

Distr.: Restricted
9 December 2009

Original: English

Human Rights Council
Working Group on an optional protocol
to the Convention on the Rights of the Child
First session
Geneva, 14-18 December 2009

**Submission to Open-ended Working Group of the
Human Rights Council, considering the possibility
of elaborating an Optional Protocol to provide a
communications procedure for the Convention on
the Rights of the Child**

By Peter Newell¹

¹ **Peter Newell** is co-author of UNICEF's Implementation Handbook for the Convention on the Rights of the Child (now in its third fully revised edition). He has closely followed the work of the Committee on the Rights of the Child since it started to examine reports from States parties in 1993. He has been Adviser to the European Network of Ombudspersons for Children (ENOC) since its inception in 1997. He has acted as a consultant to UNICEF on general measures of implementation for the Convention and on development of independent human rights institutions for children. He was a member of the Editorial Board for the UN Secretary General's Study on violence against children. Peter Newell has been involved in the preparation and submission of applications to the European Court of Human Rights on behalf of child applicants; also of collective complaints to the European Committee of Social Rights. He is Vice-President of the NGO Group for the Convention on the Rights of the Child and chairs the Council of the Child Rights Information Network (CRIN).

Part 1

Efficiency in protection of the rights of the child under mechanisms existing at national and regional level

Introduction

1. The starting point for this paper is the gap between the obligations taken on by almost every State in ratifying or acceding to the Convention on the Rights of the Child and the extent to which children's rights are realised and enjoyed in reality. The persistence of this gap, 20 years after the adoption of the CRC and despite its almost universal ratification, owes much to the lack of effective mechanisms at national, regional and international level to enable children and their representatives to challenge violations and gain remedies. The reporting process under the CRC documents in detail both progress towards implementation and the extent of persisting violations, including through States' and other reports and the Concluding Observations issued by the Committee on the Rights of the Child, since it began to examine States' reports in 1993.

2. There is strong evidence, summarized below, that in many States national remedies are inadequate. But even if they were in place, children would have the same overwhelming case for gaining an international communications mechanism, alongside those created for eight other core international human rights instruments, including for other "special" population groups. The purpose is to provide a form of external appeal and accountability when internal accountability mechanisms fail. States have accepted the necessity of this, complementary to reporting procedures, for the other instruments and their Treaty Bodies: this development cannot reasonably be denied to children, under the Convention on the Rights of the Child.

3. It is also possible to predict that the process of elaboration, adoption and coming into force of an international communications procedure for the CRC will encourage further debate and development of appropriate national remedies for children and their representatives. The existing debate on the necessity for a communications procedure is already provoking more detailed consideration of children's access to national remedies. The Optional Protocol, and the Rules of Procedure which will be developed by the Committee on the Rights of the Child once the Protocol is elaborated and adopted, can provide valuable guidance for the development of child-sensitive national and regional mechanisms.

4. If national mechanisms (and regional ones, where they exist) are genuinely accessible and effective, their existence will lessen the necessity to use the new procedure. But it is not a question of "either/or": it is accepted for the other instruments that the subjects of rights who are safeguarded by the relevant convention should be able to appeal to an international, independent specialist committee when they believe national mechanisms have failed them.

5. It should also be stressed that the existence of a communications procedure does not in itself lessen national sovereignty in any way. First, States voluntarily ratify the relevant OPs and/or declare their acceptance of the competence of the relevant Treaty Body to consider communications; communications concerning States which have not accepted the procedure cannot be considered. All communications procedures require petitioners to have exhausted any genuine domestic remedies. So children and their representatives from countries which have built fair and effective national systems should seldom be the subjects of international communications. In addition, the decisions of Treaty Bodies are not

enforceable in any normal sense of the word. The power of the specialist treaty bodies to issue decisions on communications certainly adds to their influence, in particular if there is effective follow-up. It provides another context for influence beyond the issuing of Concluding Observations, General Comments and recommendations, holding discussion days and so on.

6. The adoption, universal signing and almost universal ratification of the CRC indicates States' acceptance that children too are holders of human rights; it is both a foundation for and a reflection of the global commitment to children. It also reflects the reiteration, recalled in the Resolution establishing this Open-Ended Working Group, by the 1993 World Conference on Human Rights of the principle of "First Call for Children"; that the rights of the child should be a priority in the United Nations system-wide action on human rights (Vienna Declaration and Programme of Action A/CONF.157/23).

7. Delay in proceeding to elaborate this Optional Protocol is not compatible with those commitments.

Remedies for violations of children's rights at national level

States parties' obligations under the CRC

8. States, having ratified the CRC, are required under article 4 to "undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention...". States' overall obligations are underpinned by the Vienna Convention on the Law on Treaties which insists that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith"; also a State "may not invoke the provisions of its internal law as justification for its failure to perform a treaty" (arts. 25 and 26).

9. In 2003, the Committee on the Rights of the Child adopted its General Comment No. 5, on general measures of implementation of the Convention. The Committee emphasises the fundamental importance of ensuring that the provisions of the Convention are given legal effect within their domestic legal systems, and it notes: "This remains a challenge in many States parties". (CRC/GC/2003/5, para. 1). The Committee goes on to emphasise in its General Comment: "For rights to have meaning, effective remedies must be available to redress violations..." This reflects provisions in the Universal Declaration (articles 7, 8 and 10) and the International Covenant on Civil and Political Rights (articles 2(3), 14(1) and 26).

10. The Committee continues: "Children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights. So States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives. These should include the provision of child-friendly information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance. Where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, as required by article 39." (para. 24)

11. And the Committee emphasises that economic, social and cultural rights, as well as civil and political rights, must be regarded as justiciable (para. 25). While a debate concerning the justiciability of these rights may still continue in some contexts, the

adoption of an Optional Protocol providing a communications procedure for the ICESCR in 2008 is further strong confirmation of States' acceptance that they are indeed justiciable.

12. So, as quoted above, the Committee sets out in its General Comment a preliminary list of what is needed to ensure that children have effective remedies when their rights are violated:

- Child-friendly information, advice and advocacy, including support for self-advocacy;
- Access to independent complaints procedures;
- Access to the courts with necessary legal and other assistance
- Reparation and measures for recovery for child victims of violations.

13. In relation to each of the elements, the reporting process has revealed, as summarised below, that many States are still far from providing effective remedies. UNICEF's Innocenti Research Centre has carried out an introductory global overview on implementation of the right of children to be heard in any judicial or administrative proceedings affecting them, by reviewing documents generated by the CRC reporting procedure in 52 States. This valuable report emphasises the need for more research within States to identify best practices (page 56). I am not aware of any other detailed global study on these issues. I rely here additionally on the analysis of the Committee's Concluding Observations and other output, up to 2007, provided in the third fully revised edition of UNICEF's *Implementation Handbook for the Convention on the Rights of the Child*.

A. Child-friendly information, advice and advocacy, including support for self-advocacy.

14. People, including children, need to know about their rights in order to claim them. As the Committee states in its General Comment No. 5: "Individuals need to know what their rights are. Traditionally in most, if not all societies, children have not been regarded as rights holders. So article 42 [*which requires States to make the principles and provisions of the Convention "widely known, by appropriate and active means, to adults and children alike"*] acquires a particular importance..." (para.66). Twenty years after adoption, the Committee frequently still finds it necessary to express concern at a continuing lack of knowledge of children's rights and the need for further, more comprehensive, action. (see *Implementation Handbook*, pages 631 - 633).

15. Children's need for advice and advocacy demands that there are adults and appropriate institutions/bodies available to support children, including in challenging violations. In a few countries systems of advocacy specifically linked to safeguarding children's rights in the CRC have been developed (see section on children's ombudspersons below, page 5).

16. Children in many States are beginning to engage in self-advocacy, establishing child-led organisations, or child sections within NGOs working on children's rights issues. But it has to be recognised that many children, including of course babies and young children, will always have to rely fully on adults to advocate and claim their rights on their behalf.

B. Access to independent complaints procedures.

17. The Committee has highlighted the need for children to have easy access to independent complaints procedures in all settings of their lives. In its most recent General Comment No. 12, on the right of the child to be heard, the Committee states: "Legislation is needed to provide children with complaints procedures and remedies when their right to be heard and for their views to be given due weight is disregarded and violated." The General

Comment also notes that if the right of the child to be heard in judicial and administrative proceedings [article 12, para. 2] is breached, “the child must have access to appeals and complaints procedures which provide remedies for rights violations. Complaints procedures must provide reliable mechanisms to ensure that children are confident that using them will not expose them to risk of violence or punishment” (CRC/C/GC/12, paras. 46 and 47).

18. The particular importance of having access to independent complaints procedures for the many children who are living and/or detained in all institutions, whether state-run or run by private or voluntary bodies, is strongly emphasised by the Committee (para. 97). This should be well understood by now, given the extent of physical and sexual abuse of children and breaches of a range of their civil rights in state-provided, voluntary and private institutions; this has only relatively recently become visible in States in all regions. This is also pursued in the Committee’s Concluding Observations on States’ reports (see for example *Implementation Handbook*, article 12 pages 156 – 158; article 20, page 284). The Committee also refers to the need for “child-sensitive structures for complaints” in schools (page 430).

19. In its General Comment on the rights of children with disabilities, the Committee notes the particular vulnerability to violence and neglect of children with disabilities, in the family and in institutions. It suggests that lack of access to a functional complaint-receiving, monitoring system is conducive to systematic and continuing abuse. The Committee urges States to ensure that all institutions – both state-run or provided and those run by private and voluntary bodies – providing care for children with disabilities should have an accessible and sensitive complaints mechanism (CRC/C/GC/9, paras. 42 and 43).

20. Children with disabilities who find no effective domestic remedies for violations of their rights at national level would be able to pursue violations of some rights through the communications procedure established under the Convention on the Rights of Persons with Disabilities, which includes certain specific provisions for children with disabilities (see in particular Article 7). But, as noted above, there are many children’s rights which are only safeguarded in the CRC.

C. Access to the courts with necessary legal and other assistance.

21. Children and their representatives, like all other rights holders, must have access to courts when other remedies fail to address, or address adequately, violations of their rights. It is plain that this access is far from being fully available in many States. The Innocenti Working Paper referred to above notes: “Most of the countries covered by this study have taken some steps to expand the right of children to be heard in legal and/or administrative proceedings, but in most cases the steps are limited in scope. No State covered by this study appears to have taken sufficient action to protect and ensure this important right” (page 52). More positively, the study found: “The capacity of children to take legal action to defend their basic rights and freedoms also is recognised by a growing number of countries, especially those that have adopted a comprehensive children’s law or children’s code. Some such laws do not establish any age threshold for the exercise of this right, although it seems certain that for younger children it would be exercised not by the child personally but by his or her representative.” (page 54).

22. In addition, “many countries have adopted legislation recognising the right of children to legal assistance or legal representation in specific circumstances, particularly in family law, but also in exercising the right to a remedy for violations of their basic rights”. But the study was unable to review the functioning of such assistance/representation (page 54).

23. The Committee’s Concluding Observations provide further commentary and examples of lack of access to courts (see *Implementation Handbook*, pages 155 to 158).

The Committee repeatedly raises its concern at age barriers which prevent children's access to court. It has also noted its concern that religious courts in some States do not provide for children's access or representation.

24. In some cases, children can only act through their parents, or with their parents' consent. Parents are very often their children's best advocates, but it has to be recognised that they can also be perpetrators of grave violations of their children's rights, through abuse and exploitation. In its General Comment No. 12 on the right of the child to be heard, the Committee discusses who can represent a child: "The representative can be the parent(s), a lawyer, or another person (inter alia, a social worker). However, it must be stressed that in many cases (civil, penal or administrative), there are risks of a conflict of interest between the child and their most obvious representative (parent(s)). If the hearing of the child is undertaken through a representative, it is of utmost importance that the child's views are transmitted correctly to the decision maker by the representative... The representative must be aware that she or he represents exclusively the interests of the child and not the interests of other persons (parent(s), institutions or bodies (e.g. residential home, administration or society)). Codes of conduct should be developed for representatives who are appointed to represent the child's views." (CRC/C/GC/12 paras. 35 – 37)

D. Reparation and right to recovery etc. for child victims of violations.

25. The implementation of this right (see in particular Article 39 of CRC) has not as yet been well-researched, except in relation to certain violations (for example child victims of trafficking and sexual exploitation). In its Concluding Observations, the Committee has raised some of these concerns and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime calls for States to provide measures of reparation, etc (see below, page 6 and *Implementation Handbook*, page 673).

E. Role of children's ombudspersons and similar institutions.

26. In its General Comment on the role of national human rights institutions (NHRIs), the Committee insists that NHRIs should be able to support children taking cases to court, take cases concerning children's issues in the name of the NHRI and also be enabled to intervene in relevant court cases. (CRC/GC/2002/2, para. 14; see also para. 19)

27. The Committee also asserts: "NHRIs must have the power to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by children. In order to be able to effectively carry out such investigations, they must have the powers to compel and question witnesses, access relevant documentary evidence and access places of detention. They also have a duty to seek to ensure that children have effective remedies - independent advice, advocacy and complaints procedures - for any breaches of their rights. Where appropriate, NHRIs should undertake mediation and conciliation of complaints". (CRC/GC/2002/2, para. 13)

28. A survey of the member-institutions in the European Network of Ombudspersons for Children (ENOC) in 2008 found that a majority, but not all of the member institutions have the power to investigate complaints. Only five of the 21 institutions responding could take legal action, or support legal action, on behalf of children. All institutions believed that the child in their country did have some legal standing, enabling s/he or a person or body acting on her/his behalf to go to court over violation of rights; but the ombudspersons' comments suggested that in many situations, children are not able to take legal action in reality. Fourteen of the 21 institutions stated that they were unable to represent or support a child in using international communications procedures or regional human rights mechanisms (eg the European Court of Human Rights). It is plain that the powers of many of these institutions need to be strengthened to fulfill the need for effective national

remedies for violations of children's rights, including representation and support for children.

29. The role of children's ombudspersons, etc. in helping children gain access to international justice has begun to be discussed in ENOC. George Moschos, Deputy Ombudsman for Children's Rights in Greece and then chair of ENOC, wrote in 2007: "In future, I believe that we should investigate another potential role that we have not yet developed – that of mediators to help children gain access to international justice. Ombudspersons would submit collective complaints on behalf of children to international justice mechanisms, or they could assist children themselves to submit individual complaints..." (*International justice for children*, page 100)

International and regional guidance on child-friendly justice

30. There has been substantial discussion within many States and also internationally on the need to make courts (as well as complaints procedures and other systems) child-sensitive or child-friendly. International debate led to the preparation of the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (a project initiated by the International Bureau for Children's Rights). These define "child sensitive" as "an approach that balances the child's right to protection and that takes into account the child's individual needs and views" (ECOSOC Res 2005/20, July 22 2005).

31. In its General Comment No. 12, the Committee says: "A child cannot be heard effectively where the environment is intimidating, hostile, insensitive or inappropriate for her or his age. Proceedings must be both accessible and child-appropriate. Particular attention needs to be paid to the provision and delivery of child-friendly information, adequate support for self-advocacy, appropriately trained staff, design of court rooms, clothing of judges and lawyers, sight screens, and separate waiting rooms." (para. 34)

32. The Council of Europe is currently involved in a project to develop "Guidelines for Child-friendly justice" (a second draft was released for public consultation in November 2009-CJ-S-CH (2009) 13; see http://www.coe.int/t/dghl/standardsetting/childjustice/default_en.asp). The draft defines "child-friendly justice" as "justice systems which guarantee the effective implementation of all children's rights in the best possible manner...". It notes the UN Guidelines, referred to above, and the Guidelines' definition of "child-sensitive". The draft Council of Europe Guidelines assert: "Children shall be considered and treated as full holders of rights... As bearers of rights, children shall have recourse to remedies to effectively exercise their rights or act upon violations of their rights. The domestic law of the Member States should facilitate the possibility of direct and autonomous access to court for children..."

33. These Guidelines when adopted, together with the UN Guidelines referred to above, are likely to provide valuable suggestions not only for national systems, but for international and regional human rights mechanisms, including during the elaboration of the Optional Protocol to the CRC. The Innocenti study referred to above also provides a checklist of suggested "Positive practices for realization of children's right to be heard" (page 56). There is no shortage of ideas for ensuring that the proposed OP for the CRC is appropriate and effective for children (see also checklist of ideas prepared by the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg and the author of this paper in ANNEX I below).

Use of regional human rights mechanisms by children

34. The purpose of this section is to provide a very brief summary of regional human rights mechanisms that are in principle available for use by children and their representatives, and to review their use by children. There are African, Inter-American and European mechanisms that can be used to challenge violations of some children's rights. There has, as yet, been relatively little use of them by or on behalf of children. But, as noted at the beginning of this paper, this is certainly not an indication that children are enjoying general respect for their rights, nor that they have adequate remedies at national level. While these regional mechanisms are making greater use of the CRC, quoting and applying it in judgments and decisions, none of them covers the full range of rights in the CRC.

35. The fact that these mechanisms have been used by children underlines that children are regarded as rights holders with the right to access mechanisms to pursue violations. It appears that the other mechanisms have not adopted special procedures for child petitioners, although there is active discussion of doing so in the European Court of Human Rights. All but one of the mechanisms referred to below require applicants to be a direct victim of the violation of rights complained of. The exception is the collective complaints procedure established through an Additional Protocol to the European Social Charter. It is hoped that in elaborating a CRC communications procedure, States will give consideration to allowing collective complaints.

36. An incomplete analysis of the use of these regional mechanisms suggests that, to date, most if not all of the cases in which children are named as applicants have been initiated and pursued by adults and the named children have had very little, or no, involvement in the procedure. But this is also the case with many communications from adults to the existing international communications procedures and regional human rights mechanisms, which are in practice in most cases prepared and pursued by lawyers, NGOs or human rights institutions.

Africa

African Commission on Human and People's Rights.

37. An individual, group or organisation can submit a complaint to the African Commission, under article 56 of the African Charter on Human and Peoples' Rights (for details see <http://www.achpr.org/>). Of communications declared admissible by the African Commission, an incomplete review suggests only one submitted by/on behalf of children has been processed. It concerned the sentencing of eight students to 25-40 lashes (whipping) for "public order" offences. The ages of the students concerned are not revealed in the report. A Protocol to the Charter which entered into force in January 2004 has established the African Court on Human and Peoples' Rights, but the Court is not yet in operation. When it is, it will be able to apply any instrument concerning human rights that is accepted by the State concerned – thus enabling it to apply the CRC, which has been ratified by all African States with the exception of Somalia.

African Committee of Experts on the Rights and Welfare of the Child.

38. Under article 44 of the African Charter on the Rights and Welfare of Children, the Committee of Experts may receive communications from any individual or group – including children, or from a NGO recognised "by the Organisation of African Unity, by a Member State or by the United Nations" and investigate; for details see <http://www.africa-union.org/child/home.htm>. A communication may be presented on behalf of a victim without his/her agreement on condition that the author is able to prove that his/her action is

taken in the supreme interest of the child. The Committee has adopted Guidelines for the Consideration of Communications (in 2006) and it is understood that communications have been submitted, but as yet no decisions have been adopted by the Committee (December 2009).

The Americas

Inter-American system.

39. Individuals, groups or non-governmental entities recognised in one or more Member States of the OAS can submit petitions to the Inter-American Commission on Human Rights. If the complaint meets certain requirements, the Commission may refer the case to the Inter-American Court (if the State has accepted the jurisdiction of the Court). Otherwise, the Commission may itself set out conclusions and if necessary prescribe a period within which the State should take measures to remedy the situation, after which the Commission's report will be published (for more information, see <http://www.cidh.org/>)

40. It appears that as yet, children have not been the direct applicants in the various cases concerning children's rights which have been brought to the Commission and referred to the Inter-American Court. But a detailed Advisory Opinion issued by the Court in August 2002 on the Legal Status and Human Rights of the Child asserts that "children are subjects entitled to rights, not only objects of protection" and "That in judicial or administrative procedures where decisions are adopted on the rights of children, the principles and rules of due legal process must be respected. This includes rules regarding competent, independent, and impartial courts previously established by law, courts of review, presumption of innocence, the presence of both parties to an action, the right to a hearing and to defense, taking into account the particularities derived from the specific situation of children and those that are reasonably projected, among other matters, on personal intervention in said proceedings and protective measures indispensable during such proceedings." (Inter-American Court of Human Rights, Advisory Opinion OC-17/2002, August 28 2002, requested by the Inter-American Commission of Human Rights, Opinion paras. 1 and 10)

41. Cases concerning children's rights which have gone to the Inter-American Court have been initiated by national or regional NGOs, and some by parents. The Court has ordered detailed reparations by States, including requiring them to issue apologies, bring perpetrators to justice, bring their law and procedures into line with the American Convention and international standards, and pay financial compensation, costs and other reparations. (Details of cases involving children that have come to the Court are described by a judge to the Court in *International justice for children*, Council of Europe, 2008, pages 79 – 86).

Europe

The European Court of Human Rights.

42. Applicants – individuals, groups of individuals or non-governmental organisations - must be victims of violations of rights in the European Convention on Human Rights and its Protocols. Despite containing no specific provisions relating to children, the European Convention on Human Rights provides that States "shall secure" the rights in it to "everyone". As the President of the Court states in his foreword to a Council of Europe publication, based on the proceedings of an international conference held in Strasbourg in 2007 on *International justice for children*: "A child does not become a 'person' only when they reach the age of majority; children are persons and therefore included in 'everyone'".

The President notes that the Court has embarked on an internal study of the issue of prioritisation, and speeding up proceedings involving children is an avenue which it wishes to pursue (*International Justice for Children*, 2008, foreword, pages 5 and 7; page 73).

43. One of the judges of the Court, Isabelle Berro-Lefèvre, suggests that “the Court has a benevolent attitude towards access by minors, which is consistent with its basic approach to individual rights, geared to safeguarding tangible, effective rights rather than purely hypothetical ones”. (page 71) She notes some of the safeguards instituted by the Court, relevant to child applicants: it makes a considerable effort to guarantee the anonymity and does not hesitate to order that its hearings shall be held in camera. Her recommendations for improvements include more information for children on their rights and on how to use the Court. The Court itself should identify applications from children the moment they are lodged and systematically give them priority. Third-party interventions, in particular by specialist child welfare bodies should be encouraged or invited, etc. (*International Justice for Children*, page 76)

44. Another judge of the Court, Françoise Tulkens, raises the issue of the condition that domestic remedies must have been exhausted before making an application to the Court, in the case of a child who lacks capacity in their own legal system. It is suggested that the Court should give consideration to waiving this requirement for admissibility in some situations (page 19).

45. The Court is the regional mechanism which has received most applications from children – but still a small number proportionately. In several cases where the initial application was made by a parent and one or more children, the European Commission on Human Rights (until the late 1990s there was a two-part procedure, with the Commission initially reviewing cases) declared the parent’s application inadmissible, because the parent was not a victim, while accepting the child’s application (eg, see admissibility decisions on *Costello Roberts v UK*, application no. 13134/87 and on *A v UK*, application no. 25599/94).

46. The Council of Europe project “Building a Europe for and with children” analyses Court judgments for their relevance to children; see www.coe.int/children. Also *International justice for children* provides details of a number of relevant judgments of the Court.

European Committee of Social Rights collective complaints procedure.

47. Under an Additional Protocol which came into force in 1998, “collective” complaints of violations of the European Social Charter, and the Revised Social Charter which is replacing it, may be lodged with the European Committee of Social Rights (ECSR), against Member-States which have ratified the Charter, by organisations approved for the purpose (States may also recognise the competence of national NGOs to submit complaints). A number of decisions of the Committee concern children’s rights. By November 2009, 59 complaints had been registered since the procedure came into force in 1998. (see http://www.coe.int/T/E/Human_Rights/Esc/4_Collective_complaints/).

48. One advantage of this procedure from children’s perspective is that the applicant organisation does not have to identify particular victims; the complaint merely has to explain the alleged unsatisfactory application of particular provisions of the Charter which must have been accepted by the State. Nor does the applicant organisation have to give any indication that domestic remedies have been exhausted. Also the process is relatively speedy, with decisions often being issued less than two years after registration of the complaint. Jane Connors, Senior Human Rights Officer in the OHCHR, writes in *International justice for children*: “Broader approaches allowing for collective complaints, rather than confining the right to complain to those who can prove that they are victims of

the alleged violations or their representatives, could make these mechanisms [international communications procedures established under the core human rights instrument] more accessible to children”. Ms Connors points out that the drafters of the original Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women envisaged allowing for collective complaints (*International justice for children*, pages 45 and 47). This was also proposed during the drafting of the Optional Protocol providing a communications procedure under the International Covenant on Economic, Social and Cultural Rights. But in both cases, the Protocols as adopted do not allow collective complaints. This would be a valuable component of a communications procedure under the CRC and a collective complaints system could be helpful in encouraging States to develop CRC-compliant laws as well as policies.

Part 2

Analysis of existing provisions creating communications procedures for eight core human rights instruments, with reference of the development of a procedure for the CRC

49. This section provides a preliminary and rough analysis, not in any way prescriptive but simply intended to aid discussion in this session of the Open-Ended Working Group. It first analyses the provisions establishing existing communications procedures to determine which:

- are standard and unlikely to require significant change for an Optional Protocol providing a communications procedure for the CRC (the wording varies insignificantly between instruments);
- include elements needing careful review in the light of the need to create an appropriately child-sensitive procedure.

50. **ANNEX II** includes a table, identifying the provisions establishing the eight existing procedures (four through Optional Protocols and four through provisions within Conventions) and the text arranged to enable easy comparison.

“Standard” provisions:

51. Competence of Committee to receive and consider communications

52. Some of the provisions to determine admissibility of communications. The following appear to be standard:

- Communications about a State which has not accepted the communications procedure
- Facts occurred before entry into force of the procedure for the State concerned, unless those facts continued after that date
- Anonymous communications (although in most cases the Committee will keep identity of petitioner(s) confidential)
- Abuse of right of submission of communications
- Manifestly ill-founded, not sufficiently substantiated, etc.
- Same matter already considered by the Committee, or being considered under another procedure of international investigation or settlement

- Exhaustion of domestic remedies: “The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief...” (CEDAW, ICESCR, CRPD, CAT, CMW)
- Inquiry procedure (broadly standard in CEDAW, ICESCR, CRPD, CAT, CED)
- Inter-State communications (only allowed in ICESCR, CAT, CED)
- Requirement to include summary of activities under the procedure in annual report
- Signatures, ratification, accession
- Entry into force
- Amendment
- Denunciation
- Notification by SG
- Official languages
- Reservations (only explicitly allowed for in CRPD; CEDAW excludes)

Provisions requiring particular consideration:

53. Who may submit communications: most existing procedures allow submission by individuals or groups; on behalf of individuals or groups “with their consent unless the author can justify acting on their behalf without such consent” (CEDAW, ICESCR, CRPD); possibility of collective complaints.

NB It is particularly important for those who doubt the capacity of children to use a communications procedure to note that lack of capacity is not unique to children: it is equally true for many adult rights holders who are considered to lack the capacity to act on their own behalf – for example adults with severe learning difficulties, elderly and confused adults. It is also true for those adults who are being held in conditions in which they are denied the ability to communicate with others complaints.

54. Request to State to take interim measures (included in four procedures (CEDAW, ICESCR, CRPD, CED); particularly important given developmental status of child

55. Examination of communications - broadly similar in existing procedures; time limits vary and need to be as short as possible for children

56. Protection measures for those submitting communications – (exist in CEDAW and ICESCR)

Provisions to consider which only occur in one or two procedures

57. Friendly settlement (in ICESCR)

58. Text of Protocol to be available in accessible formats: only CRPD: similar provision could allow for child-friendly version; also child-friendly versions of decisions/views

59. Establishment of national bodies to consider communications (exists in CERD)

60. State required to disseminate and make widely known the OP and views and recommendations of the Committee (only CEDAW and ICESCR)

Peter Newell is co-author of UNICEF's Implementation Handbook for the Convention on the Rights of the Child (now in its third fully revised edition). He has closely followed the work of the Committee on the Rights of the Child since it started to examine reports from States parties in 1993. He has been Adviser to the European Network of Ombudspersons for Children (ENOC) since its inception in 1997. He has acted as a consultant to UNICEF on general measures of implementation for the Convention and on development of independent human rights institutions for children. He was a member of the Editorial Board for the UN Secretary General's Study on violence against children. Peter Newell has been involved in the preparation and submission of applications to the European Court of Human Rights on behalf of child applicants; also of collective complaints to the European Committee of Social Rights. He is Vice-President of the NGO Group for the Convention on the Rights of the Child and chairs the Council of the Child Rights Information Network (CRIN).

ANNEX I

Making international and regional human rights complaints and communications mechanisms child-friendly

61. Thomas Hammarberg, Commissioner for Human Rights for the Council of Europe and the author, Peter Newell, drafted a checklist of basic requirements to initiate a debate, first published by the Child Rights Information Network, CRIN, and then in the Council of Europe publication, *International justice for children*, December 2008.

- Children and those working with and for them need to know these mechanisms exist and that they are accessible to children.
- States which have accepted any of these mechanisms need to guarantee children unrestricted access to use them. For instance, they must ensure that there is no legal principle requiring parents' consent for such action (today, this is a real problem in several European countries, and others in all regions, where children cannot make individual applications to domestic courts, let alone to international mechanisms).
- Children should be able to apply at any age. When others are acting on behalf of children, there should be some process whereby the mechanism strives to ensure that the application is being pursued in the child's best interests and, where the child has capacity, with their consent. Also, it should be possible for groups of children to make complaints.
- The mechanisms must be genuinely accessible to children. Each mechanism should review all aspects of their procedures to ensure that this is the case. In particular:
 - Information about the mechanism should be disseminated in child-friendly language and in places where children and their representatives are - in particular, to children in schools (including as part of the regular curriculum), hospitals and other institutions, including where children may be detained;
 - Any "hurdles" on applying should be carefully reviewed from a children's perspective. For example, the common condition that applicants must have exhausted domestic remedies should be applied sensitively in the case of children: mechanisms should be very careful not to reject applications unless they are really confident that domestic remedies are effective and genuinely available to children. Similarly, time limits on making an application should be treated flexibly in the case of child applicants who might not have had access to information on the mechanism;
 - Consideration should be given to fast tracking applications from or on behalf of children, with an understanding of children's sense of time and the urgency of remedying breaches of their rights while they still are in their childhood. Decisions should be arrived at as rapidly as possible, subject to the need for full consideration of the case. Any process for enforcement of the decision should also be speedy;
 - If the procedure includes a hearing, all aspects of it should be reviewed to ensure it is child-sensitive (see UN Guidelines in Matters of Justice for Child Victims and Witnesses of Crime, Economic and Social Council Resolution 2005/20, 22 July 2005);

- The whole process should be able to guarantee the anonymity of the applicant when necessary and requested;
- Those involved in the mechanisms, as decision-makers or judges and as secretariat or support staff should receive special training; training should also be available for lawyers and others representing children before the mechanisms;
- There should be possibilities of legal aid adjusted to the needs of children;
- Summaries of decisions on applications concerning children should be issued in child-friendly language.

International justice for children, pages 133 - 135

Annex II

Part 1

Table of provisions in existing international treaties providing communications procedures

	<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>	<i>CAT</i>	<i>CERD</i>	<i>CMW</i>	<i>CED</i>
Preambles	Yes	Yes	Yes	No	N/A	N/A	N/A	N/A
Competence of Committee to consider communications	1	1	1	1	22(1)	14(1)	77(1)	31(1)
Who may submit communications	2	2	2	1	22(1)	14(1)	77(1)	31(1)
Admissibility of communications	3 and 5(2)	3 and 4	3 and 4	2	22(2) and (5)	14 (6)(a) and 7(a)	77(2), (3)	31(2)
Request to state to take interim measures		5	5	4				31(4)
Examination of communications	4, 5(1), (3) and (4)	6, 7	6, 8 and 9	3, 5	22 (3), (4), (6) and (7)	14(6) and (7)	77(4), (5), (6) and (7)	31(3), (5)
Inquiry procedure		8, 9 and 10	11 and 12	6, 7 and 8	20			33
Protection measures for those communicating		11	13					
Annual report	6	12	15			14(8)		36
Dissemination and information by state party		13	16					
Signature, ratification and accession	8	15	17	10 and 11				
Entry into force	9	16	18	13	22(8)	14(9)	77(8)	
Amendments	11	18	19	15				

Annex II

Part 1

Table of provisions in existing international treaties providing communications procedures

	<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>	<i>CAT</i>	<i>CERD</i>	<i>CMW</i>	<i>CED</i>
Denunciation	12	19	20	16				
Notification by the SG	13	20	21	9 (depository)				
Official languages	14	21	22	18				
Reservations		17 (not permitted)		14				
Friendly settlement			7					
Committee rules of procedure		14						
Accessible format for OP				17				
International Assistance and cooperation			14					
Inter-state Communications			10		21			32

ANNEX II

Part 2

Text of provisions in four Optional Protocols providing communications procedures

62. This Annex includes the text of provisions from the four Optional Protocols providing communications procedures (and in three cases inquiry procedures) for the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of Persons with Disabilities (CRPD).

63. The annex is intended to assist those considering the elaboration of an Optional Protocol to provide a communications procedure for the Convention on the Rights of the Child.

Preambles

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
The States Parties to the present Protocol,	The States Parties to the present Protocol,	The States Parties to the present Protocol,	No preamble
Considering that in order further to achieve the purposes of the International Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.	Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, <i>Also noting that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,</i>	Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, <i>Noting that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion,</i>	
Have agreed as follows:	Recalling that the International Covenants on Human Rights Resolution		

OP ICCPR	OP CEDAW	OP ICESCR	OP CRPD
	<p>2200 A (XXI), annex. and other international human rights instruments prohibit discrimination on the basis of sex,</p> <p>Also recalling the Convention on the Elimination of All Forms of Discrimination against Women ("the Convention"), in which the States Parties thereto condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,</p> <p><i>Reaffirming their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms,</i></p> <p>Have agreed as follows:</p>	<p>national or social origin, property, birth or other status,</p> <p><i>Recalling</i> that the Universal Declaration of Human Rights and the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy civil, cultural, economic, political and social rights,</p> <p><i>Reaffirming</i> the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,</p> <p><i>Recalling</i> that each State Party to the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the Covenant) undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,</p> <p><i>Considering</i> that, in order further to achieve the purposes of the Covenant and the implementation of its provisions, it would be appropriate to enable the Committee on Economic, Social and Cultural Rights (hereinafter</p>	

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
		referred to as the Committee) to carry out the functions provided for in the present Protocol,	
		Have agreed as follows:	

Competence of the relevant Committee to receive and consider communications

<i>OP ICCPR - Article 1</i>	<i>OP CEDAW – Article 1</i>	<i>OP ICESCR – Article 1</i>	<i>OP CRPD – Article 1</i>
A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.	A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Elimination of Discrimination against Women ("the Committee") to receive and consider communications submitted in accordance with article 2.	1. A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications as provided for by the provisions of the present Protocol. 2. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.	1. A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Rights of Persons with Disabilities ("the Committee") to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention. <i>[Also covers who can submit – see below]</i> 2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Who may submit communications

<i>OP ICCPR - Article 2</i>	<i>OP CEDAW – Article 2</i>	<i>OP ICESCR – Article 2</i>	<i>OP CRPD – Article 2</i>
Subject to the provisions of article 1, individuals who claim that any	Communications may be submitted by or on behalf of	Communications may be submitted by or on behalf of	1. A State Party to the present Protocol ("State Party")

<i>OP ICCPR - Article 2</i>	<i>OP CEDAW – Article 2</i>	<i>OP ICESCR – Article 2</i>	<i>OP CRPD – Article 2</i>
of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.	individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.	individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.	recognizes the competence of the Committee on the Rights of Persons with Disabilities (“the Committee”) to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention...

Admissibility of communications

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
Article 3 The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.	Article 3 Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.	Article 3 1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted. This shall not be the rule where the application of such remedies is unreasonably prolonged. 2. The Committee shall declare a communication inadmissible when: (a) It is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to	Article 2 The Committee shall consider a communication inadmissible when: (a) The communication is anonymous; (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention; (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or
Article 5 <i>[paragraphs 1, 3 and 4 refer to Examination of communications – see below]</i> 2. The Committee shall not consider any communication from	Article 4 1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring		

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
<p>an individual unless it has ascertained that:</p> <p>(a) The same matter is not being examined under another procedure of international investigation or settlement;</p> <p>(b) The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.</p>	<p>effective relief.</p> <p>2. The Committee shall declare a communication inadmissible where:</p> <p>(a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;</p> <p>(b) It is incompatible with the provisions of the Convention;</p> <p>(c) It is manifestly ill-founded or not sufficiently substantiated;</p> <p>(d) It is an abuse of the right to submit a communication;</p> <p>(e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.</p>	<p>submit the communication within that time limit;</p> <p>(b) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date;</p> <p>(c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;</p> <p>(d) It is incompatible with the provisions of the Covenant;</p> <p>(e) It is manifestly ill-founded, not sufficiently substantiated or exclusively based on reports disseminated by mass media;</p> <p>(f) It is an abuse of the right to submit a communication; or when</p> <p>(g) It is anonymous or not in writing.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Article 4</p> </div> <p>The Committee may, if necessary, decline to consider a communication where it does not reveal that the author has suffered a clear disadvantage, unless the Committee considers that the communication raises a serious issue of general importance.</p>	<p>settlement;</p> <p>(d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;</p> <p>(e) It is manifestly ill-founded or not sufficiently substantiated; or when</p> <p>(f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.</p>

Request to state to take interim measures

<i>OP ICCPR</i>	<i>OP CEDAW – Article 5</i>	<i>OP ICESCR – Article 5</i>	<i>OP CRPD – Article 4</i>
No provision	<p>1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.</p> <p>2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.</p>	<p>1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.</p> <p>2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.</p>	<p>1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.</p> <p>2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.</p>

Examination of communications

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
Article 4	Article 6	Article 6	Article 3
<p>1. Subject to the provisions of article 3 [admissibility], the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.</p>	<p>1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the Committee shall bring any communication submitted to it under</p>	<p>1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.</p>	<p>Subject to the provisions of article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying</p>

OP ICCPR	OP CEDAW	OP ICESCR	OP CRPD
<p>2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.</p>	<p>the present Protocol confidentially to the attention of the State Party concerned.</p>	<p>2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.</p>	<p>the matter and the remedy, if any, that may have been taken by that State.</p>
<p>Article 5</p>	<p>2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.</p>	<p>Article 8</p>	<p>Article 5</p>
<p>1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned...</p>	<p>Article 7</p>	<p>1. The Committee shall examine communications received under article 2 of the present Protocol in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.</p>	<p>The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.</p>
<p><i>[Paragraph 2 of Article 5 concerns admissibility – see above]</i></p>	<p>1. The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.</p>	<p>2. The Committee shall hold closed meetings when examining communications under the present Protocol.</p>	
<p>3. The Committee shall hold closed meetings when examining communications under the present Protocol.</p>	<p>2. The Committee shall hold closed meetings when examining communications under the present Protocol.</p>	<p>3. <i>When examining a communication under the present Protocol, the Committee may consult, as appropriate, relevant documentation emanating from other United Nations bodies, specialized agencies, funds, programmes and mechanisms, and other international organizations, including from regional human rights systems, and any observations or comments by the State Party concerned.</i></p>	
<p>4. The Committee shall forward its views to the State Party concerned and to the individual.</p>	<p>3. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.</p>	<p>4. When examining communications under the present Protocol, the Committee shall consider the reasonableness of the steps taken by the State Party in accordance with part</p>	
	<p>4. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the</p>		

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
	<p>light of the views and recommendations of the Committee.</p> <p>5. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.</p>	<p>II of the Covenant. In doing so, the Committee shall bear in mind that the State Party may adopt a range of possible policy measures for the implementation of the rights set forth in the Covenant.</p> <p>Article 9</p> <p>1. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.</p> <p>2. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.</p> <p>3. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under articles 16 and 17 of the Covenant.</p>	

Inquiry procedure

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
No inquiry procedure	<p style="text-align: center;">Article 8</p> <p>1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.</p> <p>2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.</p> <p>3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.</p> <p>4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by</p>	<p style="text-align: center;">Article 11</p> <p>1. A State Party to the present Protocol may at any time declare that it recognizes the competence of the Committee provided for under the present article.</p> <p>2. If the Committee receives reliable information indicating grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.</p> <p>3. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.</p> <p>4. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall</p>	<p style="text-align: center;">Article 6</p> <p>1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.</p> <p>2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.</p> <p>3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.</p> <p>4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by</p>

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
	<p>the Committee, submit its observations to the Committee.</p> <p>5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.</p> <p>Article 9</p> <p>1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.</p> <p>2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.</p> <p>Article 10</p> <p>1. Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.</p> <p>2. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this</p>	<p>be sought at all stages of the proceedings.</p> <p>5. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.</p> <p>6. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.</p> <p>7. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2 of the present article, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report provided for in article 15 of the present Protocol.</p> <p>8. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.</p> <p>Article 12</p> <p>1. The Committee may invite the State Party concerned to include in its report under articles 16 and 17</p>	<p>the Committee, submit its observations to the Committee.</p> <p>5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings</p> <p>Article 7</p> <p>1. The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.</p> <p>2. The Committee may, if necessary, after the end of the period of six months referred to in article 6.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.</p> <p>Article 8</p> <p>Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.</p>

<i>OP ICCPR</i>	<i>OP CEDAW</i>	<i>OP ICESCR</i>	<i>OP CRPD</i>
	declaration by notification to the Secretary-General.	of the Covenant details of any measures taken in response to an inquiry conducted under article 11 of the present Protocol. 2. The Committee may, if necessary, after the end of the period of six months referred to in article 11, paragraph 6, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.	

Protection measures for those communicating

<i>OP ICCPR</i>	<i>OP CEDAW – Article 11</i>	<i>OP ICESCR – Article 13</i>	<i>OP CRPD</i>
No provisions	A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.	A State Party shall take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.	No provisions

Annual report

<i>OP ICCPR</i>	<i>OP CEDAW – Article 12</i>	<i>OP ICESCR – Article 15</i>	<i>OP CRPD</i>
The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.	The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.	The Committee shall include in its annual report a summary of its activities under the present Protocol.	No provisions

Dissemination and information by state party

<i>OP ICCPR</i>	<i>OP CEDAW – Article 13</i>	<i>OP ICESCR – Article 16</i>	<i>OP CRPD</i>
No provisions	Each State Party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.	Each State Party undertakes to make widely known and to disseminate the Covenant and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party, and to do so in accessible formats for persons with disabilities.	No provisions

Signature, ratification, accession

<i>OP ICCPR – Article 8</i>	<i>OP CEDAW – Article 15</i>	<i>OP ICESCR – Article 17</i>	<i>OP CRPD</i>
<p>1. The present Protocol is open for signature by any State which has signed the Covenant.</p> <p>2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.</p> <p>3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.</p> <p>4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-</p>	<p>1. The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.</p> <p>2. The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.</p> <p>3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.</p> <p>4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-</p>	<p>1. The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.</p> <p>2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.</p> <p>3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Covenant.</p> <p>4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-</p>	<p>Article 10</p> <p>The present Protocol shall be open for signature by signatory States and regional integration organizations of the Convention at United Nations Headquarters in New York as of 30 March 2007.</p> <p>Article 11</p> <p>The present Protocol shall be subject to ratification by signatory States of this Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of this Protocol which have formally confirmed or acceded to the Convention. It shall be open</p>

General of the United Nations.	General of the United Nations.	General of the United Nations.	for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.			

Entry into force

<i>OP ICCPR – Article 9</i>	<i>OP CEDAW – Article 16</i>	<i>OP ICESCR – Article 18</i>	<i>OP CRPD – Article 13</i>
1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.	1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.	1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.	1. Subject to the entry into force of the Convention, the present Protocol shall enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.	2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.	2. For each State ratifying or acceding to the present Protocol, after the deposit of the tenth instrument of ratification or accession, the Protocol shall enter into force three months after the date of the deposit of its instrument of ratification or accession.	2. For each State or regional integration organization ratifying, formally confirming or acceding to the Protocol after the deposit of the tenth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

Amendments

<i>OP ICCPR - Article 11</i>	<i>OP CEDAW - Article 18</i>	<i>OP ICESCR - Article 19</i>	<i>OP CRPD - Article 15</i>
1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United	1. Any State Party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations.	1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations.	1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations.

Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

Denunciation

<i>OP ICCPR - Article 12</i>	<i>OP CEDAW - Article 19</i>	<i>OP ICESCR - Article 20</i>	<i>OP CRPD - Article 16</i>
<p>1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.</p> <p>2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.</p>	<p>1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.</p> <p>2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.</p>	<p>1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.</p> <p>2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 2 and 10 or to any procedure initiated under article 11 before the effective date of denunciation.</p>	<p>A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.</p>

Notification by the Secretary-General

<i>OP ICCPR - Article 13</i>	<i>OP CEDAW - Article 20</i>	<i>OP ICESCR - Article 21</i>	<i>OP CRPD - Article 9</i>
<p>Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph I, of the Covenant of the following particulars:</p> <p>(a) Signatures, ratifications and accessions under article 8;</p>	<p>The Secretary-General of the United Nations shall inform all States of:</p> <p>(a) Signatures, ratifications and accessions under the present Protocol;</p> <p>(b) The date of entry into force of the present Protocol and of any amendment under article 18;</p>	<p>The Secretary-General of the United Nations shall notify all States referred to in article 26, paragraph 1, of the Covenant of the following particulars:</p> <p>(a) Signatures, ratifications and accessions under the present Protocol;</p> <p>(b) The date of entry into force of the present Protocol and of any</p>	<p>The Secretary-General of the United Nations shall be the depositary of the present Protocol.</p>

(b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;	(c) Any denunciation under article 19.	amendment under article 19;
(c) Denunciations under article 12.		(c) Any denunciation under article 20.

Official languages

<i>OP ICCPR - Article 14</i>	<i>OP CEDAW - Article 21</i>	<i>OP ICESCR - Article 22</i>	<i>OP CRPD - Article 18</i>
1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	The Arabic, Chinese, English, French, Russian and Spanish texts of the present Protocol shall be equally authentic.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.	2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 25 of the Convention.	2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 26 of the Covenant.	

Reservations

<i>OP ICCPR</i>	<i>OP CEDAW - Article 17</i>	<i>OP ICESCR</i>	<i>OP CRPD - Article 14</i>
No provisions	No reservations to the present Protocol shall be permitted.	No provisions	1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted. 2. Reservations may be withdrawn at any time.

Provisions only occurring in one of the four Optional Protocols

Friendly settlement

OP ICESCR

Article 7

64. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of the respect for the obligations set forth in the Covenant.

65. An agreement on a friendly settlement closes consideration of the communication under the present Protocol.

Developing committees' rules of procedure

OP CEDAW

Article 14

66. The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.

Making OP available in accessible format

OP CRPD

Article 17

67. The text of the present Protocol shall be made available in accessible formats.

Inter-state communications

OP ICESCR

Article 10

68. A State Party to the present Protocol may at any time declare under the present article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant. Communications under the present article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under the present article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Protocol considers that another State Party is not fulfilling its obligations under the Covenant, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication the receiving State shall afford the State that sent the communication an explanation, or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not settled to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) Subject to the provisions of subparagraph (c) of the present paragraph the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Covenant;

(e) The Committee shall hold closed meetings when examining communications under the present article;

(f) In any matter referred to it in accordance with subparagraph (b) of the present paragraph, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b) of the present paragraph, shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, with all due expediency after the date of receipt of notice under subparagraph (b) of the present paragraph, submit a report, as follows:

(i) If a solution within the terms of subparagraph (d) of the present paragraph is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them.

In every matter, the report shall be communicated to the States Parties concerned.

69. A declaration under paragraph 1 of the present article shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communication by any State Party shall be received under the present article after the notification of withdrawal of the declaration has been

received by the Secretary-General, unless the State Party concerned has made a new declaration.

International assistance and cooperation

OP ICESCR

Article 14

70. The Committee shall transmit, as it may consider appropriate, and with the consent of the State Party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies, its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, along with the State Party's observations and suggestions, if any, on these views or recommendations.

71. The Committee may also bring to the attention of such bodies, with the consent of the State Party concerned, any matter arising out of communications considered under the present Protocol which may assist them in deciding, each within its field of competence, on the advisability of international measures likely to contribute to assisting States Parties in achieving progress in implementation of the rights recognized in the Covenant.

72. A trust fund shall be established in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, with a view to providing expert and technical assistance to States Parties, with the consent of the State Party concerned, for the enhanced implementation of the rights contained in the Covenant, thus contributing to building national capacities in the area of economic, social and cultural rights in the context of the present Protocol.

73. The provisions of the present article are without prejudice to the obligations of each State Party to fulfil its obligations under the Covenant.

The OP ICCPR includes two other articles, only relevant to the Covenant:

OP ICCPR

Article 7

74. Pending the achievement of the objectives of resolution 1514(XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

OP ICCPR

Article 10

75. The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

The OP CRDP includes one article only relevant to that Convention:

OP CRPD

Article 12

76. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and this Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and this Protocol. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

77. References to “States Parties” in the present Protocol shall apply to such organizations within the limits of their competence.

78. For the purposes of article 13, paragraph 1, and article 15, paragraph 2, any instrument deposited by a regional integration organization shall not be counted.

79. Regional integration organizations, in matters within their competence, may exercise their right to vote in the meeting of States Parties, with a number of votes equal to the number of their member States that are Parties to this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.