

**Office of the United Nations  
High Commissioner for  
Human Rights  
(OHCHR)**



**23 Frequently Asked Questions  
about  
Treaty Body  
Complaints Procedures**

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### **What is the human rights treaty body complaints mechanism?**

A human rights treaty is a formal document which imposes on the States which have ratified or acceded to it obligations to protect and promote certain rights and freedoms. A treaty body (also called “Committee”) is a group of experts which monitors the implementation of a treaty by such States (“States parties”). Committees may, under certain circumstances, consider complaints from individuals who believe that a State party has violated their rights protected by a particular treaty. The complaints procedures are optional: In addition to the main treaty, the State party has to formally accept the complaints procedure (usually by ratifying an optional protocol), before it can be used.

### **What can I complain about?**

You can complain about violations of rights protected by the treaty under which you are complaining (ICCPR, ICERD, CEDAW and CAT: see blue box). Under these treaties, you can complain for example about violations of your right to life; arbitrary arrest and detention; torture; prison conditions; unfair trial; arbitrary interference with your family, privacy or home; failure to protect the family or children; violations of your freedom of thought, religion or expression; violations of your right to peaceful assembly and freedom of association; violations of the right of minorities to enjoy their culture; discrimination based on race, sex and other grounds. Please read the full texts of treaties for an exhaustive picture of the protected rights (accessible on OHCHR [website](#)).

### **Are there human rights issues which are not covered by the treaty body complaints procedures?**

The treaty body complaints procedures do not apply to the protection of rights which are not covered by the treaty under which you complain. For example, the right to adequate housing, the right to - and amount of - social benefits and pensions, and the right to property are not issues which can currently be examined by any treaty body, unless they involve violations of other rights such as the right to be free from discrimination.

### **Can I appeal against a judgement which I do not agree with? Can I get a new trial?**

The Committees are not generally in a position to re-evaluate facts and evidence by the national courts, nor do they re-examine the question of innocence or guilt, unless such evaluation was clearly arbitrary. The Committees never proceed to re-trial, but can recommend re-trial as remedy for violations of the right to a fair trial. This is however very rare.

### **Who can complain? Can I send a complaint on behalf of someone else or on behalf of a group?**

Anyone who is a victim of a human rights violation, or who is representing such a victim, can file a complaint under the treaty body complaints mechanism.

If you wish to file a complaint on behalf of someone else or a group, you must submit a written consent from each of the victims you wish to represent. A relative can represent, without written consent, a person who is not in a position to provide an authorisation. The reason for this must be explained. The Committees do not examine complaints about a general situation filed on behalf of a general class of persons, who cannot be individually identified.

### **Who can I complain against?**

Only complaints against States will be examined. You can bring a complaint against any State which had jurisdiction over the victim at the moment of the violation, and which has at the same time ratified the treaty under which you are bringing your complaint and accepted its individual complaints procedure (ratification status accessible on [www.ohchr.org/english/countries/ratification/](http://www.ohchr.org/english/countries/ratification/)). The treaty bodies do not examine complaints against private individuals, national or international organisations.

### **Is it useful to alert the UN immediately after my rights have been violated? Do I first need to bring my claim through the court system of my country?**

Before filing a complaint to a treaty body, you must bring your claim through the national court system, up to the highest court (for example the Supreme Court), and receive a final decision. This requirement is called “exhaustion of domestic remedies”. It may be waived if you can demonstrate that local remedies are not effective, not available, or unduly prolonged.

### **Are there any emergency procedures?**

If you fear that you will be the victim of irreparable harm (for example in cases of imminent execution or deportation to torture) before the Committee has examined your case, you may request an urgent intervention by the Committee to stop an imminent action (or omission) by a State, which may cause you such harm. Such an intervention is called a “request for interim measures of protection”.

### **Is it useful to send my complaint simultaneously to different human rights mechanisms?**

No, the Committees will not examine your case if you have submitted it to another international or regional complaints procedure, for example the European Court of Human Rights, or another Committee. You need to choose and specify in your complaint which procedure you wish to use. If your case has already been decided upon by another such procedure, it may be examined again under certain treaties and under certain conditions. However, the treaty body complaints mechanism is not an appeal procedure.

### **Will my complaint be examined if it relates to facts which happened a long time ago?**

There is no time limit to submit a complaint, except under ICERD (6 months after the final domestic decision) but it is best to submit your petition as soon as possible after you exhaust domestic remedies. In certain cases, the Committees may consider that your complaint is abusive because it was submitted too many years after the facts. You may only submit a complaint relating to events which took place after the relevant State accepted the complaints mechanism for the treaty under which you complain.

### **I am afraid to disclose my name. Can I complain anonymously?**

The Committees do not accept anonymous complaints. You may request that your name not be disclosed when the final decision on your case is published.

### **How shall I present my complaint?**

Your complaint shall be in written format. You should present the facts in chronological order, including the remedies which you have availed yourself of. It is useful to quote the relevant treaty articles which correspond to your case. You should explain how the facts of your case disclose a violation of those articles. You may use the model complaint form which can be found in [Fact sheet No. 7](#) and on [www.ohchr.org/english/bodies/docs/annex1.pdf](http://www.ohchr.org/english/bodies/docs/annex1.pdf).

### **Can I write my complaint in my native language?**

Complaints can be written in one of the working languages of the Secretariat: English, French, Russian and Spanish. Documents in other languages should be translated or summarised in a working language.

### **Can you help me write or translate my complaint? Do you provide any legal or financial assistance?**

The complaint mechanisms are designed to be simple and accessible to all. You do not need to be a lawyer or even familiar with legal and technical terms to bring a complaint to a Committee. OHCHR (including its field presences) does not assist complainants in writing complaints or provide legal assistance or financial aid for this purpose. OHCHR does not provide translation services or financial assistance for translations. If you need any of these services, please contact an Non-Governmental Organisation (NGO) in your country dealing with human rights complaints.

### **Do I need to send any documents?**

You should send copies of any court decisions relating to your case, with a summary in a working language of the Secretariat, if the document is in another language. You may also submit copies of medical certificates or other documents in support of your allegations. However, do not send tapes, videos, CDs or other electronic information, unless expressly asked.

### **I would like to talk with someone. Can I get an interview to explain my problem?**

The procedure is written only. OHCHR does not meet complainants or conduct interviews. You can call for procedural advice only: +41.22.917.1234 (ask for the Petitions Team.)

### **Will I get a chance to comment on the State's reply?**

You will get a chance to comment on all observations by the State party, usually within two months of their receipt.

### **What remedy can I get if a decision is taken in my favour?**

The Committees have recommended various types of remedies to redress human rights violations. The most common is compensation. The Committees may also recommend release, investigation, re-trial, commutation of a death sentence, etc. The States parties have a moral obligation to implement the decisions, but these are not legally binding. This means that the implementation of the Committee's decision is at the State party's discretion.

### **How will I be contacted?**

You will be contacted through the address you have provided. If you are in prison, you may provide the address of a relative and request copies of all correspondence to be sent to him or her too.

### **How long will it take?**

The duration of the procedure varies from Committee to Committee. Currently it takes between 1 and 2 years for a case to be considered after registration (when it is added on a list of cases to be examined by the Committee). However, the Human Rights Committee (which monitors implementation of the ICCPR) has a big back-log of complaints and the procedure usually takes longer under this treaty.

### **Where shall I send my complaint?**

Petitions Team  
OHCHR-UNOG  
1211 Geneva 10  
Switzerland

E-mail: [tb-petitions@ohchr.org](mailto:tb-petitions@ohchr.org) (indicate "Human rights complaint" in the Subject line of your e-mail.)

Fax: +41.22.917.90.22

### **Which treaties have an individual complaints procedure?**

- ICERD: Convention on the Elimination of All Forms of Racial Discrimination (1965)
- ICCPR: International Covenant on Civil and Political Rights (1966)
- CEDAW: Convention on the Elimination of All Forms of Discrimination against Women (1979)
- CAT: Convention against Torture (1984)

Treaties with complaints mechanisms which cannot be used  
as of the date of publication:

- ICRMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- International Convention for the Protection of All Persons from Enforced Disappearance (2006 - not yet in force)
- Convention on the Rights of Persons with Disabilities (2006- not yet in force)

### **Where can I get more information about treaty body complaints procedures?**

**Website** [www.ohchr.org](http://www.ohchr.org), click on “Human Rights Bodies”, then “Petitions”.

**Fact sheets** No. 7, 12, 15, 17, 22 and 30. They are available either electronically on the website ([www.ohchr.org](http://www.ohchr.org), click on “About OHCHR”, then on “Publications”, and then on “Fact sheets”), or in printed version upon request at:

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