

CRC Complaints Mechanism Toolkit: Annex II Understanding OP3-CRC: Comparison of existing Complaints Mechanisms.

Annex 2: International Communications Procedures

Children's rights are not limited to the provisions set out in the Convention on the Rights of the Child and its two substantive Optional Protocols. Each of the major international human rights treaties applies to children just as it applies to adults, and the UN treaty bodies that oversee these conventions all monitor the rights of children to some degree. Where treaty bodies are able to accept individual complaints, they can also receive these from children. Although other mechanisms in place are not necessarily designed with children's specific rights and interests in mind, most operate on a largely similar level and are in many ways as open and accessible for children as the complaints mechanism overseen by the Committee on the Rights of the Child.

As such, it is worth considering whether the CRC complaints mechanism is the best fit for a particular situation, or if a complaint would be better brought before another treaty body. The chart below offers a way to directly compare international human rights complaints mechanisms, and seeks to draw out the differences between and among communications procedures already in operation and the CRC complaints mechanism. It covers the complaints mechanisms set out in the treaties listed below, with a primary focus on procedures for accepting individual communications and further mention of inquiries and inter-state communications. Importantly, as with the CRC complaints mechanism, communications can only be submitted with regard to governments that have agreed for complaints to be brought against them. Information on which governments have accepted communications procedures is available via the [Office of the High Commissioner on Human Rights](#) or [CRIN's Children's Rights Wiki](#).

UN treaties with complaints mechanisms:

- [International Convention on the Elimination of All Forms of Racial Discrimination](#) (ICERD), provided for under Article 14 of the Convention and overseen by the [Committee to Eliminate Racial Discrimination](#) (CERD) following its [Rules of Procedure](#)
- [International Covenant on Civil and Political Rights](#) (ICCPR), provided for under the [Optional Protocol to the Covenant](#) (OP1-ICCPR) and overseen by the [Human Rights Committee](#) (HRC) following its [Rules of Procedure](#)
- [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (CAT), provided for under Article 22 of the Convention and overseen by the [Committee against Torture](#) (CAT) following its [Rules of Procedure](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#) (ICMW), provided for under Article 76 of the Convention and to be overseen by the [Committee on Migrant Workers](#) (CMW); Rules of Procedure for accepting and reviewing complaints await adoption, not yet in operation
- [Convention on the Elimination of all Forms of Discrimination against Women](#) (CEDAW), provided for under the [Optional Protocol to the Convention](#) (OP-CEDAW) and overseen by the [Committee on the End Discrimination against Women](#) following its [Rules of Procedure](#)

- [Convention on the Rights of Persons with Disabilities](#) (CRPD), provided for under the [Optional Protocol to the Convention](#) (OP-CRPD) and overseen by the [Committee on the Rights of Persons with Disabilities](#) (CRPD) following its [Rules of Procedure](#)
- [International Convention for the Protection of All Persons from Enforced Disappearance](#) (CPED), provided for under Article 31 of the Convention and overseen by the [Committee on Enforced Disappearances](#) (CED) following its [Rules of Procedure](#)
- [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR), provided for under the [Optional Protocol to the Covenant](#) (OP-ICESCR) and overseen by the [Committee on Economic, Social and Cultural Rights](#) (CESCR) following its [Rules of Procedure](#)
- [Convention on the Rights of the Child](#) (CRC), provided for under the [Optional Protocol to the Convention on a communications procedure](#) (OP3-CRC) and to be overseen by the [Committee on the Rights of the Child](#) (CRC) following its [Rules of Procedure](#); not yet in operation

International Complaints Mechanism Comparison Chart:

	ICERD (1965)	OP1-ICCPR (1966)	CAT (1984)	ICRMW (1990)	OP-CEDAW (1999)	OP-CRPD (2006)	CPED (2006)	OP-ICESCR (2008)	OP3-CRC (2011)
May victims file communications as individuals and/or in groups of individuals?	Individuals or groups of individuals (14.1)	Individuals (1)	Individuals (22.1)	Individuals (77.1)	Individuals or groups of individuals (2)	Individuals or groups of individuals (1.1)	Individuals (31.1)	Individuals or groups of individuals (2)	Individuals or groups of individuals (5.1)
Who can submit individual communications?	Victim, relative or designated representative, unless in exceptional circumstances where the author can justify acting on the victim's behalf (Rule 91 (b))	Victim or representative, or on behalf of victim where unable to submit the communication personally (Rule 96)	Victim, close relative or representative with written authorisation (Rule 104)	By or on behalf of victim (77.1)	By or on behalf of victim; where on behalf of victim, with the victim's consent unless the author can justify acting without (2)	By or on behalf of victim (1.1)	Victim, designated representative, or by others acting on behalf of victim (31.1; Rule 68)	By or on behalf of victim; where on behalf of victim, with the victim's consent unless the author can justify acting without (2)	By or on behalf of victim; where on behalf of victim, with the victim's consent unless the author can justify acting without (5.2)

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Is there a time limit to file an individual communication after domestic remedies have been exhausted?	6 months except in the case of duly verified exceptional circumstances (14.2; Rule 91(f))	No time limit, but may be considered an abuse of process if filed 5 years after exhaustion of remedies (Rule 96(c))	No time limit, but must not be so unreasonably prolonged as to render consideration unduly difficult (Rule 113(f))	No time limit	No time limit	No time limit	No time limit	1 year unless demonstrably not possible (3.2(a))	1 year unless demonstrably not possible (7(h))
Are individual communications admissible when being or previously examined under another international investigation/settlement procedure?	Admissible, although the Committee may ask for related information (Rule 84(g))	Inadmissible while under examination (5(2)(a))	Inadmissible (22.5(a))	Inadmissible (77.3(a))	Inadmissible (4.2(a))	Inadmissible (2(c))	Inadmissible while under examination (31.2(c))	Inadmissible (3.2(c))	Inadmissible (7(d))
Are individual communications considered inadmissible for lack of support or where submitted in bad faith?	Inadmissible where an abuse of the right to submit a communication (Rule 91 (d))	Inadmissible where an abuse of the right to submit a communication or incompatible with the provisions of the Covenant (3; Rule 96(d))	Inadmissible where an abuse of the right to submit a communication (22.2)	Inadmissible where an abuse of the right to submit a communication (77.2)	Inadmissible where an abuse of the right to submit a communication, manifestly ill-founded or not sufficiently substantiated (2(c)(d))	Inadmissible where an abuse of the right to submit a communication, manifestly ill-founded or not sufficiently substantiated (2(b),(e))	Inadmissible where an abuse of the right to submit a communication or incompatible with the provisions of the Convention (31.2(b))	Inadmissible where an abuse of the right to submit a communication, manifestly ill-founded, not sufficiently substantiated or exclusively based on reports disseminated by mass media (3.2(e),(f))	Inadmissible where an abuse of the right to submit a communication, manifestly ill-founded or not sufficiently substantiated (7(c),(f))
When else might	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Committee	Committee may decline

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the Committee decline to hear an individual communication?								may decline to consider communications where the author has not suffered a clear disadvantage, unless the communication raises a serious issue of general importance (4)	to examine communications it considers to not be in a child's best interests or that are the result of improper pressure or inducement (3.2; Rule 13).
May individual communications be submitted anonymously?	No, may not be submitted anonymously, although may be communicated anonymously to States (14.6(a); Rule 94(1))	No, may not be submitted anonymously (3)	No, may not be submitted anonymously (22.2)	No, may not be submitted anonymously (77.2)	No, may not be submitted anonymously (3)	No, may not be submitted anonymously (2(a))	No, may not be submitted anonymously (31.2(a))	No, may not be submitted anonymously (3.2)(g)	No, may not be submitted anonymously (7(a))
Must individual communications be in writing?	No, need not be in writing	Yes, must be in writing (2)	Yes, must be in writing (Rule 104)	No, need not be in writing	Yes, must be in writing (3)	No, need not be in writing	No, need not be in writing	Yes, must be in writing (3.2)(g)	Yes, must be in writing (7(b))
Are there provisions for confidentiality in submitting/considering individual communications?	Yes, complaints are communicated to States confidentially and the identity of the individual or	Yes, documents related to the complaints procedure are considered confidential by the Committee; authors or	Yes, complaints are communicated to States confidentially (Rule 105)	Not addressed	Yes, complaints are communicated to States confidentially, but the individual or individuals	Yes, complaints are communicated to States confidentially, but the individual or individuals	Yes, complaints are communicated to States confidentially, and the Committee may decide or	Yes, complaints are communicated to States confidentially, and the Committee may decide or	Yes, complaints are communicated to States confidentially and the names of individuals concerned are not revealed publicly without their express consent (8.1, 4.2)

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	individuals concerned is not revealed to States or the public without express consent (14.6(a); Rule 94(1))	States may publicly reveal this information as they wish, but the Committee may request that it remain confidential (Rule 102)			concerned must consent to their identities being disclosed to the State for the communication to go forward; the Committee may, however, decide or request that this not be revealed publicly, (6.1; Rule 74)	concerned must consent to their identities being disclosed to the State for the communication to go forward; the Committee may, however, decide or request that this not be revealed publicly (3; Rules 70, 76)	request that authors' and victims' names not be disclosed (Rules 73, 80)	request that authors' and victims' names not be disclosed (6; Rule 19)	
Are States obligated to protect individuals involved in submitting an individual communication?	No, protection measures not envisioned	No, protection measures not envisioned	No, protection measures not envisioned	No, protection measures not envisioned	Yes, States must take all appropriate measures to prevent ill-treatment/intimidation as a consequence of communicating with the Committee (11)	No, protection measures not envisioned	No, protection measures not envisioned	Yes, States must take all appropriate measures to prevent ill-treatment/intimidation as a consequence of communicating with the Committee (13)	Yes, States must take all appropriate steps to prevent as consequence of communications or cooperation with Committee (4.1)
May interim measures be recommended after an individual communication has been received and before it has been fully considered?	Yes, interim measures are permissible because of urgency to avoid possible irreparable damage (Rule 94(3))	Yes, interim measures are permissible as desirable to avoid irreparable damage (Rule 92)	Yes, interim measures are permissible as necessary to avoid irreparable damage (Rule 114)	No, interim measures not provided	Yes, interim measures are permissible as necessary to avoid possible irreparable damage (5)	Yes, interim measures are permissible as necessary to avoid possible irreparable damage (4.1)	Yes, interim measures are permissible as necessary to avoid possible irreparable damage (31.4)	Yes, interim measures are permissible as necessary in exceptional circumstances to avoid possible irreparable damage (5)	Yes, interim measures are permissible as necessary in exceptional circumstances to avoid possible irreparable damage (6.1)

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What is the time limit for States to respond to individual communications?	3 months (14.6(b))	6 months (4.2)	6 months (22.3)	6 months (77.4)	6 months (6.2)	6 months (3)	4 months (31.4; Rule 73)	6 months (6.2)	6 months, as soon as possible (8.2)
When do domestic remedies not need to be exhausted for individual communications to be accepted for review?	Where application of remedies is unreasonably prolonged (7(a))	Where application of remedies is unreasonably prolonged (5.2(b))	Where application of remedies is unreasonably prolonged or unlikely to bring effective relief (22.5(b))	Where application of remedies is unreasonably prolonged or unlikely to bring effective relief (77.3(b))	Where application of remedies is unreasonably prolonged or unlikely to bring effective relief (4)	Where application of remedies is unreasonably prolonged or unlikely to bring effective relief (2(d))	Where application of remedies is unreasonably prolonged (31.2(d))	Where application of remedies is unreasonably prolonged (3.1)	Where application of remedies is unreasonably prolonged or unlikely to bring effective relief (7(e))
Is friendly settlement explicitly permitted for individual communications?	No friendly settlement	No friendly settlement	No friendly settlement	No friendly settlement	No friendly settlement	No friendly settlement	No friendly settlement	Yes, friendly settlement is permitted, but closes consideration of the communication (7.2)	Yes, friendly settlement is permitted, but closes consideration of the communication (9.2)
May the Committee consider the reasonableness of steps taken by States to implement the rights in question when reviewing individual	No, not considered	No, not considered	No, not considered	No, not considered	No, not considered	No, not considered	No, not considered	Yes, the Committee may consider the reasonableness of steps taken to implement rights, bearing in mind that States can adopt a range of possible	Yes, for economic, social and cultural rights, the Committee may consider the reasonableness of steps taken to implement rights, bearing in mind that States can adopt range of possible policy measures (10.4)

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communications?								policy measures (8.4)	
When must a State submit a follow-up response detailing measures taken after receiving the Committee's recommendations on an individual communication?	No follow-up requirement	No follow-up requirement, but the Committee may make contacts and take action as appropriate through a Special Rapporteur (Rule 101)	No follow-up requirement, but Committee may recommend as necessary (Rule 120)	No follow-up requirement	States must submit follow-up responses within 6 months (7.4)	States must submit follow-up responses within 6 months (6.4)	States must submit follow-up responses within 6 months (Rule 79)	States must submit follow-up responses within 6 months (9.2)	States must submit follow-up responses within 6 months (11.1)
Is there an inquiry procedure? If so, when may it be used?	No inquiry procedure	No inquiry procedure	Yes, inquiry procedure where torture is being systematically practiced (20)	No inquiry procedure	Yes, inquiry procedure for grave or systematic violations; States must respond within 6 months and Committee may request follow-up after an additional 6 months (8,9)	Yes, inquiry procedure for grave or systematic violations; States must respond within 6 months and Committee may request follow-up after an additional 6 months (6, 7, 8)	No inquiry procedure, but country visits may be requested for serious violations; reports of widespread or systemic enforced disappearance may be shared with the UN General Assembly (33.1; 34)	Yes, inquiry procedure for grave or systematic violations; States must respond within 6 months and Committee may request follow-up after an additional 6 months (11, 12)	Yes, inquiry procedure for grave or systematic violations; States must respond as soon as possible within 6 months and Committee may request follow-up after an additional 6 months(13, 14)
If there is an inquiry procedure, is it mandatory for	N/A	N/A	No, States parties may opt out (28)	N/A	No, States parties may opt out (10)	No, States parties may opt out (8)	N/A	No, States parties must opt in (11.1)	No, States parties may opt out (13.7)

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all States parties?									
Are there provisions for reviewing inter-state communications?	Yes, inter-state communications may be filed where a State is not giving effect to provisions of the Convention; States must respond within 3 months and friendly settlement is possible (11 - 13)	Yes, inter-state communications may be filed when a State is not giving effect to the provisions of the Covenant; States must respond within 3 months and friendly settlement is possible (Covenant, 41 - 42)	Yes, inter-state communications may be filed when a State is not fulfilling its obligations; States must respond within 3 months and friendly settlement is possible (21)	Yes, inter-state communications may be filed when a State is not fulfilling its obligations; States must respond within 3 months and friendly settlement is possible (76)	Yes, inter-state communications may be filed concerning the application or interpretation of the Convention; negotiation and resolution must occur within 6 months or further legal action may be taken (29)	No inter-state communications	Yes, inter-state communications may be filed where a State is not fulfilling its obligations; friendly settlement is possible (32, Rule 85)	Yes, inter-state communications may be filed where a State is not fulfilling its obligations; States must respond within 3 months and friendly settlement is possible (10)	Yes, inter-state communications may be filed where a State is not fulfilling its obligations; friendly settlement is possible (12)
If inter-state communications are permitted, is it mandatory that all States parties accept them?	Yes, accepting inter-state communications is mandatory (11)	No, States parties must opt in to accept/file communications (Covenant, 41.1)	No, States parties must opt in to accept/file communications (21.1)	No, States parties must opt in to accept/file communications (76.1)	No, States parties may opt out and refuse the option to accept/file communications (29.2)	N/A	No, States parties must opt in to accept/file communications (32; Rule 84)	No, States parties must opt in to accept/file communications (10)	No, States parties must opt in to accept/file communications (12.1)
Are reservations to the Optional Protocol permitted?	Yes, reservations are permitted	Yes, reservations are permitted	Yes, reservations are permitted	Yes, reservations are permitted	No, reservations are not permitted (17)	Yes, reservations are permitted	Yes, reservations are permitted	Yes, reservations are permitted	Yes, reservations are permitted
Additional considerations	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Committee to be guided by the best interests of child and have regard for rights and views of child; giving the child's

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									views due weight in accordance with age and maturity (2) Committee's Rules of Procedure must guarantee child-sensitive procedures (3.1)