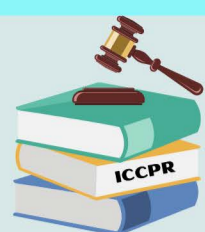




The International Covenant on Civil and Political Rights and the Human Rights Committee Mechanism

The International Covenant on Civil and Political Rights (“ICCPR”)



The ICCPR elaborates on the civil and political rights and freedoms included in the Universal Declaration of Human Rights, such as the right to life, freedom of expression, equality between men and women, minority rights, and many other rights. It was adopted in December 1966 and entered into force in March 1976. As of December 2022, 173 States have ratified the ICCPR and are bound to protect and respect the rights enshrined in it.

There are two optional protocols (“OPs”) to the ICCPR:

- The OP1 establishes an individual complaints mechanism for the ICCPR. A State Party to this protocol recognizes the competence of the HR Committee to receive and consider complaints from individuals under its jurisdiction who claim their rights under the ICCPR have been violated.
- The OP2 aims at the abolition of the death penalty. A State Party to this protocol commits to “take all necessary measures to abolish the death penalty within its jurisdiction.”

The Human Rights Committee (“HR Committee”)



Comprised of 18 independent experts, the members of the HR Committee are elected by the State parties for a four-year term and can be re-elected. The Committee meets three times in Geneva, Switzerland, and has four main functions, including monitoring and implementing the ICCPR by its State parties.



Individual communications

If States have ratified the OP1, the HR Committee can receive individual communications from any individual in the jurisdiction of those States who claims that their rights under the ICCPR have been violated.

General comments

Occasionally, the HR Committee publishes General Comments clarifying the scope and meaning of rights in the ICCPR, sometimes outlining potential violations of these rights and offering guidance to State parties to help them fulfil their obligations.



Inter-State complaints

State parties to the ICCPR may submit a communication to the HR Committee alleging that another State party is not fulfilling its obligations under the ICCPR. This is only possible if both States have expressly accepted the HR Committee’s competence. To date, this procedure has not been used.

State review procedure or state reporting procedure

All State parties to the ICCPR are subject to regular review by the HR Committee, requiring them to report on how the ICCPR is implemented in the country. An initial review must take place one year after the treaty has entered into force for the State Party, and after that, these are conducted periodically. In 2019, the HR Committee announced the “predictable review cycle” starting in 2020, in which each State party will be reviewed every eight years (instead of approximately every five years). Based on the reporting submitted by the parties, the Committee reviews the civil and political rights situation and makes recommendations on the actions to be taken by the State concerned to improve that situation.



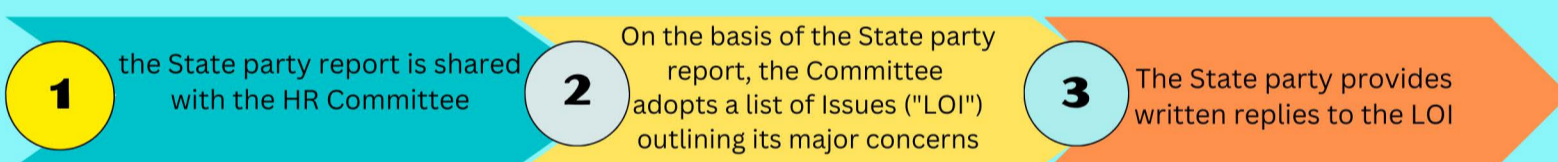
To assess the ICCPR’s implementation in the country, the HR Committee can also consider reports submitted by stakeholders, such as civil society organizations (“CSOs”), other UN bodies, or national human rights institutions.

The review process during the State reporting procedure takes place in three phases.

Phase One: Preparatory phase during which information is compiled and shared with the HR Committee

This phase may vary depending on whether the State party under review follows the former standard or the simplified procedure. The latter – meant to reduce the reporting burden of States parties – is applied to all States parties except those that have informed the HR Committee before 31 December 2019 that they wish to maintain the former standard procedure.

Under the **standard procedure**, three principal documents are exchanged between States parties and the HR Committee before the interactive dialogue (Phase Two) takes place:



Under the **simplified procedure**, only two documents are exchanged between the State parties and the HR Committee before the interactive dialogue (Phase Two) takes place:



To ensure an interactive dialogue in Phase Two, CSOs are encouraged to provide information and engage with the HR Committee during Phase One. CSOs can submit written reports for the Committee to consider in drafting the LOI or LOIPR. Once the LOI / LOIPR is adopted, CSOs can provide alternative reports or comments on State parties’ reports and their written replies to the LOI or LOIPR.

CSOs can report on the general situation of civil and political rights in the country or focus on specific provisions of the ICCPR or thematic issues. Providing information about implementing recommendations issued after previous review(s) and/or on matters that have emerged since the last review is critical.

Phase Two: Interactive dialogue between the HR Committee and representatives of States parties and issuing of recommendations

A six-hour public and interactive dialogue between the HR Committee and the State representatives takes place in Geneva based on information provided by the State and other stakeholders. Representatives from civil society can attend and observe the interactive dialogue as guests.

Subsequently, the HR Committee drafts and adopts its concluding observations, containing a series of recommendations on improving the ICCPR implementation in the country under review and advising its wide dissemination in the State concerned. They also indicate when the State party’s following periodic report is due.

Throughout Phase two, CSOs can also engage with the Committee by joining informal and formal briefings immediately before the review. Such briefings take place behind closed doors and do not include State representatives. The formal briefings, organized by the Committee, allow CSOs to present short oral statements on concerning issues and give updates on the human rights situation in the concerned country. On the other hand, in the informal briefings organized by the CCPR Centre, CSOs can directly engage with the Committee and answer their questions.

Phase Three: Implementation and follow-up

States parties must implement the HR Committee’s recommendations, preferably before the following review.

While all recommendations should be implemented, the HR Committee can identify three specific recommendations that require immediate attention and can be implemented within three years of their adoption. The State party must report back to the HR Committee within three years of the concluding observations being issued and explain what actions it has taken to implement these specific recommendations. The HR Committee will assess the follow-up report, grade the action the State has taken and decide on follow-up measures.

During Phase three, CSOs also have an opportunity to engage with the HR Committee by providing written information about the measures taken by the State party to implement the concluding observations selected for the follow-up procedure, raising awareness about the recommendations received among relevant national stakeholders, organize events and meetings to discuss and monitor the actions plans to implement the aforesaid recommendations, undertake targeted follow-up measures such as advocacy efforts, and share them with the general public by translating, summarizing or presenting them in simplified formats (visuals, infographics, briefing paper, etc.)

