

The Right to Development – Current Treaty Mechanisms

Treaty	Monitoring body	Mechanism for measuring compliance	Overview of Mechanism /Legal Force of Mechanism	Distinctive mechanism – Relevant to the Right to Development
<p>International Convention on the Elimination of All Forms of Racial Discrimination</p>	<p>CERD 18 Independent experts</p>	<p>Regular Reporting Article 9 Inter-State Communications Article 11 Individual Communications Article 14 Early Warning Procedure</p>	<p><u>Regular Reporting</u> States must report on how the rights are being implemented initially one year after acceding to the Convention and then every two years under Article 9.</p> <p><u>Inter-State Communications</u> Articles 11-13 procedure for the resolution of disputes between States parties over a State's fulfilment of its obligations through the establishment of an <i>ad hoc</i> Conciliation Commission. Applies to all States parties to ICERD.</p> <p><u>Individual Communications</u> CERD may consider individual petitions alleging violations by communicating and receiving States parties who have made the necessary declaration under article 14 or by State parties who are parties to ICERD.</p> <p><u>EWP</u> (see A/48/18, Annex III E F S) Early warning measures are to be directed at preventing existing problems from escalating into conflicts. Urgent procedures are to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention. Decisions, statements or resolutions are adopted and further action is taken by the</p>	<p>Early Warning Procedure</p>

			<p>CERD under these procedures (issued statements and letters to state parties). Criteria:</p> <p>(i) The lack of an adequate legislative basis for defining and criminalizing all forms of racial discrimination;</p> <p>(ii) Inadequate implementation or enforcement mechanisms;</p> <p>(iii) The presence of a pattern of escalating racial hatred and violence;</p> <p>(iv) A significant pattern of racial discrimination evidenced in social and economic indicators;</p> <p>(v) Significant flows of refugees or displaced persons resulting from a pattern of racial discrimination or encroachment on the lands of minority communities.</p>	
<p>International Covenant on Civil and Political Rights</p>	<p>CCPR¹ 18 independent experts</p>	<p>Regular Reporting Article 40</p> <p>Inter-state communications Article 41</p> <p>Ad Hoc Conciliation Commission Article 42</p>	<p><u>Reporting and Concluding Observations</u></p> <p>Initial report within one year of the entry into force of the ICCPR. Additional reports as per the CCPR requests. The CCPR has discretion to provide comments on the report, communicate these comments to the relevant state party and transmit said comments to the Economic and Social Council.</p> <p>Common core document and ICCPR-specific document relating to the implementation of the Covenant and the relevant general comments of the Committee.</p> <p><u>Inter-state communications</u></p> <p>State party may make a declaration giving the CCPR competence to receive and consider inter-state complaints (that can be withdrawn at any time).</p> <p>Or</p> <p>State party to the ICCPR may communicate directly to another state party to the ICCPR. If the matter is not adjusted to the satisfaction of both</p>	<p>Ad-Hoc Conciliation Commission</p>

¹ The CCPR also publishes general comments on its interpretation of the ICCPR, thematic issues or its methods of work[?].

			<p>parties within six months, either state can refer the matter to the CCPR. The CCPR will review the matter only if all domestic remedies have been invoked and exhausted.</p> <p><u>Ad Hoc Conciliation Commission</u> If inter-state matter not resolved to satisfaction of the State parties concerned, they can consent to referring the matter to an ad hoc Conciliation Commission, the members of which are appointed by the CCPR, subject to the approval of the State parties (If not agreement is reached on the composition of the members of the Commission within three months, the CCPR will elect members by secret ballot once a two-thirds majority is reached). The Commission will then submit a report to the CCPR within 12 months and the State parties must notify the CCPR whether or not they accept the contents of the report of the Commission. The State parties shall share equally the expenses of the Commission.</p>	
	CCPR	<p>First Optional Protocol</p> <p>Individual Communication Article 1</p>	<p><u>Individual Communication</u> Party to the FOP recognizes the competence of the CCPR to receive communications from individuals with the state party's jurisdiction. The CCPR brings communications submitted to it to the attention of the State party concerned who will have six months to submit a response to the CCPR. The CCPR will forward its view on the communication to the state party and the individual concerned.</p>	
	CCPR	<p>Second Optional Protocol</p> <p>Reporting Article 3</p>	<p><u>Reporting</u> State party agrees to report on its obligations under the SOP, namely to take all necessary measures to abolish the death penalty within its jurisdiction (subject to reservations to the SOP provided at the outset) as part of the content of its report submitted pursuant to Article 40 ICCPR.</p>	Specific protocol on thematic issue – Death Penalty

		<p>Inter-state Communication Article 4</p> <p>Individual complaints Article 5</p>	<p><u>Inter-State Communication</u> Where a state party has made a declaration under article 41 ICCPR, the competence of the CCPR to receive and consider inter-state communications extends to communications on the provisions of this protocol (which can be withdrawn at any time).</p> <p><u>Individual Communication</u> Where a state part has ratified the FOP, the competence of the CCPR to receive and consider individual communications extends to communications on the provisions of this protocol.</p>	
International Covenant on Economic, Social and Cultural Rights	CESCR ² 18 independent experts	Reporting Article 16	<p><u>Reporting</u> State parties must report initially within two years of accepting the ICESCR and submit their report to the Secretary-General of the United Nations who transmit reports to CESR. CESR examines each report and makes recommendations in the form of concluding observations. CESR can transmit reports to the Commission on Human Rights for general recommendations.</p>	
	CESCR	<p><u>Optional Protocol</u>³</p> <p>Individual Communications Article 2</p> <p>Interim Measures Article 5</p>	<p><u>Individual Communications</u> State parties to the protocol recognize the competence of CESR to examine individual complaints. Communications submitted by or on behalf (with consent) of individuals or groups of individuals. CESR will consider communication if domestic remedies have been exhausted, usually if it is submitted within one year of exhaustion of domestic remedy (subject to other admissibility criteria). CESR will bring communication to attention of state party who must respond with a written statement within six months. Opportunity for friendly settlement. CESR will examine the communication and it will consider</p>	CESR will examine individual communication and it will consider that the State party may adopt a range of possible policy

² CESCR also publishes its interpretation of the ICESCR in the form of general comments.

³ Optional protocol can be denounced by state party at any time and denunciation will take effect within six months.

		<p>Inquiry Procedure [for Potential Grave and Systemic Violations] Article 11</p> <p>Inter-State Communications Article 10</p>	<p>that the State party may adopt a range of possible policy measurers for the implementation of the ICESCR. ICESCR will make recommendations to the state parties and the individual and the state shall submit a reply within six months.</p> <p><u>Interim Measurers</u> After an individual communication is made and before a determination is made CESR may request that the state party takes such interim measure as necessary in exception circumstances to avoid irreparable damage to victims.</p> <p><u>Inter-State Communications</u> State party may make declaration that it recognizes the competence of CESR to receive and consider inter-state communications and will then be able to submit and be the subject of inter-state communications (which can be withdrawn at any time). First the communicating state must make written communication directly with the state party concerned while simultaneously informing CESR. The receiving state must respond to communicating state within three months. If matter not settled to satisfaction of both state parties within six months of receipt of initial state-to-state communication, either state can refer the matter to CESR. CESR will deal with matter only if all domestic have been invoked and exhausted. Ongoing friendly settlement option. CESR will examine communication, may request further information and have closed meetings to examine the matter. Both state parties have right to be represented and make oral submissions and in writing to CESR. If friendly settlement reached, CESR will confine its report to summary of facts and of solution reached. If not, CESR will report facts and other relevant considerations to the parties.</p> <p><u>Inquiry Procedure</u></p>	<p>measurers for the implementation of the ICESCR</p> <p>Inquiry procedure confidential</p>
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			<p>State party may make declaration that it recognizes the competence of CESR to make inquiries in relation to allegations of grave or systemic violations by a State Party (which can be withdrawn at any time). CESR will invite state party to cooperate in inquiry. CESR will delegate member to carry out inquiry (including state visit) and report urgently to CESR. Inquiry is confidential and findings of inquiry will be communicated to state party together with CESR comments and recommendations. State party must response to CESR report within six months. CESR has discretion, after consulting state party, to include results of proceedings in its annual report. CESR may invite state party to detail measures taken in response to inquiry in its report under Article 16 and 17 ICESCR.</p>	
<p>Convention on the Elimination of All Forms of Discrimination against Women</p>	<p>CEDAW 23 Independent Experts</p>	<p>Regular reporting Article 18</p>	<p><u>Regular reporting</u> Initial report to be submitted by signatory country within one year of CEDAW entry into force and subsequent reports to be submitted by signatory states at least every four years. CEDAW may invite specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities. CEDAW may make general recommendations based on the examination of reports.</p>	
	<p>CEDAW</p>	<p>Optional Protocol to the Convention Individual or Group Communications Article 1 Interim Measurers Article 5</p>	<p><u>Individual or Group Communications</u> A party to the protocol recognizes the competence of CEDAW to receive and consider individual or group communications. Domestic remedies must have been exhausted in order for CEDAW to consider communications. Within six months, State party should reply to communication. CEDAW will hold closed meetings and transmit its determination on the communication with recommendations to the state party and the individual or group concerned. The state party shall submit a response to the determination within six months.</p>	

		<p>Inquiries into situations of grave or systematic violations Article 8</p>	<p><u>Interim Measurers</u> Before a determination on the communication is made by CEDAW, CEDAW can request that the state party concerned takes interim measurers necessary to avoid irreparable damage to victims.</p> <p><u>Inquiries into situations of grave or systematic violations</u> If CEDAW receives information indicating a systemic or grave violation, it will examine such information and seek cooperation of state party concerned to submit observations. Subsequently, CEDAW may designate that one or more of its members conduct an inquiry into suspected violations and report urgently to CEDAW. Inquiry is confidential and may include a state visit. After examining findings, CEDAW will transmit results and recommendations to state party. The state party is required to reply to CEDAW within six months.</p>	
<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p>	<p>CAT Body of independent experts</p>	<p>Regular Reporting Article 19</p> <p>Inquiries Article 20</p> <p>Inter-State Complaints (Ad-Hoc Conciliation Commission) Article 21</p> <p>Individual Communications Article 22</p>	<p><u>Regular Reporting</u> Signatory states must submit an initial report within one year of acceding to the Convention. Subsequent reports required at least every four years. CAT has discretion to include comments made on any reports in its annual report.</p> <p><u>Inquiries</u> If CAT receives information indicating that torture is being systematically practices in a state, it will examine such information and seek cooperation of state party concerned to submit observations. Subsequently, CAT may designate that one or more of its members conduct a confidential inquiry which may include a state visit. After examining findings, CAT will transmit results and recommendations to state party. After proceedings, CAT may, after consulting state party, include a summary of proceedings in its annual report.</p>	<p>Inter-state complains - Ongoing opportunity for friendly settlement and CAT may set up an ad hoc conciliation commission</p>

			<p><u>Inter-State Complaints</u> CAT may consider inter-state communications alleging violations by State parties who have made the necessary declaration recognizing the competence of CAT to do so. Before CAT considers the communication, the communication state party must bring the matter to the attention of the relevant state party and a response is required from the receiving state party within three months. If the matter is not adjusted to the satisfaction of both state parties concerned within six months, either state has the right to refer the matter to CAT. CAT will consider the communication only if all domestic remedies have been invoked and exhausted (except where remedy is unlikely to bring effective relief to victim). Ongoing opportunity for friendly settlement and CAT may set up an ad hoc conciliation commission. CAT will examine communication, may request further information and have closed meetings to examine the matter. Both state parties have right to be represented and make oral submissions and in writing to CAT. If friendly settlement reached, CAT will confine its report to summary of facts and of solution reached. If not, CAT will report facts and other relevant considerations to the parties within twelve months of receipt of matter.</p> <p><u>Individual Communications</u> CAT may consider individual communications alleging violations by State parties when both the communicating and receiving state have made the necessary declaration recognizing the competence of CAT to do so. CAT will bring communications submitted to it to the attention of the State party concerned who will have six months to submit a response to CAT. Once ascertained that domestic remedies have been exhausted (or remedies are unlikely to bring effective relief to victim) CAT will examine communications in closed meetings and forward its view on the communication to the state party and the individual concerned.</p>	
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			Minimum number of states (5) must make relevant declaration in order for individual communication mechanism to become operative.	
	Subcommittee on Prevention of Torture	<p>Optional Protocol Subcommittee on Prevention of Torture Article 2, Article 5 - 10</p> <p>Establishment of Independent National Preventative Mechanisms Article 3, Article 17 -inspect places of detention</p> <p>Mandatory Visits Article 4</p>	<p><u>Subcommittee on Prevention of Torture</u> Made up of independent members with membership equitably distributed geographically among state parties with balanced gender representation chosen from persons nominated by signatory states. Nominating states can nominate two members, one of which must be a national of the member state. Consent required of relevant state party to nominate national of a different state party. Members serve for a term of two years and may be re-elected. Subcommittee shall</p> <ul style="list-style-type: none"> -visit state parties and make recommendations concerning protection of persons against torture and CIDT -advise and assist states on establishing national preventative mechanisms through training and technical assistance, --advise and assist in evaluating the need and means necessary to strengthen national protection -make recommendations with a view to strengthening national capacity and mandate to prevent torture -cooperate with relevant UN organs as well as with international, regional and national institutions to strengthen protection. <p>State parties undertake to provide Subcommittee with access to places of detention, to provide relevant information and to encourage and facilitate contact between subcommittee and national mechanisms, and to examine recommendations of the Subcommittee and enter into dialogue on possible implementation measures. Expenditures incurred by Subcommittee will be borne by UN and staff and facilities will be provided by Secretary General of UN.</p> <p><u>Mandatory Visits</u></p>	<p>Creation of subcommittee to monitor</p> <p>Special fund to finance committee</p> <p>National Preventative mechanism</p>

			<p>Subcommittee shall establish a program of regular visits to state parties and shall notify state parties of the program. Visits shall be made by at least two members of the Subcommittee who may be accompanied by experts selected from roster prepared on the basis of proposals from state parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. The state parties can propose up to five national experts and can oppose the inclusion of a specific expert, whereupon the subcommittee will propose another expert. Subcommittee may propose a short follow up visit after the regular visit takes place.</p> <p>State parties undertake to provide Subcommittee with unrestricted access to information concerning number of persons deprived of liberty in their places of detention, the number and location of such places, and information referring to treatment of those persons. State parties undertake to also provide unrestricted access to places of detention, opportunity to have private interviews with detainees, with a translator if necessary as well as the liberty to choose the places it would like to visit and the persons it would like to interview. State party may restrict access to a place of detention if urgent and compelling grounds of national defense, public safety natural disaster or serious disorder prevent the carrying out of such a visit. Declared state of emergency of state is not a valid reason to object to a visit. Subcommittee with communicate recommendations and observations confidentially to state party and to the national preventative mechanism. Subcommittee with publish a report if requested to do so by the state party and may only be published if the state party consents or makes the report public. If state party refuses to cooperate or take steps to improve the situation, the Subcommittee may decide, by majority of its members, to make a public statement on the matter or publish its report.</p>	
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			<p>A special fund shall be established after state visits to help finance the implementation of recommendations of the Subcommittee. Subcommittee members accorded privileges and immunities as are necessary for independent exercise of their functions (and those specified in s. 22 Convention of the Privileges and Immunities of the UN).</p> <p><u>National Preventative Mechanisms</u></p> <p>Each party must maintain, designate or establish at least one independent national preventative mechanism (“NPM”) (may be mechanisms established by decentralized units) for the prevention of torture at the domestic level within one year of ratifying the Optional Protocol.</p> <p><i>Requirements:</i></p> <ul style="list-style-type: none"> -state party must guarantee functional independence of NPM and independence of their personnel - state parties must take steps to ensure NPM have required capabilities and professional knowledge and strive for gender balance and adequate ethnic and minority representation -state undertake to make available necessary resources for function of NPM -state parties should give due consideration to the Principles (Article 1 and 2 of OP?) relating to the status of national institutions for the promotion and protection of human rights. <p><i>Powers</i></p> <p>Minimum NPM powers include:</p> <ul style="list-style-type: none"> -regularly examine treatment detainees in places of detention with a view to strengthening protection against torture - make recommendations to relevant authorities with aim of improving treatment and conditions of detainees considering the relevant norms of the UN 	
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			<p>-submit proposals and observations concerning existing or draft legislation</p> <p>State parties undertake to grant NPM:</p> <ul style="list-style-type: none"> -access to all information concerning number of detainees in places of detention as well as number and location of detention centers -access to all information referring to treatment of detainees and conditions of detention centers -access to all detention centers, their installation and facilities -opportunity to have private interviews with detainees, without witnesses and with a translator, with any other necessary persons -liberty to choose visit sites and interviewees -the ability to meet with and send information to the Subcommittee <p>No authority or official shall order, apply, permit or tolerate any sanction against any person for communicating to the NPM and confidential information collected by the NPM shall be privileged and can only be published with express consent of requisite person. (how is this ensured? There is no undertaking that the state has to take to create legislative footing for this policy)</p> <p>The competent state party authorities shall examine the recommendations of the NPM and enter into dialogue on possible implementation measures. The state parties undertake to publish and disseminate the annual reports of the NPM.</p> <p>Declaration</p> <p>Declaration can be made by state parties to postpone implementing obligations regarding Subcommittee and NPM for a maximum of three years (with the ability to extend for another two years).</p> <p>The special fund shall help finance the education programs of the NPM.</p>	
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			<p>Funding The special fund may be financed through voluntary contributions made by governments, intergovernmental and non-governmental organizations and other private or public entities.</p> <p>No reservations can be made to the OP.</p> <p>Other obligations The OP shall not affect the obligations of state parties under any regional convention (or the four Geneva Conventions) on state visits to detention centers. Subcommittee encouraged to consult and cooperate with bodies established under regional convention to avoid duplication.</p>	
Convention on the Rights of the Child	CRC 18 independent experts Article 43 – Composition	Regular Reporting Article 44 International Cooperation Article 45	<p><u>Regular Reporting</u> State parties undertake to submit an initial report within two years of entry into force of the Convention and every five years thereafter. Reports should include factors and difficulties fulfilling obligations and contain comprehensive information. CRC may request further information and submit reports to the Economic and Social Council every two years. State parties shall make reports widely available to public.</p>	Content of report specified more.
	CRC	<p>Optional Protocol on the Involvement of Children in Armed Conflict</p> <p>(Open for signature by any state party that is a party to the Convention or has signed it)</p>	<p><u>Regular Reporting</u> State party shall submit initial report to CRC providing comprehensive information within two years following entry into force of Optional Protocol and subsequent reports along with regular reports required under the Convention (or every five years). CRC may request further information specific to this Optional Protocol.</p> <p><u>Declaration</u> State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol specifying minimum age at which it will</p>	OP creates floor not ceiling (Article 5) Nothing in the present Protocol shall be construed as precluding provisions in the

		<p>Regular Reporting Article 8</p> <p>Declaration Article 3</p>	<p>permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted.</p>	<p>law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child)</p>
	CRC	<p>Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (Open for signature by any state party that is a party to the Convention or has signed it)</p> <p>Regular Reporting Article 12</p>	<p><u>Regular Reporting</u> State party shall submit initial report to CRC providing comprehensive information within two years following entry into force of Optional Protocol and subsequent reports along with regular reports required under the Convention (or every five years). CRC may request further information specific to this Optional Protocol.</p>	
	CRC	<p>Optional Protocol on a communications procedure</p>	<p><u>Individual Communication</u> CRC shall consider individual communications alleging violations under the Convention or either Optional Protocol by State parties when both the communicating and receiving state have made the necessary</p>	<p>Acknowledges range of possible policy measurers could</p>

		<p>Individual Communication Article 5</p> <p>[Interim Measurers Article 6]</p> <p>Inter-State Communications Article 12</p> <p>Inquiry Procedure Article 13</p>	<p>declaration recognizing the competence of CRC to do so. CRC will bring communications submitted (confidentially) to it to the attention of the State party concerned who will have six months to submit a response to CRC. Once ascertained that communication is admissible and domestic remedies have been exhausted (or remedies are unlikely to bring effective relief to victim) CRC will examine communications in closed meetings and forward its view on the communication to the state party and the individual concerned. Opportunity for friendly settlement. When examining communication alleging violation of economic, social or cultural rights, CRC will examine the communication and it will consider that the State party may adopt a range of possible policy measurers for the implementation of the Convention. CRC will make recommendations to the state parties and the individual and the state shall submit a reply within six months. CRC may invite state party to submit further information about measurers taken in response to recommendations (follow up).</p> <p><u>Interim Measures</u> Any time after receipt of communication before determination on the merits by the CRC, CRC may request state party to take interim measures to avoid possible irreparable damage to victims.] (Not really compliance mechanism per se). Where interim measurers are requested, the CRC will expedite its consideration of the communication.</p> <p><u>Inter-State Complaints</u> State party may make declaration (which can be withdrawn at any time) that it recognizes the competence of the CRC to receive and consider inter-state communications claiming violation of rights in the Convention or either Optional Protocol. Friendly settlement option ongoing (as long as terms respect obligations in the Convention and the Optional Protocols).</p>	<p>fulfill implementation.</p> <p>Opportunity for CRC to follow up after inquiry and individual communication.</p> <p>CRC can transmit information to other bodies to assist in implementing rights more generally.</p> <p>State party undertakes to disseminate information.</p>
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			<p><u>Inquiry Procedure</u> CRC may make inquiries in relation to allegations of grave or systemic violations of the rights in the Convention or either Optional Protocol by a State Party. CRC will invite state party to cooperate in inquiry. CRC will delegate member to carry out inquiry (including state visit) and report urgently to CRC. Inquiry is confidential and findings of inquiry will be communicated to state party together with CRC comments and recommendations. State party must response to CRC report within six months. CRC has discretion, after consulting state party, to include results of proceedings in its annual report. State party may declare that it does not recognize the competence of the CRC for this inquiry procedure (which can be withdrawn at any time). CRC may invite state party to submit further information about measurers taken in response to inquiry (follow up). CRC may invite state party to submit further information in the state parties subsequent report submitted under the Convention or either optional protocol.</p> <p>CRC may transmit, with consent of state, to UN special agencies its recommendations concerning communications and inquiries or matters arising out of them which would assist on advisability of international measurers in achieving progress to implement rights recognized in Convention or Optional Protocols.</p> <p>Each state party undertakes to make widely known and disseminate protocol and facilitate access to CRC recommendations by appropriate and active means in accessible formats to adults and children alike including those with disabilities. Article 17</p>	
International Convention on the Protection of	CMW	Regular Reporting Article 73	<u>Regular Reporting</u>	CMW has discretion as to

<p>the Rights of All Migrant Workers and Members of Their Families</p>	<p>14 independent experts</p>	<p>Inter-State Complaints Article 76</p> <p>Individual Communications Article 77</p>	<p>State party shall submit initial report to CMW within one years after entry into force of convention for state party the Convention along with subsequent reports required every five years (and whenever the CMW so requests). Reports should include factors and difficulties fulfilling obligations and contain information on characteristics of migration flows in and out of the state party. State parties shall make reports widely available to public. CMW will examine reports and transmit comments to state parties and/or ask for additional information. State parties may submit responding observations back to the CMW.</p> <p><u>Inter-state Communications</u> State party may make declaration that it recognizes the competence of CMW to receive and consider inter-state communications and will then be able to submit and be the subject of inter-state communications (which can be withdrawn at any time). First the communicating state must make written communication directly with the state party concerned while simultaneously informing CMW. The receiving state must respond to communicating state within three months. If matter not settled to satisfaction of both state parties within six months of receipt of initial state-to-state communication, either state can refer the matter to CMW CMW will deal with matter only if all domestic have been invoked and exhausted. Ongoing friendly settlement option. CMW will examine communication, may request further information and have closed meetings to examine the matter. Both state parties have right to be represented and make oral submissions and in writing to CMW. If friendly settlement reached, CMW will confine its report to summary of facts and of solution reached. If not, CMW will report facts and other relevant considerations to the parties. Either report will be within 12 months from the date when the matter is referred to the CMW.</p> <p><u>Individual Communication</u></p>	<p>when reports can be requested</p>
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			<p>CMW may consider individual communications alleging violations by State parties when both the communicating and receiving state have made the necessary declaration recognizing the competence of CMW to do so. CMW will bring communications submitted to it to the attention of the State party concerned who will have six months to submit a response to CMW. Once ascertained that domestic remedies have been exhausted (or remedies are unlikely to bring effective relief to victim) CMW will examine communications in closed meetings and forward its view on the communication to the state party and the individual concerned. Minimum number of states (10) must make relevant declaration in order for individual communication mechanism to become operative.</p>	
<p>International Convention for the Protection of All Persons from Enforced Disappearance</p>	<p>CED Independent experts</p>	<p>Regular Reporting Article 29</p> <p>Request to find Disappeared Person Article 30</p> <p>Individual Communications Article 31</p> <p>Inter-State Complaints Article 32</p> <p>Serious Violation, Visit</p>	<p><u>Regular Reporting</u> State party shall submit initial report to CED within two year of ratifying the Convention (along with subsequent reports required every five years). CMW will examine reports and transmit comments to state parties and/or ask for additional information. Secretary General of UN shall make state party initial reports available to all other state parties.</p> <p><u>Request to find Disappeared Person</u> A request to search for and find a disappeared person may be submitted to the CED by relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest. CED will request information from the state party concerned and in response CED may make recommendations to the state party and request measurers, including interim measurers, to locate and protect concerned person within specified period and will inform person submitting urgent action request. CED will continue to work with the state party as long as the fate of the person is unresolved.</p>	<p>Timing for committee to coordinate with state party – ongoing or until problem solved.</p>

		<p>Article 33</p> <p>Widespread of Systematic Indications</p> <p>Article 34</p>	<p><u>Individual Communication</u></p> <p>CED may consider individual communications alleging violations by State parties when both the communicating and receiving state have made the necessary declaration recognizing the competence of CED to do so. CED will bring communications submitted to it to the attention of the State party providing a time limit for the submission of a response to CED. Once ascertained that domestic remedies have been exhausted (or remedies are unlikely to bring effective relief to victim). Before a determination is made, CED may request state party to take interim measures as necessary to avoid possible irreparable damage to the victims. CED will examine communications in closed meetings and will inform complainant of the state party responses. CED will finalize the procedure then forward its view on the communication to the state party and the author of the communication. Minimum number of states (10) must make relevant declaration in order for individual communication mechanism to become operative.</p> <p><u>Inter-state Communications</u></p> <p>State party may make declaration that it recognizes the competence of CED to receive and consider inter-state communications and will then be able to submit and be the subject of inter-state communications (which can be withdrawn at any time).</p> <p><u>Serious Violation, Visit</u></p> <p>If CED received information that state party is seriously violating Convention, it may, after consulting state party concerned, request one of its members to undertake a visit and report back to CED. CED will notify state party of intention to visit in writing indicating composition of delegation and purpose of the visit and state party shall respond within a reasonable time. CED may postpone or cancel trip on substantiated</p>	
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			<p>request of state party. If state party agrees to visit, CED and state party will work together to define modalities of visit and state party will provide CED with requisite facilities. CED will communicate recommendations to state party after visit.</p> <p><u>Widespread of Systematic Indications</u> If CED received information that enforced disappearance practiced on a widespread or systematic basis it may, after seeking information from state party, urgently bring matter to attention of General Assembly of UN through the Secretary-General.</p>	
<p>Convention on the Rights of Persons with Disabilities</p>	<p>CRPD 18 independent experts</p>	<p>Regular Reporting Article</p> <p>International Cooperation Article 32</p> <p>National Implementation and Monitoring Article 33</p>	<p><u>Regular Reporting</u> State parties undertake to submit an initial report within two years of entry into force of the Convention and every four years thereafter. Reports should include factors and difficulties fulfilling obligations and contain comprehensive information. CRPD may request further information and will issue a notification to state parties if overdue report is not submitted within three months. State parties shall make reports widely available to public. Secretary General will make available reports to all state parties and CRPD may transmit reports to specialized agencies, fund or UN programs.</p> <p><u>International Cooperation</u> State parties will undertake appropriate and effective measures to ensure international cooperation and promotion of the objectives of the Convention between and among States and in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities.</p> <p><u>National Implementation and Monitoring</u></p>	<p>National implementation and monitoring</p>

			States Parties, in accordance with their system of organization, shall designate one or more focal points within national government regarding implementation of the Convention, and consider establishing a coordination mechanism within national government to facilitate related action in different sectors and at different levels. State parties shall also consider particular independent monitoring mechanisms and civil society shall be involved in monitoring process.	
	Optional Protocol	Individual Communications Article 1 Grave or Systemic Violations/Visit Article 6	<p><u>Individual Communications</u> State party to Optional Protocol recognizes competence of CRPD to receive and consider individual communications. CRPD will bring communications submitted to it to the attention of the State party who has six months to submit a response to CRPD. Once ascertained that domestic remedies have been exhausted (or remedies are unlikely to bring effective relief to victim). Before a determination is made, CRPD may request state party to take interim measures as necessary to avoid possible irreparable damage to the victims. CRPD will examine communications in closed meetings and will inform complainant of the state party responses.</p> <p><u>Grave or Systemic Violations/Visit</u> If CRPD received information that indicating grave or systemic violations by state parties, it shall invite state party to CRPD will invite state party to cooperate in inquiry. CRPD may delegate member to carry out inquiry (including state visit) and report urgently to CRPD. The inquiry may, with the consent of the state party concerned, include a visit to the territory. Inquiry is confidential and findings of inquiry will be communicated to state party together with CRPD comments and recommendations. CRPD may then invite state party, to inform it of steps taken in response. CRPD</p>	Consent of state party required for visit

			may invite state party to include results of proceedings in its annual report. Each state party may, at time of signature or ratification, declare that it does not recognize the competence of the CRPD regarding this section.	

General Notes:

- How funding of mechanism is structured
- How is dialogue between national body and treaty body coordinated
- Which norms are considered by the treaty body (UN, Regional, National)
- The role of publication and disseminating information
- Declaration or auto-obligations? Can declaration be delayed? OP or Treaty obligations? Reservations allowed?