. In addressing that concern, the members of the Committee had considered in particular, that the enhancement of the Committee’s visibility could remedy that trend. On that point, the Committee considered that efforts should be made, particularly through the National Commissions, to ensure that the “104 procedure” established in 104 EX/Decision 3.3 was better known in every region of the world, and it invited the members of the CR Committee to submit proposals on the question of visibility in view of the subsequent Committee meeting (document 182 EX/68, para. 9).

2. Consequently, on the recommendation of the CR Committee, the Executive Board decided, in paragraph 10 of 182 EX/Decision 30, to encourage the continuation of efforts to make the “104 procedure” better known, *inter alia*, through the National Commissions, and to invite CR Committee members to submit their proposals in writing to the Director-General by 15 January 2010, in order to enhance the visibility of the procedure in every region.

3. In application of this decision, the Secretariat sent a letter to the Committee members dated 10 December 2009, which included in its annex 104 EX/Decision 3.3, the procedural practice contained in document 179 EX/CR/2* and the Committee's report at the 182nd session of the Board on this subject.
4. In reply to this letter, the Secretariat received letters as at 15 January 2010 from the following eight States members of the CR Committee: Germany, China, Cuba, France, India, Italy, Malaysia and the Philippines. The contributions of the above-mentioned States are reproduced in the annex to this document.
5. Moreover, it should be noted that within the framework of the review of the Director-General's report on the activities carried out to celebrate the 60th anniversary of the Universal Declaration of Human Rights, the General Conference at its 35th session had welcomed the efforts to raise awareness about the "104 procedure" established in 104 EX/Decision 3.3 (35 C/Resolution 35, para. 7).

* Document 184 EX/CR/2 updates and completes document 179 EX/CR/2 pursuant to the Executive Board's decision at the 149th session, by virtue of which the Committee's procedural practice and statistics on its activities would be updated every two years, for the first session following the renewal of the membership of the Executive Board and of the Committee, in other words at the beginning of each biennium.

ANNEX

GERMANY

1. Germany fully shares the view that the visibility of the “104 procedure” for the examination of communications received by UNESCO concerning alleged violations of human rights in the fields of competence of the Organization can be enhanced.
2. This task should be fulfilled at two levels: (a) at the level of the Secretariat and (b) at the national level of the Member States, *inter alia*, through the National Commissions.
3. The following observations are related to the Secretariat. Germany suggests that the Power-point presentation undertaken biannually by the Director of the Office of International Standards and Legal Affairs at the first session of the newly composed Committee on Conventions and Recommendations should be used as a basis for a more visible description of the “104 procedure” on the website of the Organization. Also, excerpts of the biannual Information Document can be included (e.g., the summary of the results of the application of the “104 procedure” as well as the form for communications concerning human rights to be submitted to UNESCO). Furthermore, the human rights NGOs in working relationships with UNESCO should be directly approached and informed. This could be done through various channels.
4. With regard to the national level, the German Government reports on human rights issues periodically to the German national parliament. In its reports, the German Government will include a section on the “104 procedure”. Periodic reporting to parliaments on human rights issues, including the “104 procedure”, will help to raise awareness of this instrument both on political and public level.
5. On the website of the German Federal Foreign Office (www.auswaertiges-amt.de) and on other respective websites, the German Government will also include information on the “104 procedure”. Germany would appreciate if other member countries would be invited to do the same.
6. Presently, the fifth edition of a manual on “*How to File Complaints on Human Rights Violations*” is in preparation. This revised, updated and enlarged English version is a joint venture of the German Commission for UNESCO and the German United Nations Association. It will be available in printed form and on the Internet (for the fourth, 2005 edition cf. http://www.unesco.de/c_humanrights). From the beginning, the edition intended to invite other National Commissions for UNESCO to prepare translations into other languages, thereby using the English version as an “umbrella text” to be enlarged through the inclusion of the contents of the latest national states reports to the United Nations human rights treaty bodies and the concluding remarks of them. So far, 19 editions in 12 languages appeared.
7. This manual also contains a full description of UNESCO’s “104 procedure”. In addition, a book on “*UNESCO und Menschenrechte*” (“UNESCO and Human Rights”) appeared in 2008 written by a member of the German Commission for UNESCO which includes a section on the “104 procedure” (pp. 46-78) plus the full translation into German of 104 EX/Decision 3.3.
8. Another activity which is a joint project of the National Commissions for UNESCO of France and Germany is a website project which explains all international procedures available for people living in Africa to claim their human rights. It offers many options for accessing the information, either by a list of the international instruments, article by article of the Universal Declaration of Human Rights, country by country, or through the list of human rights topics (cf. <http://www.claiminghumanrights.org>; Invoquer les droits de l'homme: <http://www.claiminghumanrights.org/?L=1>).
9. Within its Africa Project the German Commission for UNESCO will also include human rights issues to be discussed within the context of the “104 procedure”.

10. The German Commission for UNESCO is also member of the “Forum Menschenrechte” (“Forum Human Rights”) which brings together almost 50 NGOs engaged in human rights issues. A joint meeting is planned upon the initiative of the German Commission for UNESCO in order to explain the special features of the “104 procedure”.

11. Germany appreciates the opportunity of discussing the issue on how to further enhance the visibility of the “104 procedure”.

CHINA

Standard-setting is one of the five functions of UNESCO. According to Part I of 177 EX/Decision 35, the first mandate of the Committee on Conventions and Recommendations (CR Committee) is to examine the implementation of the conventions and recommendations adopted by this Organization. Therefore, the work of the Committee has direct bearing on the role the Organization plays in its standard-setting function and contractual mission. China has the following concrete suggestions:

1. Mindful of paragraph 7 of 104 EX/Decision 3.3, the CR Committee of the Executive Board should constantly improve its method of work, to make its due contributions to the development and progress of human rights.
2. The CR Committee should be fully aware of the gigantic tasks faced by each geographical region in improving human rights situation and the specific role it can play in examining individual cases concerning each region. For a better and balanced approach towards human rights examination, China suggests that within the biennium programme implementation cycle and in line with the current geographic division method, each region should have an opportunity to be examined or reviewed in its human rights situation. For the convenience of arrangement, Group I and Group II are to be examined together, followed by Group III and Group IV separately. Group V(a) and V(b) are to be arranged together. This arrangement will demonstrate the principle of balanced approach towards human rights, enabling every region to be treated equally and fairly. Furthermore, it will also allow each region more time for better study and preparation, thus ensuring the overall quality of examination.
3. China also suggests that the CR Committee not only focus on advocating and examining the implementation of the relevant conventions and recommendations, but should also study the major changes at the international level and their impacts on the work of the CR Committee and the new challenges the Committee is facing, thereby making more targeted proposals to the Organization in the field of human rights.

CUBA

The Committee on Conventions and Recommendations, in compliance with 181 EX/Decision 26, reviewed the working methods related to the “104 procedure” at the 182nd session of the Executive Board. The members of the Committee recommended that the Board adopt a draft decision which, among other things, would encourage efforts to make the “104 procedure” better known, and invited the members of the Committee to submit proposals in view of enhancing its visibility.

Cuba considers that any action undertaken to achieve better visibility of the “104 procedure” requires a fundamental review of the working methods of the Committee on Conventions and Recommendations and a reform of the “104 procedure” to ensure an objective, fair, impartial, less politicized and discriminatory procedure, so that recommendations leading to acceptable and balanced solutions could be adopted through dialogue and cooperation between parties.

As such, the pursuit of “better visibility” of the “104 procedure” is simply one aspect of the reform of this mechanism and not the actual reform which Cuba hopes for.

In Cuba’s opinion, the elements listed below present some of the issues on which the reform and review of the working methods of the Committee on Conventions and Recommendations (hereinafter referred to as the Committee), and its “104 procedure” should focus. It is only in this way that better visibility and credibility of the procedure can be attained.

1. Objectives and scope

- The “104 procedure” does not define the objectives and scope of this complaint mechanism.
- 104 EX/Decision 3.3 does not clearly and precisely define the tasks entrusted to the Committee in matters concerning human rights within UNESCO’s fields of competence.

Recommendations:

- (a) The text of the “104 procedure” should be amended to clearly and explicitly reflect its objectives as well as its scope. It should also be stressed that the Committee is not a judicial authority with the power to take binding decisions.
- (b) It should also remain clear that the Committee is not a human rights body. The United Nations system has set up, to fulfil the terms of its Charter with regard to international cooperation for the promotion and protection of human rights, bodies for this express purpose; the Committee is not one of these.
- (c) The text should recognize that the authors of communications cannot question the legal proceedings of a sovereign country. Decisions adopted by the Committee should not interfere in the internal affairs and sovereignty of a country, ignoring national legislation, and the sovereign right of every State to establish its internal regulations.
- (d) The procedure should define the human rights violations, the examination of which is incumbent upon the UNESCO Executive Board’s Committee on Conventions and Recommendations.

2. On the admissibility criteria or conditions

- The Committee does not respect the rare admissibility conditions established in the “104 procedure”. Not all of the communications admitted fall within what are known as the fields of competence of UNESCO. In fact, the Committee does not respect its own

decision adopted at the 171st session, which states that “when a communication is declared admissible, the Committee should specify, in the light of 104 EX/Decision 3.3, the criteria and conditions underlying the decision of admissibility” (171 EX/Decision 27, Annex, paragraph (a)).

- The “104 procedure” only provides that the communications “*must not be motivated exclusively by other considerations*”, leaving broad scope for varied interpretations.
- It does not indicate how to assess the truthfulness of the information provided. In general, the allegations contrast with the arguments presented by governments in their replies.
- The procedure leads to duplication of the review of the same communication by two or more bodies with different mandates within the United Nations system.
- Admissibility criterion (viii) states that communications must be submitted within a *reasonable time-limit* following the facts, but does not establish the time frame considered *reasonable*.

Recommendations:

- (a) The admissibility conditions should be clearer and more precise, to avoid varied interpretations.
- (b) Communications should not be motivated by manifestly political considerations, as established by similar procedures within the United Nations system. This should be an essential admissibility condition set out in the text of the “104 procedure”.
- (c) Communications should contain an effective and well-founded description of the alleged violations, together with clear and verifiable elements of proof. Communications based on elements disseminated through the mass media should not be admitted.
- (d) The Committee should not examine communications which are being evaluated or processed through another complaint mechanism for alleged human rights violations within the United Nations system.
- (e) Admissibility criterion (viii) should define the time-limit between the date of the facts which constitute the subject-matter of the communication and the date at which the communication is submitted to the Organization.

3. On the establishment of a working group

- Unlike other procedures in the United Nations system, the “104 Procedure” does not provide for the establishment of a working group tasked with ensuring that all admissibility criteria are strictly met and pre-selecting communications before they are included on the Committee’s agenda. Consequently, the Committee meeting in plenary considers all communications admissible and examines the same affairs time and again. As a result, its proceedings are less efficient and effective, and moreover, give rise to harmful political considerations.

Recommendations:

- (a) The “104 procedure” should establish a working group tasked with examining the communications and determining which meet the admissibility criteria in order to be reviewed by the Committee meeting in plenary.

- (b) The working group should comprise six members, one from each regional/electoral group in UNESCO.
- (c) The practical reason for establishing a working group is not only to ensure strict compliance with the admissibility criteria, but also to guarantee the viability of the Committee's work, making it more effective and efficient. It should be noted that the CR Committee's terms of reference do not only include the review of communications but also the study of issues related to the application of UNESCO's standard-setting instruments, including States Members' reports on the application of conventions and recommendations.

4. On the frequency of examinations of communications

- Given the importance for the Committee of effectively discharging the two aspects of its mandate, it is important to analyze the frequency of communication reviews. As some proposals indicate, the number of new communications presented at each session of the Committee is not very high, so it is not necessary to systematically review the same communications twice a year.

Recommendations:

- (a) In view of achieving a better balance in its mandate, we recommend that the Committee reduces the frequency of meetings to examine communications. Cuba considers that it would be appropriate to examine these communications only once per year instead of twice as is the case at present.
- (b) Dedicating one of the two sessions to the examination of communications would give the Committee more time to perform a thorough analysis of each communication. The States concerned by alleged human rights violations would have a longer time frame to react to and settle the Committee's recommendations. Six months is a very short period to review the cases in question and for this review to lead to an acceptable result for the parties concerned.
- (c) Devoting the examination of the communications to only one of the Committee sessions per year would avoid unnecessary repetitions from one session to the next, which often leads to a dialogue of the deaf, and jeopardizes the credibility and feasibility of the procedure.

5. Stages or phases through which communications pass

- The "104 procedure" does not define the stages through which communications may pass in the Committee's review process. Neither does it set out the conditions for passing from one stage to the next.
- In the body of the "Report of the Committee on Conventions and Recommendations" (communications submitted in pursuance of 104 EX/Decision 3.3), the following expressions are commonly found, in particular in the first paragraph of each communication: "*This communication has been on the agenda of the Committee since...and it is at the stage of examination as to its substance*" or "*at the stage of examination as to its admissibility*". However, there is no paragraph in the entire text of 104 EX/Decision 3.3 which mentions these stages of examination such as they appear in those reports.
- The text of the procedure does not define the reasons for which a communication may be struck from the Committee's list or for its consideration to be resumed. Neither does it establish the time frame, nor the possible reasonable causes for a communication to

remain at the examination stage, be struck from the list or simply to pass from one stage to the next.

Recommendations:

- (a) The Procedure should define the stages through which communications pass once they have been admitted by the Committee to be examined. It should also state clearly the possible reasons for which communications may be struck from the Committee's list or for their consideration to be resumed.

6. Imbalance in the geographical origin of communications admitted

- There is a strong tendency to examine cases from developing countries, which appears to insinuate that unacceptable practices of political manipulation, double standards and biases are at work against countries of the South. These are surely the same problems which undermined the now defunct United Nations Commission on Human Rights.
- The fact that in so many years of its existence, the Committee has not reviewed cases from countries of the North is astounding and sheds doubt on the objectivity and impartiality of "the 104 procedure". Even more surprising is that the overwhelming majority of the allegations which the Committee receives comes from so-called non-governmental organizations based in the capitals of the First World, which scrutinize developing countries, and do not see what is going on in their immediate environment. This is clearly a case of "the pot calling the kettle black".

7. On compatibility with other procedures of the United Nations system

- The Committee on Conventions and Recommendations dissociates itself from the functioning of international human rights instruments as regards the processing of cases. The procedure contained in 104 EX/Decision 3.3 does not require express mention of the instrument and article by virtue of which the complaint is processed, which makes the procedure ambiguous and lax, and exposes it to instrumentalization and exploitation for political purposes.
- The special procedures of the Human Rights Council, and treaty bodies in this matter have comparative advantages and additional capabilities compared to the Committee on Conventions and Recommendations to examine communications related to alleged human rights violations and to provide solutions.
- Duplication of the processing of complaints regarding alleged human rights violations within different bodies of the United Nations system generates additional expenditure for governments and discredits the international human rights protection mechanisms.

8. Visibility requires the re-evaluation of the CR Committee

- Cuba considers that enhanced visibility of the "104 procedure", and the desired effectiveness of UNESCO's initiatives with regard to human rights, are not possible without a review and modification of this procedure; this would include a major reform of the Committee's working methods.
- This review procedure has structural and organizational limits, and is gradually losing its objectivity and credibility. In addition, the Committee's decisions, generally pre-formulated and repetitive, always side with the authors of the communications and takes their allegations at face value, while ignoring the replies and explanations of the governments concerned. In practice, the Committee considers the authors of the

allegations as custodians of the truth, and the States, as perpetual suspects. Cuba intends to firmly fight against this perverse anomaly.

- Increased visibility of the “104 procedure” will only be possible if UNESCO has a coherent and credible mechanism, without unnecessary duplications with other procedures of the United Nations system, and which encourages cooperation and eradicates confrontation.

FRANCE

By paragraph 10 of 182 EX/Decision 30, the Executive Board invited members of the Committee on Conventions and Recommendations to submit their proposals in writing to the Director-General, in order to enhance the visibility of the “104 procedure” in every region of the world. In compliance with this invitation, the present note only lists a certain number of practical proposals aimed at ensuring better visibility of the procedure within Member States.

France had already pointed out that “the ‘104 procedure’ probably does not receive sufficient publicity and is no doubt under-utilized” (182 EX/30, Annex, para. 10). This situation is not satisfactory and serious efforts should be made to make the existence of this original procedure – which should not be confused with those implemented by other agencies of the United Nations family or regional organizations – known as extensively as possible. For the “104 procedure” to be fully effective, it must be known by all human rights protection actors and its activation must be possible regardless of the State concerned.

The above-mentioned 182 EX/Decision 30 makes reference to the role of National Commissions in the matter. It is clear that these Commissions have a fundamental role to play in disseminating information both to nationals of the State to which they belong, and to those of other States. In that connection, France calls to mind the joint project of the German and French National Commissions aimed at developing a website to inform inhabitants of the African continent of the different international procedures enabling them to demand the respect of their human rights.

UNESCO should pursue its communication efforts targeted at National Commissions so that they can relay locally any required information relating to the “104 procedure”. However, the Organization should also strive to spread information through other channels, particularly by relying on non-governmental human rights organizations and fully capitalizing on the resources offered today by the Internet.

Indeed, the “web” today is a powerful and universal vehicle of communication which should not be neglected. It would certainly be useful for all persons accessing UNESCO’s homepage, to immediately and continually find therein, a very visible mention of the “104 procedure”, containing a link providing automatic access to additional information (including very precise practical information on the rules for submitting communications).

Moreover, the Organization should regularly engage in awareness-raising campaigns with NGOs within the United Nations system involved in the promotion and protection of human rights so that they include the use of the “104 procedure” in their action strategies. In particular, UNESCO could launch NGO-targeted awareness-raising campaigns through emails, the cost of which would be minimal.

At the regional level, the Organization should also invite its field offices to regularly disseminate practical information on the conditions for using the “104 procedure”. These offices could be invited to organize meetings or seminars with universities and non-governmental organizations in order to promote the “104 procedure”.

INDIA

As you are aware, an earlier examination of the working methods of the CR Committee had indicated that most communications are predominantly focused on Member States from the Asia and the Pacific region and are made by the same set of organizations and/or persons located in a particular part of the world. This had been pointed out by India in its comments on the working methods of the Committee which had been fully discussed by the Committee at its last session. Under these circumstances, it would appear that the proposals to make the procedures better known would be useful and timely for other regional groups. As far as the Asia and the Pacific region is concerned, there is a perception of being unfairly singled out as if human rights violations are focalized exclusively in this part of the world. This perception would be best addressed through a more balanced set of communications applied to Member States in all regional groups wherever violations occur.

India looks forward to discussing this issue further at the next session of the Executive Board and within the CR Committee of which India is a Member.

ITALY

1. Referring to its opinion as expressed on 7 June 2009, Italy simply confirms its favourable appreciation of the “104 procedure”, which has worked very well, as demonstrated by the CR Committee’s work and the documents prepared by the Secretariat. Italy emphasizes the need for increased publicity for this procedure, particularly through the organization of a joint study session of the CR Committee and the Committee on International Non-Governmental Organizations, which are the main “providers” of communications submitted to the Committee.
2. Italy is firmly opposed to the establishment of a working group on the admissibility of communications. The Chairperson and members of the Secretariat, who have extensive and noteworthy experience, may continue perfectly well to submit cases to the Committee under the “104 procedure” for consideration in plenary meeting, as only the Committee has the right to decide on the admissibility of cases.
3. The current frequency of meetings should be maintained. In the face of certain humanitarian emergencies, subsequent extraordinary sessions should be envisaged, wherever possible. The loss of specificity of the “104 procedure” would seriously undermine the effectiveness of UNESCO’s action in the field of human rights and the fight against racism, racial discrimination, xenophobia and related intolerance.
4. The rules of procedural practice, contained in document 179 EX/CR/2 (and reproduced in the brochure published in 2008) remain valid. The focus should rather be on strengthening the power of the Chairperson and of the Director-General to intervene, including through *in loco* visits, with regard to the governments concerned, in situations of danger. It should also be possible to resume consideration of cases struck from the agenda and whose current situations are of concern to international public opinion, also taking into account 19 C/Resolution 6.113 and 19 C/Resolution 12.1.
5. *The Comparison of the procedures of the Committee on Conventions and Recommendations with those of the United Nations human rights bodies*, contained in document 166 EX/23, should in any event be updated.
6. With regard to the first aspect of the Committee’s mandate, the documents prepared by the Secretariat should be more comprehensive and relevant, and cooperation with the CR Committee should be further enhanced, with improved texts, since the reports are always criticized by the Committee.

MALAYSIA

As Malaysia begins to understand its tasks, as a new member of the CR, Malaysia supports the view expressed in the Indian contribution on the reflection that communications for debate in the CR are predominantly focused on Member States from the Asia-Pacific region. In this regard there is certainly a need for a geographical spread on issues that concern all Member States. The belief of Malaysia is that the writers of the communications seem to have a different understanding of any individual and/or collective violation of human rights as they pertain to our fields of competence. Notions of democratic practices and governance differ from one region to another. As such there is need for clarity and further constructive debate.

At the same instance, Malaysia has some suggestions on some aspects of the CR's work that should also receive attention and refocusing. In the view of Malaysia, there are a number of UNESCO Conventions and Recommendations. The progress reached on the ratification of the Conventions call for some study and priority as well.

PHILIPPINES

The Philippines shares the observation regarding the need to have a more balanced set of communications applied to Member States in all regional groups.

On improvement of visibility, the Secretariat may wish to conduct information meetings and email campaigns with National Commissions as well as pertinent government agencies.

The Philippines looks forward to providing further inputs and engaging in discussions on the improvement of the “104 procedure”.



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**REVIEW BY THE COMMITTEE ON CONVENTIONS
AND RECOMMENDATIONS OF THE WORKING METHODS
WITHIN THE FRAMEWORK OF 104 EX/DECISION 3.3**

**Comparison of the procedures of the Committee on Conventions and
Recommendations with those of the United Nations human rights bodies**

SUMMARY

Further to paragraph 8 of 182 EX/Decision 30, this document updates, in the light of recent developments in the United Nations in the field of human rights, the study conducted by the Secretariat in 2003 containing a comparison of the procedures of the Committee on Conventions and Recommendations with those of the United Nations human rights bodies (166 EX/23).

This item has no financial or administrative implications.

INTRODUCTION

1. The question has periodically arisen of whether there is duplication between UNESCO's procedure for the examination of complaints received by the Organization concerning alleged violations of human rights in its fields of competence (education, science, culture and information) and those of the United Nations human rights bodies.

2. The Committee on Conventions and Recommendations (CR) has on several occasions, when examining its methods of work,¹ taken a stand on the matter and stressed the special character of UNESCO's procedure as compared with similar United Nations procedures. The Committee has also observed that such procedures were not incompatible but, rather, complementary. The fact that a case is being examined within another organization in the United Nations system does not prevent the CR from examining it as well. On the contrary, it has been made clear, from the beginning, in the course of the Committee's debates that 104 EX/Decision 3.3 was deliberately worded to enable the Committee to examine a communication that has already been submitted to another international organization for consideration.² At the Committee's request, the Secretariat of the CR has, in addition, often had occasion to contact the Secretariat of other international organizations, particularly when dealing with the same cases, in order to obtain further information.

3. Before determining whether this unique procedure is still relevant by comparing the procedure of the CR with those of the United Nations human rights bodies, it might be helpful to point out that there are two categories of mechanisms functioning on the basis of complaints or communications among the bodies at the United Nations. They are:

- Extra-conventional mechanisms or "special procedures" that have developed over the years. These terms refer to a special independent fact-finding system outside the framework of a treaty. The procedure of the Human Rights Council, which is often mentioned as duplicating the UNESCO procedure, also comes into this category (Part I);
- Conventional mechanisms which are specific committees established under the main standard-setting instruments in the field of human rights. These "treaty-monitoring bodies" monitor the implementation of each of these instruments by their States Parties. Only five treaty-monitoring bodies have established procedures under which persons claiming to be victims of a violation by a State Party of any one of the rights set out in the respective treaties may submit their complaints for examination (Part II).

4. The universal periodic review (UPR), established in 2005 by resolution 60/251 of the United Nations General Assembly, is a different type of mechanism. This one is not driven by a complaint or individual communication, but rather by the general situation of the implementation of human rights in each of the 192 Member States of the United Nations. As the goal of the universal periodic review is to provide States with the opportunity to declare which actions have been implemented to improve the human rights situation and fulfil their international obligations, individual communications cannot be examined within the framework of this mechanism. It cannot therefore be compared to the abovementioned procedures.

I. FACT-FINDING MECHANISMS OF THE HUMAN RIGHTS COUNCIL

5. Like the UNESCO procedure implemented by the CR as defined by 104 EX/Decision 3.3 of the Executive Board (1978), the complaint review procedure of the Human Rights Council, established in 2007 based on resolution 1503 of the Economic and Social Council, adopted in 1970 and revised in 2000, allows anyone or any group of persons to report human rights violations to the United Nations even when the case is not covered by a United Nations treaty.

¹ In particular at the 156th and 171st sessions of the Executive Board.

² See paragraph 56 of document 112 EX/CR/HR/5 on the procedural practice of the Committee.

6. Although there is some resemblance between the procedure of the CR and that of the Human Rights Council as to the source of the communications (they may be submitted by any person or group of persons who may reasonably be presumed to be victims of the alleged violations, any person or group of persons with direct and reliable knowledge of the violations or any non-governmental organization acting in good faith and having direct and reliable knowledge of the violations), the two procedures are dissimilar in many respects.

The procedure of the Human Rights Council

7. Under its terms of reference, the Human Rights Council examines situations on the basis of communications denouncing the existence of a consistent, flagrant and systematic violation of all human rights and all fundamental freedoms in general.

8. Individual cases as such are not examined under the Human Rights Council procedure, in which a large number of communications is considered merely as a source of information on a given situation involving consistent patterns of flagrant and systematic violations of human rights. The State thus impugned may be regarded as responsible for the situation denounced. The communications are considered individually only at the time of submission to the Secretariat of the Human Rights Council.

9. Furthermore, in order to monitor the human rights situation in certain countries and to study certain specific issues, the Human Rights Council has established special procedures on an ad hoc basis consisting in the appointment of “Special Rapporteurs” or in the formation of working groups that are given specific mandates. The persons appointed to fulfil those mandates are independent experts sitting in a personal capacity. As there is no formal procedure for the filing and examination of complaints, these experts gather all the information from various sources (authors of communications, victims or their relatives, local or international NGOs, etc.). These communications may therefore be submitted in various forms (letters, fax, telegrams) and may concern individual cases or situations of presumed violation of human rights. They then draw up reports focused either on a specific country or on a theme (for example: arbitrary detention, freedom of opinion or expression, etc.), which are made public.

The CR procedure and its specific characteristics

10. Far from the conflictual and accusatory character of the Human Rights Council procedure, the CR procedure helps gradually to “bring about a friendly solution designed to advance the promotion of human rights”. The CR does not set itself up as a supreme international court with the power to review the judgements of the competent courts of Member States. Its sole object, for purely humanitarian reasons, is to establish dialogue with the governments concerned in order to consider with them what might be done on behalf of alleged victims in the event of their having suffered from violations of human rights in UNESCO’s fields of competence. For example, the victim might be an intellectual (artist, journalist, student, teacher, scientist, etc.) imprisoned as a result of a violation by the government concerned of his or her right to freedom of expression.

11. Unlike communications under the Human Rights Council procedure, all those submitted to the Committee on Conventions and Recommendations in pursuance of 104 EX/Decision 3.3 are examined under a procedure that preserves their individual character from start to finish.

12. Only the representatives of the Member States examine communications, directly and individually, and no fact-finding is involved. The governments concerned by communications are invited to participate in these meetings in order to provide additional information or to answer questions from members of the Committee (paragraph 14(e) of 104 EX/Decision 3.3). Generally speaking, practically all States respond positively to such invitations. Good faith is presumed on the part of both the authors of communications and the governments concerned.

13. In conclusion, the humanitarian approach and the spirit of dialogue with the government concerned have made the Executive Board's procedure under 104 EX/Decision 3.3 a very distinctive mechanism in comparison with the Human Rights Council procedure and with the "extra-conventional mechanisms".

II. MECHANISMS OF BODIES SET UP TO MONITOR THE IMPLEMENTATION OF TREATIES

14. Five treaty-monitoring bodies have established procedures to examine communications from individuals claiming to be victims of a violation, by a State Party, of one of the rights listed in the treaty concerned. These monitoring bodies are:

- the **Human Rights Committee**, set up in connection with the implementation of the International Covenant on Civil and Political Rights;
- the **Committee on the Elimination of Racial Discrimination**, set up under the International Convention on the Elimination of All Forms of Racial Discrimination;
- the **Committee Against Torture**, established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the **Committee on the Elimination of Discrimination against Women**, established under the provisions of the Convention on the Elimination of All Forms of Discrimination against Women;
- the **Committee on the Rights of Persons with Disabilities**, set up under the Convention on the Rights of Persons with Disabilities.

15. Only complaints from persons under the jurisdiction of States that have officially accepted these committees' procedures may be examined. Such acceptance is effected by means of ratification (the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of Persons with Disabilities) or by means of an express statement (the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). Therefore, each communication concerning a State Party that has not accepted the competence of the Committee to examine complaints is declared inadmissible.

16. Only a small number of States have recognized the competence of these committees, with the exception of the Human Rights Committee, to examine complaints in which they may be impugned. As at 11 December 2009:

- of the 165 States Parties to the International Covenant on Civil and Political Rights, 113 had ratified or acceded to the Protocol;
- of the 173 States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, only 53 had accepted the procedure by means of a declaration under Article 14;
- of the 146 States Parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, only 63 had made a statement under Article 22 accepting that the Committee could examine communications submitted by or on behalf of individuals invoking a violation by those States of the provisions of the Convention;

- of the 186 States Parties to the Convention on the Elimination of All Forms of Discrimination against Women, 99 had ratified or acceded to the Optional Protocol.
- of the 76 States Parties to the Convention on the Rights of Persons with Disabilities, 48 had ratified or acceded to the Optional Protocol.

17. It may be noted that, unlike these bodies' monitoring mechanisms, UNESCO does not request the agreement of the State concerned since the latter is not put in the position of a defendant. A complaint may be directed at any Member State, for the very reason that it is a Member of UNESCO.³ Accordingly, an increasing number of the governments concerned by communications send representatives to the Committee and cooperate with it although they are under no legal obligation to do so. This is a tribute to the procedure established by the Executive Board in 104 EX/Decision 3.3 and to the way in which it has been applied for over 30 years.

18. It should be noted that the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (18 December 1990) provides for a monitoring body, the Committee on Migrant Workers, which can also, under certain conditions, examine individual petitions or communications from individuals who claim to be victims of a violation of the rights listed in the Convention. To date, only two States Parties have accepted this procedure which requires the declaration of 10 States Parties for it to enter into effect. Likewise for the International Convention for the Protection of All Persons from Enforced Disappearance which also establishes a Committee empowered to review individual complaints. The Convention has not yet entered into effect.

19. Moreover, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (10 December 2008) provides that the Committee on Economic, Social and Cultural Rights may examine communications submitted by individuals or groups of individuals or on behalf of individuals or groups of individuals falling under the jurisdiction of a State Party, who claim to be victims of a violation by that State Party of one of the economic, social or cultural rights set out in the Covenant. However, this Optional Protocol has not yet garnered the 10 ratifications required for it to enter into effect.

20. The annex of this document contains a list of the States which have recognized the competence of these different committees to review complaints as at 4 February 2010.

21. As these five treaty-monitoring bodies function along similar lines and have the same structure, a comparison will only be made between the procedure of the Human Rights Committee and that of UNESCO.

Procedure of the Human Rights Committee

22. When it examines communications from individuals alleging violations of the rights set out in the Covenant under its Optional Protocol, at the conclusion of its proceedings the Human Rights Committee, composed of independent experts, adopts findings.

23. Even though the findings formally have no binding force, the Committee acts as a quasi-judicial body. In addition, when the Human Rights Committee concludes in its findings that there has been a violation of a provision of the Covenant (that is to say, in more than two thirds of cases), it may request the State Party to take all the appropriate remedial measures (for example, commutation of sentence, release or reparations for the violations suffered).

24. The Committee's final decisions (findings, inadmissibility decisions and decisions to discontinue consideration of a communication) are made public, after the communications have been examined in private meeting.

³ In practice, even States non-Members of UNESCO have readily agreed to cooperate with the Committee.

25. Until 1985, the Human Rights Committee's role ended with the adoption of the findings. Since 1990, under growing pressure from authors of communications complaining about the lack of action by the governments concerned on such findings, the Human Rights Committee has adopted a measure consisting in appointing a special rapporteur to follow up the findings. As a result, since 1991, the Special Rapporteur has sent States Parties requests for information on action taken to follow up the findings. Chapter VI of the Human Rights Committee's report, which is not confidential, contains a list, by country, of replies received or expected.

The procedure of the Committee on Conventions and Recommendations and its specific characteristics

26. As indicated earlier (see above), the CR procedure is designed to seek a friendly solution to the cases that have been brought to the Committee's attention. Bearing in mind paragraph 14(k) of the decision, members have often stressed that "in exercising its mandate, the Committee endeavoured, for humanitarian reasons, to establish dialogue with the governments concerned in order to consider with them what might be done to promote human rights falling within the competence of UNESCO by seeking an amicable solution to cases brought to its attention".⁴

27. The search for a solution generally means that the communication is examined at several sessions of the CR at the conclusion of which decisions are adopted. That might make it possible for the dialogue with the States concerned to continue, and a fresh opportunity may thus be afforded to those States to find a satisfactory solution tending to favour the promotion of human rights within UNESCO's fields of competence. In its decisions, the CR makes appeals for clemency to the authorities. It may also request the Director-General or the Chairperson of the CR to make humanitarian representations on behalf of the alleged victim.

28. The members of the CR have always asserted and reiterated that the strength of this procedure is its confidentiality, the end result being what really matters. In fact, in the endeavour to solve a case, the cooperation of the government concerned is indispensable. Without confidentiality, it is doubtful that governments would agree to engage in dialogue before the Committee. The members of the CR have expressed the view that it is precisely this discretion which distinguishes the 104 EX/Decision 3.3 procedure from that of the Human Rights Committee and has given the CR the moral authority that it needs to convince the States concerned by communications that they should cooperate. Furthermore, strict observance of this rule does not prevent certain statistical data on the CR's activities from being made public and being publicized among the National Commissions and NGOs and on the Internet.

29. The specific characteristics of the CR's procedure were recognized by the Human Rights Committee⁵ which pointed out that "the complaints procedure before the Executive Board's Committee on Conventions and Recommendations of UNESCO is extra-conventional" (...), that "no conclusion of violation or non-violation of specific rights by a given State is made" and that "the UNESCO complaints procedure does not constitute another 'procedure of international investigation or settlement' in the sense of article 5, paragraph 2(a), of the Optional Protocol".⁶

30. Lastly, it is to be noted that follow-up action has not proven necessary at UNESCO since all the communications are examined until the cases have been settled (for example, until the early release of the victim by the government concerned).

⁴ See the Report of the Committee on Conventions and Recommendations (155 EX/3 PRIV., para. 198).

⁵ International Covenant on Civil and Political Rights, Human Rights Committee, 86th session, 13-31 March 2006, findings, communication No. 1100/2002 (document CCPR/C/86/D/1100/2002 dated 18 April 2006).

⁶ Article 5, paragraph 2(a) provides that the Human Rights Committee shall not examine communications from an individual without ascertaining that the same matter is not being examined under another procedure of international investigation or settlement.

CONCLUSION

31. It can be seen from this comparison that the procedure laid down in 104 EX/Decision 3.3 of the UNESCO Executive Board has specific characteristics in comparison with similar procedures in United Nations human rights bodies.

32. Even though the various aspects of UNESCO's procedure are not, taken separately, either very original or very new, it is the combination of these aspects and the spirit in which they are applied that give the procedure its originality. While the other procedures seem to take a conflictual, accusatory and quasi-judicial form, the UNESCO procedure has, from the very beginning, been deliberately applied exclusively with a view to seeking a solution with the State concerned. For this reason, everything has always been done to avoid reaching the conclusion that a State has violated human rights. Such a conclusion would in fact mean a deadlock, preventing the continued search for a solution. This is the background against which the many and varied stages of the CR procedure must be understood, since each stage represents a further level of dialogue with the State concerned and, consequently, another opportunity to find a satisfactory solution. The desire shown by the Committee to take its decisions solely by consensus is no doubt a reflection of the same concern.

33. It has often been pointed out in the course of debates within the CR that, in accordance with paragraph 7 of the decision, "the aim of the Committee was not to condemn the governments concerned, nor a fortiori to sanction them, but to improve the situation of the alleged victims".⁷

⁷ Report of the working group on the methods of work of the Committee on Conventions and Recommendations, 156 EX/CR/2, paragraph 7.

ANNEX

Status of ratifications to the United Nations Treaty Monitoring Bodies (as of 4 February 2010)

Member States	Mechanisms in force										Mechanisms not in force				
	CCPR ¹	CCPR: OP ²	CERD ³	CERD: Art.14 ⁴	CAT ⁵	CAT: Art. 22 ⁶	CEDAW ⁷	CEDAW: OP ⁸	CRPD ⁹	CRPD: OP ¹⁰	CMW ¹¹	CMW: Art.77 ¹²	CPED ¹³	CESCR ¹⁴	CESCR: OP ¹⁵
Afghanistan	X		X		X		X							X	
Albania	X	X	X		X		X	X			X		X	X	
Algeria	X	X	X	X	X	X	X		X		X			X	
Andorra	X	X	X	X	X	X	X	X							
Angola	X	X					X	X						X	
Antigua and Barbuda			X		X		X	X							
Argentina	X	X	X	X	X	X	X	X	X	X	X		X	X	
Armenia	X	X	X		X		X	X						X	
Australia	X	X	X	X	X	X	X	X	X	X				X	
Austria	X	X	X	X	X	X	X	X	X	X				X	
Azerbaijan	X	X	X	X	X	X	X	X	X	X	X			X	
Bahamas	X		X				X							X	
Bahrain	X		X		X		X							X	
Bangladesh	X		X		X		X	X	X	X				X	
Barbados	X	X	X				X							X	
Belarus	X	X	X		X		X	X						X	
Belgium	X	X	X	X	X	X	X	X	X	X				X	
Belize	X		X		X		X	X			X				
Benin	X	X	X		X		X							X	
Bhutan							X								
Bolivia	X	X	X	X	X	X	X	X	X	X	X		X	X	
Bosnia and Herzegovina	X	X	X		X	X	X	X			X			X	
Botswana	X		X		X		X	X							
Brazil	X	X	X	X	X	X	X	X	X	X				X	
Brunei Darussalam							X								
Bulgaria	X	X	X	X	X	X	X	X						X	
Burkina Faso	X	X	X		X		X	X	X	X	X		X	X	
Burundi	X		X		X	X	X							X	
Cambodia	X		X		X		X							X	
Cameroon	X	X	X		X	X	X	X						X	
Canada	X	X	X		X	X	X	X						X	
Cape Verde	X	X	X		X		X				X			X	
Central African Republic	X	X	X				X							X	
Chad	X	X	X		X		X							X	

Legend (in bold the individual complaint mechanisms): 1. International Covenant on Civil and Political Rights (ICCPR) 2. Optional Protocol to ICCPR 3. International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 4. Declaration under Article 14 of CERD 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 6. Declaration under Article 22 of CAT 7. Convention on the Elimination of All Forms of discrimination against Women (CEDAW) 8. Optional Protocol to CEDAW 9. Convention on the Elimination of All Forms of Discrimination against Women Convention on the Rights of Persons with Disabilities (CRPD) 10. Optional Protocol to CRPD 11. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) 12. Declaration under Article 77 of CMW 13. International Convention for the Protection of All Persons from Enforced Disappearance 14. International Covenant on Economic, Social and Cultural Rights 15. Optional Protocol to CESCR

Member States	Mechanisms in force										Mechanisms not in force				
	CCPR ¹	CCPR: OP ²	CERD ³	CERD: Art.14 ⁴	CAT ⁵	CAT: Art. 22 ⁶	CEDAW ⁷	CEDAW: OP ⁸	CRPD ⁹	CRPD: OP ¹⁰	CMW ¹¹	CMW: Art.77 ¹²	CPED ¹³	CESCR ¹⁴	CESCR: OP ¹⁵
Chile	X	X	X	X	X	X	X		X	X	X		X	X	
China			X		X		X		X					X	
Colombia	X	X	X		X		X	X			X			X	
Comoros			X				X								
Congo	X	X	X		X		X							X	
Cook Islands							X	X	X	X					
Costa Rica	X	X	X	X	X	X	X	X	X	X				X	
Côte d'Ivoire	X	X	X		X		X							X	
Croatia	X	X	X		X	X	X	X	X	X				X	
Cuba			X		X		X		X				X		
Cyprus	X	X	X	X	X	X	X	X						X	
Czech Republic	X	X	X	X	X	X	X	X	X					X	
Democratic People's Republic of Korea	X						X							X	
Democratic Republic of Congo	X	X	X		X		X							X	
Denmark	X	X	X	X	X	X	X	X	X					X	
Djibouti	X	X			X		X							X	
Dominica	X						X							X	
Dominican Republic	X	X	X				X	X	X	X				X	
Ecuador	X	X	X	X	X	X	X	X	X	X	X		X	X	
Egypt	X		X		X		X		X		X			X	
El Salvador	X	X	X		X		X		X	X	X			X	
Equatorial Guinea	X	X	X		X		X	X						X	
Eritrea	X		X				X							X	
Estonia	X	X	X		X		X							X	
Ethiopia	X		X		X		X							X	
Fiji			X				X								
Finland	X	X	X	X	X	X	X	X						X	
France	X	X	X	X	X	X	X	X					X	X	
Gabon	X		X		X		X	X	X					X	
Gambia	X	X	X				X							X	
Georgia	X	X	X	X	X	X	X	X						X	
Germany	X	X	X	X	X	X	X	X	X	X			X	X	
Ghana	X	X	X		X		X				X			X	
Greece	X	X	X		X	X	X	X						X	
Grenada	X						X							X	
Guatemala	X	X	X		X	X	X	X	X	X	X	X		X	

Legend (in bold the individual complaint mechanisms): 1. International Covenant on Civil and Political Rights (ICCPR) 2. Optional Protocol to ICCPR 3. International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 4. Declaration under Article 14 of CERD 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 6. Declaration under Article 22 of CAT 7. Convention on the Elimination of All Forms of discrimination against Women (CEDAW) 8. Optional Protocol to CEDAW 9. Convention on the Elimination of All Forms of Discrimination against Women Convention on the Rights of Persons with Disabilities (CRPD) 10. Optional Protocol to CRPD 11. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) 12. Declaration under Article 77 of CMW 13. International Convention for the Protection of All Persons from Enforced Disappearance 14. International Covenant on Economic, Social and Cultural Rights 15. Optional Protocol to CESCR

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	CCPR ¹	CCPR: OP ²	CERD ³	CERD: Art.14 ⁴	CAT ⁵	CAT: Art. 22 ⁶	CEDAW ⁷	CEDAW: OP ⁸	CRPD ⁹	CRPD: OP ¹⁰	CMW ¹¹	CMW: Art.77 ¹²	CPED ¹³	CESCR ¹⁴	CESCR: OP ¹⁵
Guinea	X	X	X		X		X		X	X	X		X		
Guinea-Bissau							X	X					X		
Guyana	X	X	X		X		X						X		
Haiti	X		X				X		X						
Holy See			X		X										
Honduras	X	X	X		X		X		X		X	X	X		
Hungary	X	X	X	X	X	X	X	X	X	X			X		
Iceland	X	X	X	X	X	X	X						X		
India	X		X				X		X				X		
Indonesia	X		X		X		X						X		
Iran (Islamic Republic of)	X		X						X				X		
Iraq	X		X				X						X		
Ireland	X	X	X	X	X	X	X	X					X		
Israel	X		X		X		X						X		
Italy	X	X	X	X	X	X	X	X	X	X			X		
Jamaica	X		X				X		X		X		X		
Japan	X		X		X		X					X	X		
Jordan	X		X		X		X		X				X		
Kazakhstan	X	X	X	X	X	X	X					X	X		
Kenya	X		X		X		X		X				X		
Kiribati							X								
Kuwait	X		X		X		X						X		
Kyrgyzstan	X	X	X		X		X	X			X		X		
Lao People's Democratic Republic	X		X				X		X				X		
Latvia	X	X	X		X		X						X		
Lebanon	X		X		X		X						X		
Lesotho	X	X	X		X		X	X		X			X		
Liberia	X		X		X		X						X		
Libyan Arab Jamahiriya	X	X	X		X		X			X			X		
Liechtenstein	X	X	X	X	X	X	X						X		
Lithuania	X	X	X		X		X	X					X		
Luxembourg	X	X	X	X	X	X	X						X		
Madagascar	X	X	X		X		X						X		
Malawi	X	X	X		X		X		X				X		
Malaysia							X								

Legend (in bold the individual complaint mechanisms): 1. International Covenant on Civil and Political Rights (ICCPR) 2. Optional Protocol to ICCPR 3. International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 4. Declaration under Article 14 of CERD 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 6. Declaration under Article 22 of CAT 7. Convention on the Elimination of All Forms of discrimination against Women (CEDAW) 8. Optional Protocol to CEDAW 9. Convention on the Elimination of All Forms of Discrimination against Women Convention on the Rights of Persons with Disabilities (CRPD) 10. Optional Protocol to CRPD 11. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) 12. Declaration under Article 77 of CMW 13. International Convention for the Protection of All Persons from Enforced Disappearance 14. International Covenant on Economic, Social and Cultural Rights 15. Optional Protocol to CESCR

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Maldives	X	X	X		X		X	X					X		
Mali	X	X	X		X		X	X	X	X	X		X	X	
Malta	X	X	X	X	X	X	X						X		
Marshall Islands							X								
Mauritania	X		X		X		X				X		X		
Mauritius	X	X	X		X		X	X	X				X		
Mexico	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Micronesia (Federated States of)							X								
Monaco	X		X	X	X	X	X						X		
Mongolia	X	X	X		X		X	X	X	X			X		
Montenegro	X	X	X	X	X	X	X	X	X				X		
Morocco	X		X	X	X	X	X		X	X	X		X		
Mozambique	X		X		X		X	X							
Myanmar							X								
Namibia	X	X	X		X		X	X	X	X			X		
Nauru															
Nepal	X	X	X		X		X	X					X		
Netherlands	X	X	X	X	X	X	X						X		
New Zealand	X	X	X		X	X	X	X	X				X		
Nicaragua	X	X	X		X		X		X	X	X		X		
Niger	X	X	X		X		X	X	X	X	X		X		
Nigeria	X		X		X		X	X			X		X		
Niue															
Norway	X	X	X	X	X	X	X	X					X		
Oman			X				X		X						
Pakistan			X				X						X		
Palau															
Panama	X	X	X		X		X	X	X	X			X		
Papua New Guinea	X		X				X						X		
Paraguay	X	X	X		X	X	X	X	X	X	X		X		
Peru	X	X	X	X	X	X	X	X	X	X	X		X		
Philippines	X	X	X		X		X	X	X		X		X		
Poland	X	X	X	X	X	X	X	X					X		
Portugal	X	X	X	X	X	X	X	X	X	X			X		
Qatar			X		X		X		X						
Republic of Korea	X	X	X	X	X	X	X	X	X				X		
Republic of Moldova	X		X		X		X	X					X		

Legend (in bold the individual complaint mechanisms): 1. International Covenant on Civil and Political Rights (ICCPR) 2. Optional Protocol to ICCPR 3. International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 4. Declaration under Article 14 of CERD 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 6. Declaration under Article 22 of CAT 7. Convention on the Elimination of All Forms of discrimination against Women (CEDAW) 8. Optional Protocol to CEDAW 9. Convention on the Elimination of All Forms of Discrimination against Women Convention on the Rights of Persons with Disabilities (CRPD) 10. Optional Protocol to CRPD 11. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) 12. Declaration under Article 77 of CMW 13. International Convention for the Protection of All Persons from Enforced Disappearance 14. International Covenant on Economic, Social and Cultural Rights 15. Optional Protocol to CESCR

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Romania	X	X	X	X	X		X	X						X	
Russian Federation	X	X	X	X	X	X	X	X						X	
Rwanda	X		X		X		X	X	X	X	X			X	
Saint Kitts and Nevis			X				X	X							
Saint Lucia			X				X								
Saint Vincent and the Grenadines	X	X	X		X		X							X	
Samoa	X						X								
San Marino	X	X	X	X	X		X	X	X	X				X	
Sao Tome and Principe		X					X								
Saudi Arabia			X		X		X		X	X					
Senegal	X	X	X	X	X	X	X	X			X		X	X	
Serbia	X	X	X	X	X	X	X	X	X	X				X	
Seychelles	X	X	X		X	X	X		X		X			X	
Sierra Leone	X	X	X		X		X							X	
Singapore							X								
Slovakia	X	X	X	X	X	X	X	X						X	
Slovenia	X	X	X	X	X	X	X	X	X	X				X	
Solomon Islands			X				X	X						X	
Somalia	X	X	X		X									X	
South Africa	X	X	X	X	X	X	X	X	X	X					
Spain	X	X	X	X	X	X	X	X	X	X			X	X	
Sri Lanka	X	X	X		X		X	X			X			X	
Sudan	X		X						X	X				X	
Suriname	X	X	X				X							X	
Swaziland	X		X		X		X							X	
Sweden	X	X	X	X	X	X	X	X	X	X				X	
Switzerland	X		X	X	X	X	X							X	
Syrian Arab Republic	X		X		X		X		X	X	X			X	
Tajikistan	X	X	X		X		X				X			X	
Thailand	X		X		X		X	X	X					X	
The former Yugoslav Republic of Macedonia	X	X	X	X	X		X	X						X	
Timor-Leste	X		X		X		X	X			X			X	
Togo	X	X	X		X	X	X							X	
Tonga			X												
Trinidad and Tobago	X		X				X							X	

Legend (in bold the individual complaint mechanisms): 1. International Covenant on Civil and Political Rights (ICCPR) 2. Optional Protocol to ICCPR 3. International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 4. Declaration under Article 14 of CERD 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 6. Declaration under Article 22 of CAT 7. Convention on the Elimination of All Forms of discrimination against Women (CEDAW) 8. Optional Protocol to CEDAW 9. Convention on the Elimination of All Forms of Discrimination against Women Convention on the Rights of Persons with Disabilities (CRPD) 10. Optional Protocol to CRPD 11. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) 12. Declaration under Article 77 of CMW 13. International Convention for the Protection of All Persons from Enforced Disappearance 14. International Covenant on Economic, Social and Cultural Rights 15. Optional Protocol to CESCR

Member States	Mechanisms in force										Mechanisms not in force				
	CCPR ¹	CCPR: OP ²	CERD ³	CERD: Art.14 ⁴	CAT ⁵	CAT: Art. 22 ⁶	CEDAW ⁷	CEDAW: OP ⁸	CRPD ⁹	CRPD: OP ¹⁰	CMW ¹¹	CMW: Art.77 ¹²	CPED ¹³	CESCR ¹⁴	CESCR: OP ¹⁵
Tunisia	X		X		X	X	X	X	X	X				X	
Turkey	X	X	X		X	X	X	X	X		X			X	
Turkmenistan	X	X	X		X		X	X	X					X	
Tuvalu							X								
Uganda	X	X	X		X		X		X	X	X			X	
Ukraine	X	X	X	X	X	X	X	X	X	X				X	
United Arab Emirates			X				X								
United Kingdom of Great Britain and Northern Ireland	X		X		X		X	X	X	X				X	
United Republic of Tanzania	X		X				X	X	X	X				X	
United States of America	X		X		X										
Uruguay	X	X	X	X	X	X	X	X	X		X		X	X	
Uzbekistan	X	X	X		X		X							X	
Vanuatu	X						X	X	X						
Venezuela	X	X	X	X	X	X	X	X						X	
Viet Nam	X		X				X							X	
Yemen	X		X		X		X		X	X				X	
Zambia	X	X	X		X		X		X					X	
Zimbabwe	X		X				X							X	
TOTAL	165	113	173	53	146	63	186	99	79	50	42	2	18	160	0

Legend (in bold the individual complaint mechanisms): 1. International Covenant on Civil and Political Rights (ICCPR) 2. Optional Protocol to ICCPR 3. International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 4. Declaration under Article 14 of CERD 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 6. Declaration under Article 22 of CAT 7. Convention on the Elimination of All Forms of discrimination against Women (CEDAW) 8. Optional Protocol to CEDAW 9. Convention on the Elimination of All Forms of Discrimination against Women Convention on the Rights of Persons with Disabilities (CRPD) 10. Optional Protocol to CRPD 11. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) 12. Declaration under Article 77 of CMW 13. International Convention for the Protection of All Persons from Enforced Disappearance 14. International Covenant on Economic, Social and Cultural Rights 15. Optional Protocol to CESCR