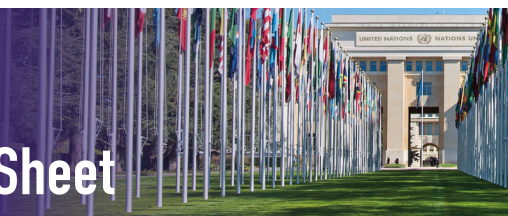




Women Enabled International

accountABILITY toolkit

U.N. Human Rights Treaty Bodies Fact Sheet



Overview

A **U.N. human rights treaty body** is a committee of independent experts that monitors implementation of an international human rights treaty to ensure States (or governments) who have ratified that treaty are taking the necessary actions to implement the treaty rights in their country. Treaty bodies also offer recommendations to States about how to implement those treaty rights.

For example: the treaty body that monitors implementation of the Convention on the Rights of Persons with Disabilities (CRPD) is the Committee on the Rights of Persons with Disabilities (CRPD Committee).

The U.N. human rights treaty bodies act in several ways to promote the full implementation of the rights protected in the treaty. Treaty bodies:

- Review **State Reports** to monitor compliance with treaty obligations and issue **Concluding Observations**;
- Issue **General Comments** (or General Recommendations); and
- Hear **Individual Complaints** (or Communications), where a State recognizes its authority to do so.
- Several treaty bodies also have the authority to conduct an inquiry into credible allegations of grave and systematic human rights abuses.

Civil society contributes to the work of the treaty bodies by ensuring that the work of the treaty bodies is responsive to the human rights situation on the ground, including for women and girls with disabilities. Advocacy with United Nations (U.N.) human rights treaty bodies can:

- hold governments accountable for their obligations under international human rights law.
- provide concrete guidance on how to protect the rights of women and girls with disabilities.
- ensure that human rights law responds to the specific life circumstances of women and girls with disabilities.

State Reporting

States that have ratified an international human rights treaty must submit a report to the corresponding treaty body every few years detailing what steps it is taking to implement the treaty.

Civil society can submit supplementary information—often called a **shadow report**—as part of the State reporting process to fill in gaps in the State's report in order to provide the treaty body with a more complete and accurate picture of the human rights landscape in a country. Civil society can do this at two stages of the reporting process:

- Before the treaty body meets to develop the List of Issues. **Civil society submissions at this stage help influence the questions that the treaty body will ask of a State.**
- Before the treaty body meets to conduct the actual review of State compliance. **Civil society submissions at this stage help influence the recommendations that the treaty body will make to a State.**

Civil society can also engage in in-person advocacy during the treaty body session through informal conversations with treaty body experts and by participating in country briefings.

Treaty bodies review the information that both the State and civil society provide. They will ask the State questions both in writing (List of Issues) and during an in-person dialogue (Session), and then issue **Concluding Observations** to the State that:

- Acknowledge progress made in implementing the treaty;
- Express concerns about where the State is not in compliance with the treaty; and
- Offer recommendations on what the State should do to improve implementation.

accountABILITY: Using U.N. Human Rights Mechanisms to Advance the Rights of Women and Girls with Disabilities provides more detailed information about the roles civil society can play in the state reporting process.

Excerpt from Committee on the Rights of Persons with Disabilities, Concluding Observation: Canada, U.N. Doc. CRPD/C/CAN/CO/1 (2017).

45. The Committee is concerned about barriers faced by women with disabilities in accessing services for safe abortion, owing to a lack of access to information on and services related to sexual and reproductive health rights and the limited number of clinics that provide termination of pregnancy services. The Committee also notes with concern the stigma and attitudinal barriers faced by persons with disabilities in gaining access to medical tests and treatment for sexually transmitted diseases, owing to prejudices that consider persons with disabilities “asexual” and the refusal of health-care services. It is further concerned that persons with disabilities continue to face physical, financial and attitudinal barriers in accessing information and health-care services, including with regard to sexual and reproductive health and rights, and notably abortion, and that the cost of medication remains a significant obstacle.
46. The Committee recommends that the State party:
- (a) Adopt measures to ensure universal coverage of health services for all persons with disabilities, including indigenous persons with disabilities, and that services are accessible, affordable and culturally sensitive, and prevent the denial of health-care services, including abortion;
 - (b) Take measures to provide persons with disabilities with information in accessible formats about their sexual and reproductive health;
 - (c) Conduct training to ensure that health-care practitioners are aware of the rights of persons with disabilities under the Convention and have the tools to provide appropriate advice for persons with disabilities, including women with disabilities;
 - (d) Establish special measures to ensure that people with disabilities, including transgender and gender-diverse persons with disabilities, have equal access to health services, including surgical and medical abortion services, and gender-affirming comprehensive health care.

Individual Complaints

Individual complaints are claims that are filed on behalf of an individual or group alleging that a State party to the treaty has violated rights protected under that treaty. Individual complaints must involve an identifiable victim(s) and provide detailed factual information about the alleged rights violation.

In order for an advocate to submit an individual complaint on behalf of a victim of human rights abuses, one must:

- Ensure that the State in question has **ratified the appropriate treaty** and has recognized the treaty body’s authority to consider individual complaints;
- Obtain **written consent** from the victim of the abuse if the person filing is not the victim (or explain clearly why such consent cannot be obtained); and
- Seek and be denied justice at the domestic level (**exhaust domestic remedies**).

General Comments/Recommendations

General Comments (or General Recommendations) are authoritative interpretations of treaty rights and obligations that provide more information to States about their obligations under the treaty and how to implement the treaty.

Civil society can contribute to the development of a General Comment by responding to calls for civil society feedback in the form of either **written submissions** or oral comments during a **Day of General Discussion**.

By contributing to the development of General Comments, civil society can ensure that General Comments do not overlook issues of concern to women and girls with disabilities, even if those General Comments are not specifically about women and girls with disabilities.

Information about opportunities to contribute to forthcoming General Comments or Days of General Discussion is available on the treaty body website. Advocates should check the treaty body website and follow any instructions on how to submit written information or on how to be included among the list of speakers at the Day of General Discussion.

Excerpt from Committee on the Elimination of Discrimination against Women, General Recommendation No. 33 on women's access to justice, U.N. Doc. CEDAW/C/GC/33

13. The Committee has observed that the concentration of courts and quasi-judicial bodies in the main cities, their non-availability in rural and remote regions, the time and money needed to gain access to them, the complexity of proceedings, the physical barriers for women with disabilities, the lack of access to high-quality, gender-competent legal advice, including legal aid, as well as the often-noted deficiencies in the quality of justice systems (e.g., gender-insensitive judgements or decisions owing to a lack of training, delays and excessive length of proceedings, corruption) all prevent women from gaining access to justice.

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17. With regard to accessibility of justice systems, the Committee recommends that States parties:

- (a) Remove economic barriers to justice by providing legal aid and ensure that fees for issuing and filing documents, as well as court costs, are reduced for women with low incomes and waived for women living in poverty;
- (b) Remove linguistic barriers by providing independent and professional translation and interpretation services, when needed, and provide individualized assistance for illiterate women in order to guarantee their full understanding of judicial and quasi-judicial processes;
- (c) Develop targeted outreach activities and distribute through, for example, specific units or desks dedicated to women, information about the justice mechanisms, procedures and remedies that are available, in various formats and also in community languages....

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- (f) Establish justice access centres, such as “one-stop centres”, which include a range of legal and social services, in order to reduce the number of steps that a woman has to take to gain access to justice. Such centres could provide legal advice and aid, begin the legal proceedings and coordinate support services for women in areas such as violence against women, family matters, health, social security, employment, property and immigration. Such centres must be accessible to all women, including those living in poverty and/or in rural and remote areas;
- (g) Pay special attention to access to justice systems for women with disabilities.

Effective Written Submissions to U.N. Treaty Bodies

There is no specific format that civil society must follow in developing a shadow report or other written submission for U.N. human rights mechanisms, but there are generally three categories of information that is helpful to include:

- **factual information** about the key issue(s) on which the submission focuses. This should include detailed and well-substantiated information to document a human rights abuse, including citing available statistics or relevant laws and policies of the country that infringe on the rights of women and girls with disabilities. It can also be helpful to include a few case studies that illustrate the impact of the problem on individuals.
- an analysis of the relevant international human rights **legal standards**. This should include references to other General Comments, Concluding Observations or Individual Complaints by the treaty body in question, as well as other treaty bodies. This can also include reference to reports by U.N. Special Procedures.
- suggested **recommendations**. The recommendations should be tailored to the anticipated outcome document. For example, if the submission is informing a List of Issues, it should include recommended questions to ask the State; a submission for the state review by the treaty body should include recommendations that the treaty body could make to the State.

It is important to look at the information note that each treaty body publishes on its website for details on page or word limits, any guidance the treaty body provides on how to format submissions (the Committee on the Rights of Persons with Disabilities, for instance, suggests a format for written submissions on its website), and information about how the treaty body prefers to receive written submissions.

accountABILITY: Using U.N. Human Rights Mechanisms to Advance the Rights of Women and Girls with Disabilities provides more detailed information about researching and writing shadow reports for the U.N. treaty bodies in Chapter 3.

Inquiry Procedure

A treaty body may, on its own, initiate inquiries when it has received **reliable information of serious, grave, or systematic violations of human rights** by a State.

Civil society can encourage a treaty body to initiate an inquiry by providing reliable and well-substantiated information about a country's serious or systematic violations of the rights protected in the relevant treaty.

The process to initiate an inquiry is time consuming and resource intensive that has not been widely utilized. Advocates considering requesting an inquiry procedure should take into account the time and resources required to follow through on the inquiry procedure—including the need to establish a pattern of grave and systematic abuse (which may require interviewing a large number of alleged victim[s]) and the lack of the concrete guidance offered by OHCHR on the information necessary to meet this standard—in determining whether this is a valuable use of the organization's resources and time.



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