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<td>Amnesty International</td>
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<tr>
<td>CAT</td>
<td>Committee against Torture</td>
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<td>CCPR-Centre</td>
<td>Centre for Civil and Political Rights</td>
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<td>CED</td>
<td>Committee on Enforced Disappearances</td>
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<td>CEDAW</td>
<td>Committee on the Elimination of Discrimination Against Women</td>
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<td>CELS</td>
<td>Center for Legal and Social Studies</td>
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<td>CERD</td>
<td>Committee on the Elimination of Racial Discrimination</td>
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<td>CESCR</td>
<td>Committee on Economic, Social and Cultural Rights</td>
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<td>CESR</td>
<td>Center for Economic and Social Rights</td>
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<td>Chapter</td>
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<td>CLADEM</td>
<td>Latin-American and Caribbean Committee for the Defense of Women’s Rights</td>
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<td>CMW</td>
<td>Committee on Migrant Workers</td>
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<td>CRC</td>
<td>Committee on the Rights of the Child</td>
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<td>CRIN</td>
<td>Child Rights International Network</td>
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<td>CRPD</td>
<td>Committee on the Rights of Persons with Disabilities</td>
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<td>DOI</td>
<td>Dullah Omar Institute</td>
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<td>e.g.</td>
<td>exempli gratia (for example)</td>
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<td>ECHR</td>
<td>European Court of Human Rights</td>
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<td>ESCR-Net</td>
<td>International Network for Economic, Social and Cultural Rights</td>
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<td>GI-ESCR</td>
<td>Global Initiative for Economic, Social and Cultural Rights</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>HCHR</td>
<td>High Commissioner for Human Rights</td>
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<td>HPOD</td>
<td>Harvard Law School Project on Disability</td>
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<td>HRCttee</td>
<td>Human Rights Committee</td>
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<tr>
<td>i.e.</td>
<td><em>id est</em> (that is)</td>
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<tr>
<td>IACrtHR</td>
<td>Inter-American Court of Human Rights</td>
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<tr>
<td>IC / Complaint / Submission / Petition</td>
<td>Individual Communication presented before a UNTB</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICJ</td>
<td>International Commission of Jurists</td>
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<tr>
<td>IDA</td>
<td>International Disability Alliance</td>
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<td>ILGA-World</td>
<td>International Lesbian, Gay, Bisexual, Trans and Intersex Association</td>
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<tr>
<td>IMADR</td>
<td>International Movement Against All Forms of Discrimination and Racism</td>
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<td>ISHR</td>
<td>International Service for Human Rights</td>
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<td>IWRAW-AP</td>
<td>International Women’s Rights Action Watch Asia Pacific</td>
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<td>NGO</td>
<td>Non-governmental organisation</td>
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<td>NHRI</td>
<td>National Human Rights Institution</td>
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<td>No.</td>
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<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>OMCT</td>
<td>World Organisation Against Torture</td>
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<td>OSJI</td>
<td>Open Society Justice Initiative</td>
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<td>Paragraph</td>
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<td>PUAS</td>
<td>Petitions and Urgent Actions Section</td>
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<td>ROP</td>
<td>Rules of Procedure</td>
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<td>SERI</td>
<td>Social Rights Institute of South Africa</td>
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<td>SR</td>
<td>Special Rapporteur</td>
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<tr>
<td>Acronym</td>
<td>Definition</td>
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<tr>
<td>TB-Net</td>
<td>Network of NGOs that work in regular partnership with UNTBs.</td>
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<td>TP</td>
<td>Third Party</td>
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<td>TPI</td>
<td>Third Party Intervention</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNGA</td>
<td>United Nations General Assembly</td>
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<td>UNTB</td>
<td>United Nations Treaty Body</td>
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<tr>
<td>v</td>
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<td>WG</td>
<td>Working Group</td>
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FOREWORD

All UN human rights treaty bodies (UNTBs) that can receive individual communications have considered third party interventions (TPIs), except for the Committee on Enforced Disappearances. However, the specific rules and procedures on TPIs vary from one treaty body to the next, as does the availability of relevant information for advocates. This presents obstacles to effective engagement.

This practical guide aims to address obstacles to engagement by providing practical tools and tips on the effective use of TPIs with UNTBs. TPIs can have a significant impact on cases where they are accepted, resulting in favourable outcomes for victims and advancing relevant jurisprudence. Current and former UNTB members have acknowledged the extent to which TPIs can be helpful, particularly on subjects where limited jurisprudence exists, and for legal matters that could benefit from additional context, research and analysis.

Despite an increase in communications to UNTBs in recent years and a growing interest from NGOs in submitting TPIs, few have been submitted to UNTBs so far and they are not all publicly available. This lack of engagement is partly due to the lack of publicly accessible information on how, why, and when to submit TPIs to UNTBs.

The TPI procedure continues to be geographically and thematically limited, with most interventions submitted on asylum related communications in the Global North. The majority of those who submit TPIs are lawyers or NGOs from the Global North or former UNTB Members or Special Procedure mandate holders. This guide seeks to demystify and democratise the TPI procedure, thus widening the circle of those who have access to it.
CHAPTER I: INDIVIDUAL COMMUNICATIONS TO UN TREATY BODIES

An individual communication (IC), also known as a complaint or petition, is a submission by or on behalf of an individual (or, in some cases, a group) alleging that their rights under one of the treaties have been violated by a State party to a specific Convention. Eight UNTBs have the ability to consider individual communications: CERD, HRCttee, CESC, CEDAW, CAT, CRC, CRPD and the CED. The CMW’s complaints mechanism has not yet entered into force.¹

1.1. Brief overview of the procedure

All UNTBs have a list of formal guidelines to follow when submitting complaints. In general, complaints should be submitted in written form and in one of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. The form and contents that the complaint should have can be found on the website of each specific UNTB or on the webpage of the OHCHR.²

The complaint is submitted to the petitions unit of the OHCHR, which conducts an initial review of the document(s), verifying that it contains all required information and complies with formal requirements (e.g. not being anonymous, frivolous or manifestly ill founded). If deemed compliant with these requirements, and if the petitioner hasn’t submitted a summary of the IC,³ the unit prepares a summary of the case and shares it with the Special Rapporteur (SR) on new communications, a position in all UNTBs held by one of their members. The SR then decides if the communication can be registered. If it is registered, a case number (e.g. “67/2015”) is assigned.⁴

Once a complaint has been registered, the Committee considers it in two stages: admissibility and merits. These stages are usually carried out simultaneously, unless Committees, ex officio or by request of the State, decide to carry them out separately. Following registration, the Committees share the IC with the State party and give it a set timeframe (usually 6 months) to give its comments on admissibility. The complainant may also be asked to provide further information on admissibility.

While Committees’ rules for determining the admissibility of a communication vary slightly between them,⁵ there are some major requirements shared by all:⁶

I. Competence: The relevant State must be a party to the relevant treaty and have recognised the competence of the UNTB. This is done through a declaration to this

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³ OHCHR ‘What information do you need to provide in your complaint?’ (OHCHR, 2021) <www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#whatinfo>
⁵ For example, some Committees require that complaints be submitted within specific time periods from the time domestic remedies were exhausted : HRCttee (5 years), CESC and CRC (1 year), CERD (6 months).
effect (CAT, CERD and CED) or through ratification of the relevant Optional Protocol (CCPR, CEDAW, CRPD, CESC, and CRC).

II. Exhaustion of domestic remedies: The State must have an opportunity to remedy the alleged violation through the national system before being subject to an international procedure. The complainant therefore must exhaust all available domestic remedies unless an exception applies.\(^7\)

III. Lack of litispendence: There should not be an essentially identical complaint being submitted or considered by another international body.\(^8\)

IV. Ratione personae: The right to be heard in proceedings. The general rule is that only a direct victim (even if not the sole victim)\(^9\) or a person on behalf of the victim can file a complaint before a UNTB. Some Committees allow communications from groups as well as individuals.\(^10\)

V. Ratione materiae: The subject of the complaint must fall within the rights and obligations binding to the State under the relevant treaty.

VI. Ratione temporis: The violation must have occurred (or its effects continued) after the entry into force of the complaint mechanism.

VII. Ratione loci: The violation must have occurred under the jurisdiction of the State Party or in a territory under its effective control.

If the complaint is deemed inadmissible, the procedure ends. If the complaint is deemed admissible, then the Committee will consider it on the merits. This means examining whether the facts, evidence and legal arguments presented before it actually show that there was a violation of the relevant treaty.

The State is again given an opportunity to comment on the merits, usually within 6 months. The complainant will also have an opportunity to comment on the State’s arguments. The Committee can consider a broad range of documentation and evidence to determine if there was a violation, including reports from human rights organisations, testimonies and amicus briefs. If the Committee finds that there was a violation, it will then share its findings with the parties and make recommendations to the State Party.\(^11\)

The legal nature of UNTB decisions is the subject of much debate, with some State parties considering them as purely recommendatory.\(^12\) This has led to a low level of implementation, with only 24% of the decisions actually being complied with.\(^13\)


\(^8\) See: CESCR ‘Imelda Merino Sierra and Juan Luis Merino Sierra v Spain’ (24 November 2016) E/C.12/59/D/4/2014 para 6.4: Complaints will be identical if they have “been examined by another procedure of international investigation or settlement if the examination by that procedure: (i) related to the same matter, i.e., related to the same parties, the same events and the same substantive rights; and (ii) went beyond the examination of the purely formal criteria of admissibility and involved a sufficient consideration of the merits”.

\(^9\) HRCttee ‘Rabbae, ABS and NA v The Netherlands’ (14 July 2016) CCPR/C/117/D/2124/2011 para 9.6


\(^13\) Kate Fox Principi ‘Sabbatical leave report - Implementation of decisions under treaty body complaints procedures – Do states comply? How do they do it?’ (UN OHCHR) 9
As a way to increase implementation, UNTBs have adopted a “follow up procedure” where they follow up with States and other stakeholders to verify if their recommendations are actually being implemented. Each treaty body has a SR or Working Group (WG) in charge of follow up, which tries to promote compliance mostly through communication with the State party.\textsuperscript{14}

\textsuperscript{14} ISHR, ‘A simple guide to the UN Treaty Bodies’ (ISHR, 2015)
CHAPTER II: THIRD-PARTY INTERVENTIONS

2.1. **What is a third-party intervention?**

A third-party intervention (TPI), also known as *amicus curiae*, is an independent submission to an individual communication procedure by someone who is not a party to the proceedings. The core function of a TPI is to provide a legal opinion that may help the UNTB when deciding on the case. Usually it clarifies or expands an argument or a legal reasoning either on procedural aspects (such as admissibility of the communication) or on the merits of the case.

The intervention from third parties can come from their own initiatives (e.g. when they wish to promote a specific outcome on a relevant case) or from the request of others. TPIs can be requested by one of the parties to the procedure (e.g. an author who would like support regarding a specific argument), or by the UNTB (e.g. a Committee who requires additional expertise to deal with a complicated topic). There are no restrictions as to who can be considered a third-party, so anyone can do it, including NHRIs;¹⁵ some Committees have even accepted TPIs from other States.¹⁶

Third parties are not considered parties to the communication, which means that they do not enjoy the same rights as the complainant or respondent. For example, a TP cannot respond to the arguments presented by the State party nor add facts to the complaint.

The procedure for submitting a TPI can differ radically from one institution to another. An overview of best practices can be found in Section 3.3, while a detailed guide on how to submit a TPI to each UNTB can be located in Annex A.

2.2. **Why submit a third-party intervention?**

Among other things, TPIs are valuable for the following reasons: (I) they can improve the quality of legal reasoning, (II) they facilitate engagement with the UNTBs and contribute to the diversity of inputs (III) they can support parties with limited resources.

2.2.1. Improving the quality of legal reasoning

Members of the UNTBs have recognised the importance of TPIs as a source to obtain information that would not have been available otherwise. Particularly in relatively new cases where there is scant jurisprudence or where Committee members have little knowledge of the topics at hand, TPIs can help reach a well-substantiated decision. Similarly, in cases where the general context surrounding a possible human rights violation is not widely known, TPIs can shed light on structural issues and avoid them going unnoticed.

Most TPIs are submitted by specialist organisations or authors with expertise on the subject matter. Their contributions can include statistics and other factual information that would otherwise not be made available to the adjudicating body. As such, TPIs provide an additional quality to the reasoning of the decision. Overall, this advances international law and can promote its coherence.

¹⁶ ISHR ‘2. Treaty Bodies: Going Deeper. 2.3 - Third-party interventions (individual communications). What are they?’ (ISHR Academy, 2021) [https://academy.ishr.ch/learn/treaty-bodies/third-party-interventions-individual-communications](https://academy.ishr.ch/learn/treaty-bodies/third-party-interventions-individual-communications)
2.2.2. Facilitating access to UNTBs and contribute to the diversity of inputs

The process of preparing and submitting ICs can be time and resource consuming, as well as intimidatingly complex to individuals who are not familiar with the UN system. TPIs can be simpler and straightforward. TPIs usually have to be relatively short (as some UNTBs set content limits), there are not as many requirements as those required for submitting an IC, and engagement with the Committee is considerably less frequent than that of parties to the communication, with one or two interventions at most.

In this regard, TPIs can allow a diverse range of intervenors to participate in cases related to their interests or mandates and promote the development of international human rights law and jurisprudence. For example, a small NGO focused on migration issues may not have the capacity to investigate and prepare an IC on human rights abuses committed against migrants globally, but it may be able to submit a TPI discussing the situation of migrants in the corresponding country.

This accessibility can bring to the table viewpoints that otherwise would not have been considered, which is all the more relevant considering the global reach of UNTB jurisprudence. For example, TPIs often give a perspective on the approaches taken in jurisdictions different from that of the Respondent State, which improves the coherence of international law.

2.2.3. Supporting parties with limited resources

There are inherent power imbalances between victims of human rights violations and States responsible for the violations. States have considerably more resources and connections to prepare a strong argument. On the other hand, victims may have no representation or be represented by pro bono lawyers or NGOs, who may also be lacking in resources or time.

In this regard, TPIs can provide victims and their representatives with a helpful hand in the submission of arguments to convince the Committee. In other words, TPIs can help redress the imbalance of power between the alleged victim and the State party.

2.3. Examples of third-party interventions making a difference

This section provides a brief overview of several TPIs that were particularly successful in influencing the final decision. It includes decisions from UNTBs as well as national and international courts. A list of UNTBs’ cases with TPIs available online can be found in Annex B.

2.3.1. UN Treaty Bodies

2.3.1.1. CRPD - Bujdosó et. al. v. Hungary

Complaint: The complainants argued that their disenfranchisement on the basis of guardianship, without an individualised judicial evaluation of their ability to vote, was discriminatory and violated their political rights.

Third-party intervention: The Harvard Law School Project on Disability (HPOD) went beyond what was requested by the complainants, asking the CRPD to rule that the mere act of

17 See, for example, limits set by the HRCttee (5,350 words), CRC (10 pages) or CEDAW (7,000 words). For a full list of requirements set by UNTBs, see Annex A.
subjecting persons with disabilities to individualized assessments of their voting capacity was in itself contrary to the Convention. 18

**Decision:** The Committee followed the TPI argument and indicated that preventing people with intellectual disabilities from voting, even pursuant to an individualized assessment, was discriminatory on the basis of disability. 19

**Impact:** The intervention by the third party (HPOD) clearly demonstrates the value that third-party interventions can have both for specific cases and for the advancement of human rights law in general. The arguments of the HPOD went beyond those of the complainants, and yet, the CRPD was convinced. It is possible that, were it not for the TPI, the CRPD would not have reached such a progressive resolution, which not only benefited the complainants but also other persons with disabilities in Hungary.

There are some procedural aspects that are also important to note about this case. The intervention by the HPOD was the first ever TPI before the CRPD. This shows that a lack of TPIs before a specific UNTB does not necessarily signal a negative attitude of the UNTB towards TPIs, but rather that there merely has been a lack of participation from third parties.

2.3.1.2. **HRCttee - Nell Toussaint v. Canada**

**Complaint:** The applicant argued that Canada’s refusal to provide lifesaving healthcare due to her immigration status violated her rights to non-discrimination, to life, to not be subjected to torture and cruel, degrading and inhuman treatment, and to liberty and security. 20

**Third party interventions:** The International Network for Economic, Social and Cultural Rights (ESCR-Net) submitted that Canada’s refusal to provide healthcare because of migration status was discriminatory. They also submitted that the HRCttee should not interpret the right to life as excluding, in specific cases, the positive obligation to provide healthcare, given the interdependence and indivisibility of civil and political rights with economic, social and cultural rights. 21

**Decision:** The Committee concluded that the right to life could not be narrowly interpreted to exclude the positive obligation of States to ensure that everyone has access to health care necessary to prevent reasonably foreseeable risks to their life. It found a violation to the rights to non-discrimination and to life. 22

**Impact:** This was the first case in which a UNTB considered the complaint of an irregular migrant who was denied access to life-saving health care. The case was particularly complex, given that it was not entirely clear if it was actually related to the right to life (and therefore admissible under the ICCPR) or to the right to health (and therefore inadmissible rationale

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materiae). By admitting the case, the HRCttee had to have strong arguments to justify how access to healthcare can be regarded as inherent to the right to life.

The third party intervenors helped the Committee reach this conclusion by providing ample jurisprudence and legal precedents that supported its reasoning. Speaking to ISHR about the case, a HRCttee expert mentioned that it was particularly difficult, given that the topics of social security and health are not traditionally in the field of the HRCttee. She considered the TPI to be very useful as it provided comparative jurisprudence and information about the domestic situation in Canada, which helped to properly substantiate a pioneering decision.

2.3.1.3. CRC - L.H. and others v. France

**Facts:** The complainants sought repatriation to France of their French grandchildren detained in Kurdish camps in Syria. They argued that France exerted jurisdiction over the French children and that, by its inaction, it was violating its obligations towards the children under the CRC.

**Third Party Intervention:** Two interventions were submitted at the Committee’s invitation by the Consortium on Extraterritorial Obligations and by other academics. The intervenors argued that there were grounds for an extraterritorial application of the Convention on the Rights of the Child.\(^{23}\)

**Decision:** The CRC noted that the State party was informed of the situation of extreme vulnerability of the children, and therefore did exercise jurisdiction over them. The Committee declared the communications admissible.\(^{24}\)

**Impact:** This case is a clear example of how Committees sometimes need TPIs. This was a particularly complex case for the CRC, given that it had to rule on the unexplored question of extraterritorial applicability of the Convention on the Rights of the Child. The CRC could not easily turn to its jurisprudence for answers, so it requested the support of experts in the subject of extraterritorial obligations. The ground-breaking decision to declare the case admissible may be controversial, but, thanks to the TPIs, is duly motivated and justified.\(^{25}\)

2.3.1.4. CEDAW - Ángela González Carreño v. Spain

**Complaint:** The complainant alleged a violation of the right to non-discrimination in multiple areas, including due to a failure to ensure marital equality. According to the complainant, the State failed to act with due diligence to protect her and her daughter from their aggressor, a negligent attitude which culminated in her daughter’s murder.

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Third-party interventions: Several TPIs were submitted, dealing with a range of topics including: gender-based violence, gender stereotyping, transformative equality, the due diligence principle in relation to gender-based violence in the Inter-American System, and the jurisprudence of the European Court of Human Rights (ECHR) on the obligation to exercise due diligence to protect individuals from domestic violence.

Decision: The Committee concluded that there was a violation of the Convention, given that the authorities applied stereotypical notions (including regarding what constitutes domestic violence) when deciding about a visiting scheme. This resulted in the discriminatory decision to allow unsupervised visits without the necessary safeguards and without taking into account the previous pattern of domestic violence.

Impact: Although not expressly mentioned in the Committee’s decision, the arguments of some of the third parties appear to have been taken into account. The Committee’s view and its recommendations are in line with the arguments made by the third parties. This can be seen in the Committee’s recognition that gender stereotyping is a root cause of gender-based violence which undermines women’s access to justice, and in the recommendation that States need to establish effective systems and take operational measures to prevent domestic violence and protect individuals from it.

This case shows how third party interventions can be relevant even if they are not explicitly mentioned in the decision. The topic analysed by the Committee was complex, and the TPIs provided useful guidance which led to an adoption of a view which addresses grass-roots problems and is duly motivated.

2.3.1.5. CEDAW - Alyne da Silva Pimentel Teixeira v. Brazil

Complaint: The complainant, who is the deceased’s mother, claimed that Brazil’s failure to ensure appropriate medical treatment in connection with her daughter’s pregnancy and subsequent failure to provide timely emergency obstetric care, constituted a violation of the rights to non-discrimination, and the duty to take positive measures to eliminate discrimination against women in healthcare.

Third party interventions: The Committee received various amicus briefs which provided information on the situation of maternal mortality in Brazil\(^{32}\) and on the international obligations related to the provision of appropriate maternal health care.\(^{33}\)

Decision: In failing to ensure the victim’s access to timely and appropriate maternal health services, Brazil had discriminated against her on multiple grounds, including on the basis of her sex, her status as a woman of African descent and on the basis of her socio-economic background.\(^{34}\)

Impact: The TPIs were crucial in this case as they provided the underlying contextual information about inequalities in Brazilian healthcare, which helped the CEDAW understand the structural inequalities that affected the victim.

2.3.2. Other courts

Inter-American Court of Human Rights (IACrtHR) – Guzmán Albarracín et al. v. Ecuador: In a case concerning the sexual abuse at a public school of a minor, TPIs were submitted highlighting the systemic nature of sexual violence and abuse within Ecuador’s education system.

The Court explicitly referenced several TPIs, noting for instance that it shared “[...]the view expressed by the Committee of Experts of MESECVI, in its amicus curiae brief, that those working in the area of education have the [unavoidable] obligation to safeguard the personal integrity of the students and avoid, at all costs, situations that may create improper advantages or benefits [...] Ecuador’s domestic laws also recognize the right of students to be protected against all forms of violence in educational institutions. As indicated by SURKUNA in its amicus curiae brief, this is stipulated in the Organic Law on Intercultural Education, of 2011”.\(^{35}\)

Supreme Court of Justice of the Nation of Mexico - Amparo 1077/2019: The applicants in this case challenged Mexico’s persistent failure to comply with hundreds of Urgent Actions issued by CEDAW which the government did not regard as binding. The Court, relying on several TPIs submitted by civil society organisations and public institutions, held that it had “no doubts” abut the mandatory nature of the Urgent Actions.\(^{36}\)

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\(^{35}\) Inter-American Court of Human Rights (IACrtHR) ‘Guzmán Albarracín et al. v. Ecuador’ (June 24, 2020) Series C No. 405, 39, fn 126.

\(^{36}\) Amparo en Revisión 1077/2019 (2021) First Chamber of the Supreme Court of Justice of the Nation of Mexico, para 102 fn 77, para 119 fn 85, para 122 fn 89, para 133
CHAPTER III: IDENTIFYING AND CAPITALISING ON OPPORTUNITIES TO SUBMIT THIRD-PARTY INTERVENTIONS

Identifying opportunities for submitting TPIs is a relatively simple and straightforward process, you only need the following: a case has been submitted to a UNTB, it is still in a phase where amici may be received, and you have information that may be of use for the UNTB when deciding upon admissibility or merits.

In practice, however, the process of identifying cases that could benefit from a TPI is not that simple. Not all UNTBs have public records of the cases before them pending consideration, while the ones who do may publish outdated data. This excludes potential interveners who do not have personal knowledge of a case from being aware of cases in which they could provide useful information. This lack of information also makes it difficult to determine which cases relate to legal issues for which the Committees may have limited jurisprudence, and that would therefore benefit most from TPIs.

This section provides a few tips to help you to identify situations where your intervention as a third-party may be useful.
MOMENTS IN THE COMPLAINTS PROCEDURE WHEN YOU CAN INTERVENE AS A THIRD PARTY

1. The complaint is submitted and registered

- The UNTB decides to examine admissibility and merits separately
  - The UNTB examines the admissibility of the complaint
    - You can submit a TPI on admissibility
      - The UNTB examines the merits of the complaint
        - You can submit a TPI on the merits
          - The UNTB reaches a decision on the merits and publishes it
            - The UNTB follows up on the implementation of the decision
              - You can submit a TPI on the phase of follow up to views

- The UNTB decides to examine both admissibility and merits jointly
  - You can submit a TPI on admissibility and/or the merits
3.2. Finding cases pending resolution

One of the main (and perhaps unexpected) challenges of submitting TPIs to UNTBs is finding an opportunity to do so. While this will not be an issue if you have personal knowledge of a communication being submitted, that will not always be the case.

If you are not familiar with the topic, the parties, or other relevant details of communications being submitted, it becomes highly difficult to find an opportunity for submitting TPI. This effectively excludes valuable inputs from third parties that have relevant experience and knowledge on the matter.

If succinct, relevant, non-confidential information about communications being considered is made public, interested parties can learn about cases where they may be able to provide valuable input. Parties will likely seek to intervene when they intend for the Committee’s resolution to progress, or, at the very least not regress, interpretation of international human rights standards.

Some Committees have adopted this practice, providing tables of cases pending resolution that contain the following information: number of the communication (e.g. 2900/2017), State party concerned, articles involved, and subject matter.

At the time of publication, here is how you can find the information on pending cases before the respective Committees:

- **HRCttee**: On the Committee’s website, on the left column under “Complaints Procedure”, there are hyperlinked documents titled “Table of registered cases” which enlist the cases registered in the corresponding year.
- **CESCR**: On the Committee’s website, on the left column under “Complaints and inquiry procedures” there is a link titled “Table of pending cases”.
- **CRC**: On the Committee’s website, on the left column under “Complaints Procedure” there is a link titled “Table of pending cases”.

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37. OHCHR ‘Introduction. Human Rights Committee’ (2021) [https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRindex.aspx]
38. Currently, there are no tables for the years 2020 or 2021. You can access a PDF version of the three most recent tables at the following links:
   - 2017: [https://drive.google.com/file/d/19LD8HxeG8sy1cZG6gF_MZ6wQxzi1U/gW/view?usp=sharing];
   - 2018: [https://drive.google.com/file/d/1iSto1mk2NbGTbOkpwXlY6b5e6bMiV3lW/view?usp=sharing];
   - 2019: [https://drive.google.com/file/d/1tozHksK1UEgOmcWJE9HVoNQoOKxdNpir/view?usp=sharing];
40. CESCR ‘Table of pending cases before the Committee On Economic, Social And Cultural Rights, considered under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-CESCR)’ (2021) [www.ohchr.org/EN/HRBodies/CESCR/Pages/PendingCases.aspx]
42. CRC ‘Table of pending cases before the Committee on the Rights of the Child’ (15 March 2021) [www.ohchr.org/Documents/HRBodies/CRC/TablePendingCases.pdf]
• **CEDAW:** On the Committee’s website, on the left column under “Complaints Procedure” there is a link titled “Table of pending cases”.

• **CRPD:** On the Committee’s website, on the left column under “Complaints Procedure” there is a link titled “Table of pending cases”.

At the time of writing, neither the CAT, CED nor the CERD had published information about pending cases, meaning that there is no easy way for a third party to determine when to intervene.

Sometimes, cases presented before UNTBs are part of strategic litigation campaigns, which aim to go beyond achieving justice for the specific claimants and bring about systemic changes. This is achieved by setting new precedents and publicly exposing injustice. As such, cases presented to UNTBs are sometimes made public by the Applicants, as a way to raise awareness of their cause. You can be on the lookout for such publications as a way of finding pending cases where you may be able to submit a TPI.

Regrettably, there is no single, simple formula for finding these publications. Some possibilities are:

• Following the social media of organisations that have a history of litigation before UNTBs that you are interested in. For example, TRIAL International has a history of litigating before the CAT, and IDHEAS has litigated several cases before the CED (see Additional resources in Annex C for a more comprehensive list).

• Looking for websites that regularly publish information on developments at the international level on the topics you are interested in. For example:
  - Those belonging to members of the TB-Net coalition.
  - Opinio Juris.
  - EJIL: Talk!

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44 CEDAW ‘Status of pending cases under the Optional Protocol to CEDAW’ (27 October 2020) <www.ohchr.org/Documents/HRBodies/CEDAW/PendingCases.docx> Note that clicking on the hyperlink will start the download of a Word (.docx) document.


46 CRPD ‘Table of pending cases before the Committee on the Rights of Persons with Disabilities (CRPD)’ <www.ohchr.org/Documents/HRBodies/CRPD/Tablependingcases.pdf>


48 ‘Strategic Litigation’ (TRIAL International) <https://trialinternational.org/topics/post/strategic-litigation/>


50 ‘OpinioJuris’ (2021) <http://opiniojuris.org/>

On the right column of their websites, all UNTBs have a section titled “External Links”, which contains hyperlinks to non-UN websites that relate to the mandate of the Committee. You can visit these sites to see if there are any publications related to cases presented to UNTBs. For example:

- International Federation for Human Rights (FIDH).
- ESCR-Net.
- International Institute on Race, Equality, and Human Rights.

Alternatively, you could reach out to the OHCHR and ask for information on pending cases before any of the Committees.

### 3.3. Checklist of elements to take into account when preparing a TPI

Successful TPI submissions vary greatly in topic, scope and format, as they pertain to different cases and supervising bodies. Impactful submissions (namely, those that influence the Committees’ decisions) share some common features that can provide guidance when preparing a TPI.

1. **Before drafting the TPI:**
   a. Have a strategy! Your TPI is meant to contribute to a set of determined goals and should be part of a broader strategy as part of which you may wish to consider how you will communicate about the process and its outcome.
   b. Your intervention should be legally sound and well argued, so it is recommended that you obtain legal expertise when drafting your submission. Various organisations compile lists of pro bono associates who may be able to help.
   c. It can help to have TPIs submitted by recognised experts in their field, especially current or former members of UN Treaty Bodies or Special Procedures.
   d. Usually, it is required that you obtain the consent of one of the parties to the communication if your TPI is in support of their position. Even if this is not a requirement, it is advisable that you maintain regular contact with said party, as it will be in the best position to indicate what type of support is needed.

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54 ‘Women’s Link Worldwide’ (2021) <www.womenslinkworldwide.org/en>
‘Our supporters’ (Pro Bono Net, 2021) <www.probono.net/about/supporters/#lawfirms>
2. **Introduction of the intervening organisations and the submission**: include a brief introduction, trying to answer the question: why should the Committee take your intervention into account? This should include:
   a. Contact information and overview of the relevant experience and knowledge of the interveners.
   b. The object and purpose of the intervention.
   c. An explanation of how the intervention will be useful to the Committee or why it is desirable.

3. **Table of contents**: depending on the length of the intervention, this may be useful to help guide the readers.

4. **Executive summary**: TPI submissions often contain complicated analysis. Therefore, an executive summary of the key issues, arguments to be presented and conclusions to be reached can be helpful.

5. **Substantive argumentation**: Avoid repeating the facts, arguments and jurisprudence already developed in the communication itself: focus on distinct elements where you can add value. Remember that your intervention should be composed exclusively of legal arguments or contextual information, as no arguments that challenge the facts or allegations of the parties will be considered. You should take into account:
   a. **Structure**: while the structure will vary depending on your argument and style of writing, it should be consistent throughout the entire document. You could divide your intervention on the international standards that you deem applicable and explain each of them and how they apply to the present case or divide it by the issues of the case that you wish to address, and which standards apply for each issue.
   b. **Format**: you should use a professional writing style, avoiding offensive language. Concise and succinct argumentation is essential, particularly if the Committee sets a word or page limit. Even if such limit is not set, interventions should avoid exceeding 15 pages.

6. **Legal sources**:
   a. The treaty whose compliance the Committee supervises
   b. Customary international law and other sources of international law
   c. International law principles
   d. Jurisprudence and doctrine, in the following order:
      i. Jurisprudence and doctrine produced by the Committee that is reviewing the case (resolutions on individual communications, Concluding Observations, General Comments, statements)
      ii. Jurisprudence and doctrine produced by other UNTBs.
      iii. Jurisprudence and doctrine produced by other judicial or quasi-judicial human rights bodies or experts (regional human rights courts, UN mechanisms, experts and Special Procedures, other international courts and mechanisms).
iv. Jurisprudence produced by high national courts and other writings of the most highly qualified publicists.

7. **Conclusion**: provide a short conclusion summarising the main points of your arguments and what measures you invite the Committee to take with respect to the communication.

8. **Date, name and signature of all authors**

9. **Annexes**: while it is ideal that sources to your arguments are provided via footnotes and links, you may add documents or media that are not available online to annexes. Consider that this may also be counted towards the page limit for your intervention.

3.4. **Engaging with Committee Rapporteurs and Secretariats**

As a rule, it is advisable for petitioners and authors of ICs and TPIs to engage with UNTB Secretariats and/or UNTB experts before and after submission. Given the limited information available online regarding the rules and requirement for the presentation of TPIs to UNTBs, it is difficult to avoid a direct contact with the Secretariat or Committee members to flag ideas of potential interest.

Contact details of Secretariats are available online, but it can be difficult to identify Committee Rapporteurs on ICs. International NGOs, such as members of TB-Net, may be able to help in that regard. It can also be helpful for purposes of lessons learned and advocacy strategies to discuss with Committee Rapporteurs once a decision has been adopted to gauge the extent to which the TPI was relevant, if at all, during the review process.

Reaching out to the Committee Rapporteurs on ICs, i.e. the recipients of your TPI, may be useful so the Rapporteurs can have a direct line of contact with you in case any technical questions, or need for clarification may arise. Of course, petitioners should refrain from seeking to influence the decision-making process. Rapporteurs on ICs do not engage in discussions that could be construed as a conflict of interest.

Finally, you should reach out after submission to make sure it has been well received, at which point you may also wish to ask for a tentative timeline for review - noting that such processes may take years.
ENGAGING WITH COMMITTEE STAFF (SECRETARIAT AND RAPPORTEURS)

Even before a complaint is submitted, you can engage by discussing its contents and whether TPIs would be useful.

The authors submit the complaint.

The complaint is registered.

Ask about the need for a TPI / whether there are uncharted topics that would warrant one.

Your request for intervention is accepted.

You request authorisation to intervene as a third party.

Your request for intervention is rejected.

Your TPI is rejected.

You submit your TPI.

Your TPI is accepted.

You can request an explanation regarding what motivated the rejection.

The UNTB reaches a decision.

Solicit confirmation of reception and provide contact details, in case questions arise.

Follow up to inquire about the decision-making process, usefulness of the TPI, and lessons to be drawn.
3.5. **Hearings of the parties**

While fairly uncommon, some UNTBs (namely, the HRCttee, the CRC, and the CAT) have held oral hearings when reviewing individual communications. The HRCttee is the only Committee with a dedicated policy on oral hearing of parties, but it makes no reference to allowing for oral interventions of third parties.\(^9\) Regarding the CRC, the OHCHR notes:

> "The Committee may decide to invite the complainant and/or alleged victim as well as representatives of the State party concerned in order to provide, in person or by way of video or teleconference, further clarifications or to answer questions on the merits of the case, provided that the Committee deems it to be in the best interests of the child. Any hearing shall be conducted in a closed meeting. The hearings of alleged victims will not be conducted in the presence of State representatives, unless the alleged victims so request and the Committee deems it in the best interests of the children. The Committee will guarantee child-sensitive procedures at hearings of the alleged victims and ensure that their views are given due weight in accordance with their age and maturity."\(^6\)

At the time of writing, the CRC was the first and only UNTB that conducted hearings not only with petitioners, but also with Third Party Intervenors.\(^6\)

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WHAT HAPPENS AFTER SUBMITTING A TPI?

A TIMELINE

Notification by the UNTB
The UNTB will notify you of whether it accepted or rejected your submission.

If your TPI is accepted
The UNTB will forward it to the parties, who will have a fixed time-limit (varying among UNTBs) to respond.

If your TPI is rejected
The UNTB should indicate the basis for rejection. If time allows, you may attempt to submit another intervention.

What are the timeframes for each UNTB?
- HRCtte: No predetermined time
- CESCR: No predetermined time
- CRC: 1 month
- CEDAW: 2 months
- CRPD: No predetermined time
- CERD: No predetermined time
- CAT: No predetermined time
- CED: No predetermined time

After the comments from the parties
If the UNTB deems it relevant, your TPI may be reflected in the decision(s).
ANNEXES
A. INSTRUCTIONS FOR SUBMITTING A THIRD PARTY INTERVENTION BEFORE EACH OF THE UNITED NATIONS TREATY BODIES THAT ACCEPT INDIVIDUAL COMMUNICATIONS

Despite their similarities, each UNTB that accepts individual communications has specific requirements when it comes to Third Party Interventions (TPIs). In this section we will outline, through a series of steps, the process to be followed in order to submit a TPI to each UNTB that accepts them.

These steps are based chiefly on each Committee’s rules and guidelines (where available), with the inclusion of some extra tips from other UNTBs guidelines as well as from the knowledge and experience of experts on the matter.

A1 - Human Rights Committee (HRCttee)

Rule 96 of the HRCttee’s Rules of Procedure expressly allows for the submission of TPIs during the Individual Communications procedure.62

The Committee, its Working Group (WG) or one of its Special Rapporteurs (SRs) may request ex officio from a third party the submission of an amicus brief. However, any interested party may also submit one out of its own initiative. In any case, the HRCttee’s guidelines on third-party interventions have to be followed.63

I. Verify that the communication in which you intend to participate has already been registered by the Committee and that its resolution is pending (see Chapter III of this guide).

II. Send a written request for authorisation (maximum 2 pages) to submit an amicus brief to the Committee:

a. Include the following information:

i. Individuals or entities submitting the amicus

ii. Identification of the case(s) concerned

iii. Issue(s) to be addressed

iv. Nature of the information or analysis to be submitted

v. Object and purpose of the intervention

vi. Reasons why the submission will be desirable or useful for the consideration of the communication

b. Address the request to the HRCttee, through the following contact details:

Petitions and Urgent Actions Section (PUAS)
Office of the High Commissioner for Human Rights (OHCHR)

Palais des Nations, United Nations Office at Geneva

Avenue de la Paix, 8-14

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62 HRCttee ‘Rules of procedure of the Human Rights Committee’ (9 January 2019) CCPR/C/3/Rev.11
III. If authorised, the HRCttee, its WG or one of its SRs will give you notice of the authorisation, along with the following requirements:
   a. A deadline for the submission.
   b. If relevant, the issues on which it should focus.

IV. Confidentiality:
   a. The Committee will not provide you with access to the case-file, copies of submissions or any other documentation, only the parties may disclose this information.
   b. You may request the PUAS to facilitate contact with the author(s), representative(s) or victim(s), but it will only provide their identity and contact details if all of them have given their prior written consent.
   c. You will have to commit not to disclose any information on the communication obtained during the proceedings, unless explicitly authorised to do so by the Committee.
   d. The Committee may request you not to disclose the identity of the author(s), representative(s) and/or victim(s) as well as the contents of your TPI while the communication is pending.

V. The submission should comply with the following:
   a. Be submitted in writing, preferably in the language of the communication or of the State Party concerned, and imperatively in an official language of the United Nations (Arabic, Chinese, English, French, Russian or Spanish).
   b. Contain a maximum of 5,350 words.
   c. Be relevant for the deliberation of the case and use non-offensive language.
   d. Avoid focusing on the facts and/or allegations of the case, challenging the facts and/or allegations presented by the parties or presenting new allegations.
   e. Be addressed to the Committee, through the following contact details:
      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14
      1211 Geneva 10, Switzerland
      Email: petitions@ohchr.org
      Fax:+ 41 22 917 9022
VI. **If you fail to comply with any of the above** requirements, the Committee may decide not to consider the submission nor include it in the case-file, as well as take any other appropriate measures.

VII. **Alternatively, if all requirements are met:**

a. The Committee will forward your TPI to the parties, who may submit written observations and comments in reply, including with regard to the relevance of the submission, within a period set by the Committee.

b. If the Committee decides it is appropriate and relevant, your TPI and the observations of the parties may be used in the Committee’s deliberation and reflected in the body of the Committee’s decisions.
A2 - Committee on Economic, Social and Cultural Rights (CESCR)

Rule 14 of the CESCR’s Provisional Rules of Procedure expressly allow for the submission of TPIs during the Individual Communications procedure.\(^6^4\)

The Committee, its Working Group (WG) or one of its Special Rapporteurs (SRs) may request _ex officio_ from a third party the submission of an amicus brief. However, any interested party may also submit one out of its own initiative. In any case, the CESCR’s guidelines on third party interventions have to be followed.\(^6^5\)

I. **Verify that the communication in which you intend to participate has already been registered by the Committee and that its resolution is pending (see Chapter III of this guide).**

II. **Send a written request for authorisation to submit an amicus brief to the Committee (maximum 1 page).**

   a. Include the following information:
      
      i. Individuals or entities submitting the amicus
      ii. Identification of the case(s) concerned
      iii. Issue(s) to be addressed
      iv. Nature of the information or analysis to be submitted
      v. Object and purpose of the intervention
      vi. Reasons why the submission will be desirable or useful for the consideration of the communication

   b. Address the request to the CESCR, through the following contact details:

      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14
      1211 Geneva 10, Switzerland
      Email: petitions@ohchr.org
      Fax: +41 22 917 9022

III. **If authorised, the CESCR, its WG or one of its SRs will give you notice of the authorisation, where the following requirements will be included:**

   a. A deadline for the submission.
   b. A word limit.
   c. If relevant, the issues on which it shall focus.

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\(^6^4\) CESCR ‘Provisional rules of procedure under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee at its forty-ninth session’ (15 January 2013) _E/C.12/49/3_.

\(^6^5\) CESCR ‘Guidance on third-party interventions’ (2016) [https://drive.google.com/file/d/1vHWdV2FiIfFeEI1tu6u_48lHDHMXWd-D/view?usp=sharing]
IV. **Confidentiality:**

   a. The Committee will not provide you with access to the case-file, copies of submissions or any other documentation, only the parties may disclose this information.

   b. You may request the PUAS to facilitate contact with the author(s), representative(s) or victim(s), but it will only provide their identity and contact details if all of them have given their prior written consent.

   c. You will have to commit not to disclose any information on the communication obtained during the proceedings, unless explicitly authorised to do so by the Committee.

   d. The Committee may request you not to disclose the identity of the author(s), representative(s) and/or victim(s) as well as the contents of your TPI while the communication is pending.

V. **The submission should comply with the following:**

   a. Be submitted in writing, preferably in the language of the State Party concerned or of the communication, and imperatively in an official language of the United Nations (Arabic, Chinese, English, French, Russian and Spanish).

   b. Contain a maximum of words consistent with the word-limit set by the Committee.

   c. Be relevant for the deliberation of the case and use non-offensive language.

   d. Avoid focusing on the facts and/or allegations of the case, challenging the facts and/or allegations presented by the parties or presenting new allegations.

   e. Be addressed to the Committee, through the following contact details:

      Petitions and Urgent Actions Section (PUAS)  
      Office of the High Commissioner for Human Rights (OHCHR)  
      Palais des Nations, United Nations Office at Geneva  
      Avenue de la Paix, 8-14  
      1211 Geneva 10, Switzerland  
      Email: petitions@ohchr.org  
      Fax: +41 22 917 9022

VI. **If you fail to comply with any of the above requirements,** the Committee may decide not to consider the submission nor include it in the case-file, as well as take any other appropriate measures.

VII. **Alternatively, if all requirements are met:**

   a. The Committee will forward your TPI to the parties, who may submit written observations and comments in reply, including with regard to the relevance of the submission, within a period set by the Committee.
b. If the Committee decides it is appropriate and relevant, your TPI and the observations of the parties may be used in the Committee’s deliberation and reflected in the body of the Committee’s decisions.
A3 - Committee on the Rights of the Child (CRC)

Rule 23 of the CRC's Rules of Procedure expressly allows for the submission of TPIs during the Individual Communications procedure. Therefore, the Committee, its Working Group (WG) or one of its Special Rapporteurs (SRs) may request *ex officio* from a third party the submission of an amicus brief. However, any interested party may also submit one out of its own initiative. In any case, the CRC’s Guidelines on third-party interventions have to be followed.

I. Verify that the communication in which you intend to participate has already been registered by the Committee and that its resolution is pending (see Chapter III of this guide).

II. Send a written request for authorisation to submit an amicus brief to the Committee (maximum 1 page).

   a. Include the following information:
      i. Individuals or entities submitting the amicus
      ii. Identification of the case(s) concerned
      iii. Issue(s) to be addressed
      iv. Nature of the information or analysis to be submitted
      v. Object and purpose of the intervention
      vi. Reasons why the submission will be desirable or useful for the consideration of the communication

   b. Address the request to the CRC, through the following contact details:

      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14
      1211 Geneva 10, Switzerland
      Email: petitions@ohchr.org
      Fax: +41 22 917 9022

III. If authorised, the CRC, its WG or one of its SRs will give you notice of the authorisation, along with the following requirements:

   a. A deadline for the submission.

   b. If relevant, the issues on which it shall focus.

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IV. **Confidentiality:**

a. The Committee will not provide you with access to the case-file, copies of submissions or any other documentation, only the parties may disclose this information.

b. You may request the PUAS to facilitate contact with the author(s), representative(s) or victim(s), but it will only provide their identity and contact details if all of them have given their prior written consent.

c. If given access to the case file, you may not disclose, at any time, the identity of any child who is part (author and/or victim) to the communication. Also, while the communication is pending, you may not disclose any other information contained in the case file, including your own intervention.

d. Your TPI may only be published (without disclosing the identity of the author and/or victim) after the decisions or views have been made public.

V. The submission should comply with the following requirements, albeit the Committee may consider a departure from formal requirements if the intervention is submitted by children:

a. Be submitted in writing, preferably in the language of the State Party concerned or of the communication, and imperatively in an official language of the United Nations (Arabic, Chinese, English, French, Russian or Spanish).

b. Avoid exceeding ten (10) pages.

c. Be relevant for the deliberation of the case and use non-offensive language.

d. Avoid focusing on the facts and/or allegations of the case, challenging the facts and/or allegations presented by the parties or presenting new allegations.

e. Be addressed to the Committee, through the following contact details:

   Petitions and Urgent Actions Section (PUAS)
   Office of the High Commissioner for Human Rights (OHCHR)
   Palais des Nations, United Nations Office at Geneva
   Avenue de la Paix, 8-14
   1211 Geneva 10, Switzerland

   Email: petitions@ohchr.org
   Fax: +41 22 917 9022

VI. **If you fail to comply with any of the above** requirements, the Committee may decide not to consider the submission nor include it in the case-file, as well as take any other appropriate measures.

VII. **Alternatively, if all requirements are met:**

a. The Committee will forward your TPI to the parties, who may submit written observations and comments in reply, including with regard to the relevance of the submission, within a period of one month.
b. If the Committee decides it is appropriate and relevant, your TPI and the observations of the parties may be used in the Committee’s deliberation and reflected in the body of the Committee’s decisions. If this occurs, such decisions or views will be transmitted to you upon adoption.
A4 - Committee on the Elimination of Discrimination against Women (CEDAW)

Rules 45, 46 and 47 of the CEDAW’s Rules of Procedure allow representatives of specialized agencies, intergovernmental organizations and UN bodies’ and NGOs (respectively) to make oral or written statements to the CEDAW and to provide documentation relevant to the Committee’s activities. While this is not an explicit legal basis, it can be interpreted as allowing submission of TPIs to the CEDAW. 68

Furthermore, paragraphs 17, 18 and 19 of the CEDAW’s Working Methods expressly consider the submission of TPIs during the Individual Communications procedure. 69

The Committee, its Working Group (WG) or one of its Special Rapporteurs (SRs) may request *ex officio* from a third party the submission of an amicus brief. However, any interested party may also submit one out of its own initiative. In any case, the CEDAW’s Working Methods should be followed.

I. **Verify that the communication in which you intend to participate has already been registered by the Committee and that its resolution is pending (see Chapter III of this guide).**

II. **Send a written request for authorisation to submit an amicus brief to the Committee:**
While there is no specific requirement to send a request for authorisation, it is recommended that you do so in order to avoid preparing a brief without having certainty about its admissibility.

   a. Ensure that it is as brief as possible: Ideally no more than 1 or 2 pages.

   b. Include the following information:
      i. Individuals or entities submitting the amicus
      ii. Identification of the case(s) concerned
      iii. Issue(s) to be addressed
      iv. Nature of the information or analysis to be submitted
      v. Object and purpose of the intervention
      vi. Reasons why the submission will be desirable or useful for the consideration of the communication

   c. Address the request to the CEDAW, through the following contact details:

      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14

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III. If authorised, the CEDAW, its WG or one of its SRs will give you notice of the authorisation, where the following requirements will be included:
   a. A deadline for the submission.
   b. If relevant, the issues on which it shall focus.

IV. Confidentiality:
   a. The Committee will not provide you with access to the case-file, copies of submissions or any other documentation, only the parties may disclose this information.
   b. You may request the PUAS to facilitate contact with the author(s), representative(s) or victim(s), but it will only provide their identity and contact details if all of them have given their prior written consent.
   c. You will have to commit not to disclose any information on the communication obtained during the proceedings, unless explicitly authorised to do so by the Committee.
   d. The Committee may request you not to disclose the identity of the author(s), representative(s) and/or victim(s) as well as the contents of your TPI while the communication is pending.

V. The submission should comply with the following:
   a. Be submitted in writing, preferably in the language of the State Party concerned or of the communication, and imperatively in an official language of the United Nations (Arabic, Chinese, English, French, Russian and Spanish).
   b. Contain a maximum of 7,000 words.
   c. Be relevant for the deliberation of the case and use non-offensive language.
   d. Avoid focusing on the facts and/or allegations of the case, challenging the facts and/or allegations presented by the parties or presenting new allegations.
   e. Be addressed to the Committee, through the following contact details:
      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14
      1211 Geneva 10, Switzerland
      Email: petitions@ohchr.org
      Fax: +41 22 917 9022
VI. **If you fail to comply with any of the above requirements,** the Committee may decide not to consider the submission nor include it in the case-file, as well as take any other appropriate measures.

VII. **Alternatively, if all requirements are met:**

a. The Committee will forward your TPI to the parties, who may submit written observations and comments in reply, including with regard to the relevance of the submission, within two months.

b. If the Committee decides it is appropriate and relevant, your TPI and the observations of the parties may be used in the Committee’s deliberation and reflected in the body of the Committee’s decisions.
A5 - Committee on the Rights of Persons with Disabilities (CRPD)

Rule 72 of the CRPD's Rules of Procedure expressly allows for the submission of TPIs during the Individual Communications procedure. The Committee, its Working Group (WG) or one of its Special Rapporteurs (SRs) may request *ex officio* from a third party the submission of an amicus brief. However, any interested party may also submit one out of its own initiative. In any case, the CRPD's Rules of Procedure (particularly Rule 72 paragraph 3) should be followed.  

1. Verify that the communication in which you intend to participate has already been registered by the Committee and that its resolution is pending (see Chapter III of this guide).

2. Send a written request for authorisation to submit an amicus brief to the Committee: While there is no specific requirement to send a request for authorisation, it is recommended that you do so in order to avoid preparing a brief without having certainty about its admissibility.
   a. Ensure that it is as brief as possible: Ideally no more than 1 or 2 pages.
   b. Include the following information:
      i. Individuals or entities submitting the amicus
      ii. Identification of the case(s) concerned
      iii. Issue(s) to be addressed
      iv. Nature of the information or analysis to be submitted
      v. Object and purpose of the intervention
      vi. Reasons why the submission will be desirable or useful for the consideration of the communication
   c. Address the request to the CRPD, through the following contact details:
      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14
      1211 Geneva 10, Switzerland
      Email: petitions@ohchr.org
      Fax: +41 22 917 9022

3. If authorised, the CRPD, its WG or one of its SRs will give you notice of the authorisation, where the following requirements may be included:
   a. A deadline for the submission.
   b. If relevant, the issues on which it shall focus.

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70 CRPD ‘Committee on the Rights of Persons with Disabilities Rules of procedure’ (10 October 2016) CRPD/C/1/Rev.1
4. Confidentiality:
   
a. The Committee will not provide you with access to the case-file, copies of submissions or any other documentation, only the parties may disclose this information.

b. You may request the PUAS to facilitate contact with the author(s), representative(s) or victim(s), but it will only provide their identity and contact details if all of them have given their prior written consent.

c. You will have to commit not to disclose any information on the communication obtained during the proceedings, unless explicitly authorised to do so by the Committee.

d. The Committee may request you not to disclose the identity of the author(s), representative(s) and/or victim(s) as well as the contents of your TPI while the communication is pending.

5. The submission should comply with the following:
   
a. Be accompanied by written authorisation (consent) from one of the parties to the communication.

b. Be submitted in writing, preferably in the language of the State Party concerned or of the communication, and imperatively in an official language of the United Nations (Arabic, Chinese, English, French, Russian and Spanish).

c. Respect the content limit, if set.

d. Be relevant for the deliberation of the case and use non-offensive language.

e. Avoid focusing on the facts and/or allegations of the case, challenging the facts and/or allegations presented by the parties or presenting new allegations.

f. Be addressed to the Committee, through the following contact details:
   
   Petitions and Urgent Actions Section (PUAS)
   Office of the High Commissioner for Human Rights (OHCHR)
   Palais des Nations, United Nations Office at Geneva
   Avenue de la Paix, 8-14
   1211 Geneva 10, Switzerland
   Email: petitions@ohchr.org
   Fax: +41 22 917 9022

6. If you fail to comply with any of the above requirements, the Committee may decide not to consider the submission nor include it in the case-file, as well as take any other appropriate measures.

7. Alternatively, if all requirements are met:
   
a. The Committee will forward your TPI to the parties, who may submit written observations and comments in reply, including with regard to the relevance of the submission, within a fixed time-limit.
b. If the Committee decides it is appropriate and relevant, your TPI and the observations of the parties may be used in the Committee’s deliberation and reflected in the body of the Committee’s decisions.
A6 - Committee on the Elimination of Racial Discrimination (CERD)

There is no explicit basis for the submission of TPIs to the CERD. Rule 95 of the CERD's Rules of Procedure indicates that the Committee may obtain documents that can assist in the consideration of Individual Communications from other UN bodies or specialized agencies, but there is no mention of participation from civil society or similar. The Committee, its Working Group (WG) or one of its Special Rapporteurs (SRs) may request *ex officio* from a third party the submission of an amicus brief. 71

While there is no explicit legal basis for a third party to submit a TPI out of its own initiative, there is at least one precedent where this happened and it was accepted by the CERD (see Annex B6). If you decide to seek to submit a TPI, you should comply with the Committee’s Rules of Procedure.

I. Verify that the communication in which you intend to participate has already been registered by the Committee and that its resolution is pending (see Chapter III of this guide).

II. Send a written request for authorisation to submit an amicus brief to the Committee:

While there is no specific requirement to send a request for authorisation, it is recommended that you do so in order to avoid preparing a brief without having certainty about its admissibility.

a. Ensure that it is as brief as possible: Ideally no more than 1 or 2 pages.

b. Include the following information:

   i. Individuals or entities submitting the amicus
   ii. Identification of the case(s) concerned
   iii. Issue(s) to be addressed
   iv. Nature of the information or analysis to be submitted
   v. Object and purpose of the intervention
   vi. Reasons why the submission will be desirable or useful for the consideration of the communication

c. Address the request to the CERD, through the following contact details:

   Petitions and Urgent Actions Section (PUAS)
   Office of the High Commissioner for Human Rights (OHCHR)
   Palais des Nations, United Nations Office at Geneva
   Avenue de la Paix, 8-14
   1211 Geneva 10, Switzerland
   Email: petitions@ohchr.org
   Fax: +41 22 917 9022

71 CERD ‘Rules of procedure of the Committee on the Elimination of Racial Discrimination’ (1986) CERD/C/35/Rev.3
III. **If authorised, the CERD, its WG or one of its SRs will give you notice of the authorisation, where the following requirements may be included:**

   a. A deadline for the submission.
   
   b. If relevant, the issues on which it shall focus.

IV. **Confidentiality:**

   a. The Committee will not provide you with access to the case-file, copies of submissions or any other documentation, only the parties may disclose this information.
   
   b. You may request the PUAS to facilitate contact with the author(s), representative(s) or victim(s), but it will only provide their identity and contact details if all of them have given their prior written consent.
   
   c. You will have to commit not to disclose any information on the communication obtained during the proceedings, unless explicitly authorised to do so by the Committee.
   
   d. The Committee may request you not to disclose the identity of the author(s), representative(s) and/or victim(s) as well as the contents of your TPI while the communication is pending.

V. **The submission should comply with the following:**

   a. Be submitted in writing, preferably in the language of the State Party concerned or of the communication, and imperatively in an official language of the United Nations (Arabic, Chinese, English, French, Russian and Spanish).
   
   b. Respect the content limit, if set.
   
   c. Be relevant for the deliberation of the case and use non-offensive language.
   
   d. Avoid focusing on the facts and/or allegations of the case, challenging the facts and/or allegations presented by the parties or presenting new allegations.
   
   e. Be addressed to the Committee, through the following contact details:

      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14
      1211 Geneva 10, Switzerland
      Email: petitions@ohchr.org
      Fax: +41 22 917 9022

VI. **If you fail to comply with any of the above** requirements, the Committee may decide not to consider the submission nor include it in the case-file, as well as take any other appropriate measures.

VII. **Alternatively, if all requirements are met:**
a. The Committee will forward your TPI to the parties, who may submit written observations and comments in reply, including with regard to the relevance of the submission, within a fixed time-limit.

b. If the Committee decides it is appropriate and relevant, your TPI and the observations of the parties may be used in the Committee’s deliberation and reflected in the body of the Committee’s decisions.
A7 - Committee Against Torture (CAT)

Neither the Rules of Procedure nor the Working Methods of the CAT contain an express authorisation for the submission of TPIs. However, Rule 118(2) of its Rules of Procedure indicates that: “The Committee, the Working Group, or the Rapporteur may at any time in the course of the examination obtain any document from United Nations bodies, specialized agencies, or other sources that may assist in the consideration of the complaint”. This may be interpreted as allowing the Committee to consider TPIs, but only if they are requested by its members.72

However, there is at least one precedent where the CAT mentioned the reception of a TPI during the proceedings of an Individual Communication (see Annex B7). This indicates that there is a possibility of third parties having the right to submit TPIs out of their own initiative.73

In any case, the procedure for the submission should be as follows:

I. **Verify that the communication in which you intend to participate has already been registered by the Committee and that its resolution is pending** (see Chapter III of this guide).

II. **Send a written request for authorisation to submit an amicus brief to the CAT:** While there is no specific requirement to send a request for authorisation, it is recommended that you do so in order to avoid preparing a brief without having certainty about its admissibility.

   a. Ensure that it is as brief as possible: Ideally no more than 1 or 2 pages.

   b. Include the following information:

      i. Individuals or entities submitting the amicus

      ii. Identification of the case(s) concerned

      iii. Issue(s) to be addressed

      iv. Nature of the information or analysis to be submitted

      v. Object and purpose of the intervention

      vi. Reasons why the submission will be desirable or useful for the consideration of the communication

   c. Address the request to the CAT, through the following contact details:

      Petitions and Urgent Actions Section (PUAS)

      Office of the High Commissioner for Human Rights (OHCHR)

      Palais des Nations, United Nations Office at Geneva

      Avenue de la Paix, 8-14

      1211 Geneva 10, Switzerland

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72 CAT ‘Rules of Procedure’ (1 September 2014) CAT/C/3/Rev.6

III. **If authorised, the CAT, its WG or one of its SRs will give you notice of the authorisation, where the following requirements may be included:**
   a. A deadline for the submission.
   b. If relevant, the issues on which it shall focus.

IV. **Confidentiality:**
   a. The Committee will not provide you with access to the case-file, copies of submissions or any other documentation, only the parties may disclose this information.
   b. You may request the PUAS to facilitate contact with the author(s), representative(s) or victim(s), but it will only provide their identity and contact details if all of them have given their prior written consent.
   c. You will have to commit not to disclose any information on the communication obtained during the proceedings, unless explicitly authorised to do so by the Committee.
   d. The Committee may request you not to disclose the identity of the author(s), representative(s) and/or victim(s) as well as the contents of your TPI while the communication is pending.

V. **The submission should comply with the following:**
   a. Be submitted in writing, preferably in the language of the State Party concerned or of the communication, and imperatively in an official language of the United Nations (Arabic, Chinese, English, French, Russian and Spanish).
   b. Respect the content-limit, if set.
   c. Be relevant for the deliberation of the case and use non-offensive language.
   d. Avoid focusing on the facts and/or allegations of the case, challenging the facts and/or allegations presented by the parties or presenting new allegations.
   e. Be addressed to the Committee, through the following contact details:
      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14
      1211 Geneva 10, Switzerland
      Email: petitions@ohchr.org
      Fax: +41 22 917 9022

VI. **If you fail to comply with any of the above** requirements, the Committee may decide not to consider the submission nor include it in the case-file, as well as take any other appropriate measures.
VII. Alternatively, if all requirements are met:

a. The Committee will forward your TPI to the parties, who may submit written observations and comments in reply, including with regard to the relevance of the submission, within a fixed time-limit.

b. If the Committee decides it is appropriate and relevant, your TPI and the observations of the parties may be used in the Committee’s deliberation and reflected in the body of the Committee’s decisions.
A8 - Committee on Enforced Disappearances (CED)

Rule 76 of the CED's Rules of Procedure (ROP) indicates that, when the CED is considering an Individual Communication, it may consult third party interventions from any other UN organs, bodies or agencies, other international or regional organisations, and State institutions, agencies or offices.

While this may seem to exclude participation from Civil Society, such article should be read in conjunction with article 44 of the ROP and paragraph 33 of its Working Methods, which extend the sources from which the CED can receive information to NGOs, Civil Society actors and “individuals and sources not mentioned in the previous paragraphs of this rule.”

The process is as follows:

1. **Verify that the communication in which you intend to participate has already been registered by the Committee and that its resolution is pending** (see Chapter III of this guide).

2. **Send a written request for authorisation to submit an amicus brief to the CED:** While there is no specific requirement to send a request for authorisation, it is recommended that you do so in order to avoid preparing a brief without having certainty about its admissibility.
   a. Ensure that it is as brief as possible: Ideally no more than 1 or 2 pages.
   b. Include the following information:
      i. Individuals or entities submitting the amicus
      ii. Identification of the case(s) concerned
      iii. Issue(s) to be addressed
      iv. Nature of the information or analysis to be submitted
      v. Object and purpose of the intervention
      vi. Reasons why the submission will be desirable or useful for the consideration of the communication
   c. Address the request to the CED, through the following contact details:
      Petitions and Urgent Actions Section (PUAS)
      Office of the High Commissioner for Human Rights (OHCHR)
      Palais des Nations, United Nations Office at Geneva
      Avenue de la Paix, 8-14
      1211 Geneva 10, Switzerland
      Email: petitions@ohchr.org
      Fax: +41 22 917 9022

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74 CED ‘Working methods’ [www.ohchr.org/EN/HRBodies/CED/Pages/WorkingMethods.aspx#15]
75 CED ‘Rules of Procedure’ (22 June 2012) [CED/C/1]
3. If authorised, the CED, its WG or one of its SRs will give you notice of the authorisation, where the following requirements may be included:
   a. A deadline for the submission.
   b. If relevant, the issues on which it shall focus.

4. Confidentiality:
   a. The Committee will not provide you with access to the case-file, copies of submissions or any other documentation, only the parties may disclose this information.
   b. You may request the PUAS to facilitate contact with the author(s), representative(s) or victim(s), but it will only provide their identity and contact details if all of them have given their prior written consent.
   c. You will have to commit not to disclose any information on the communication obtained during the proceedings, unless explicitly authorised to do so by the Committee.
   d. The Committee may request you not to disclose the identity of the author(s), representative(s) and/or victim(s) as well as the contents of your TPI while the communication is pending.

5. The submission should comply with the following:
   a. Be submitted in writing, preferably in the language of the State Party concerned or of the communication, and imperatively in an official language of the United Nations (Arabic, Chinese, English, French, Russian and Spanish).
   b. Respect the content-limit, if set.
   c. Be relevant for the deliberation of the case and use non-offensive language.
   d. Avoid focusing on the facts and/or allegations of the case, challenging the facts and/or allegations presented by the parties or presenting new allegations.
   e. Be addressed to the Committee, through the following contact details:

       Petitions and Urgent Actions Section (PUAS)
       Office of the High Commissioner for Human Rights (OHCHR)
       Palais des Nations, United Nations Office at Geneva
       Avenue de la Paix, 8-14
       1211 Geneva 10, Switzerland
       Email: petitions@ohchr.org
       Fax: +41 22 917 9022

6. If you fail to comply with any of the above requirements, the Committee may decide not to consider the submission nor include it in the case-file, as well as take any other appropriate measures.

7. Alternatively, if all requirements are met:
a. The Committee will forward your TPI to the parties, who may submit written observations and comments in reply, including with regard to the relevance of the submission, within a fixed time-limit.

b. If the Committee decides it is appropriate and relevant, your TPI and the observations of the parties may be used in the Committee’s deliberation and reflected in the body of the Committee’s decision.
### B. OVERVIEW OF UN TREATY BODY CASE LAW FEATURING THIRD-PARTY INTERVENTIONS

#### B1 - Committee on the Rights of the Child (CRC)

<table>
<thead>
<tr>
<th>Case</th>
<th>Complaint</th>
<th>Third parties</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.S. <em>et al.</em> v. Argentina, Brazil, France, Germany and Turkey. Nos. 104-108 / 2019</td>
<td>Failure of State parties to prevent and mitigate the consequences of climate change has violated the rights of the applicants to life, health, and the prioritization of the child’s best interests, as well as the cultural rights of the authors from indigenous communities.</td>
<td>Joint submission in admissibility by: Current (Dr. David R. Boyd) and former (Prof. John H. Knox) UN Special Rapporteurs on the environment.</td>
<td>Declare inadmissible for: failure to exhaust domestic remedies.</td>
</tr>
</tbody>
</table>
| A.B. v. Finland No. 51/2018 | Finnish authorities failed to conduct a sufficiently thorough assessment of the best interests of the child in the examination of the author and his family’s application for asylum or residence permit in Finland, considering the deteriorating situation for LGBT+ persons in Russia. | Joint submission by: Child Rights International Network (CRIN), International Commission of Jurists (ICJ), The European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe), International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-World), Network of European LGBTIQ | Violation of articles 3 and 22: failed to adequately take the best interests of the child when assessing the asylum request based on his mothers’ sexual orientation. **Violation of article 19:** failure to protect author of real risk of irreparable harm in case of return to

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<table>
<thead>
<tr>
<th>Case</th>
<th>Description</th>
<th>Intervening Party</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.H. v. Finland No. 23/2017</td>
<td>Finland failed to take into account the best interests of the child and failed to protect the author’s integrity and privacy by not regulating the practice of ritual male circumcision.</td>
<td>International NGO Council on Genital Autonomy.</td>
<td>Declared inadmissible <em>ratione temporis</em>.</td>
</tr>
<tr>
<td>D.D. v. Spain No. 4/2016</td>
<td>The author (who fled war in Mali) was deported without procedure. Spain did not take into account the best interests of the child nor afford the complainant the protection to which he was entitled as an unaccompanied child outside his family environment.</td>
<td>Joint submission by: ICJ, European Council on Refugees and Exiles (ECRE), Advance on Individual Rights in Europe Centre (AIRE Center) and Dutch Council for Refugees.</td>
<td>Violation of articles 3, 20 and 37: failure to respect principle of non-refoulement, to carry out an identity check of the author (as an unaccompanied minor) and to provide an opportunity to challenge deportation.</td>
</tr>
<tr>
<td>S.M.A v. Spain No.</td>
<td>Spain subjected unaccompanied migrant minors to age determination tests and detention in adult detention centres</td>
<td>Defender of Rights (Ombudsman) of France.</td>
<td>Violation of articles 3, 8, 12, 20: failure to ensure that all procedures for assessing the age of young</td>
</tr>
</tbody>
</table>

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77 CRIN, ICJI, ILGA-Europe, ILGA-World and NELFA ‘Third-party intervention. Communication no. 51/2018 against Finland’ (15 April 2020) <https://static1.squarespace.com/static/5afadb22e17ba3edd90c02f/t/602cfa9e4c13017e1d7fe704/1613560479462/Interventions +A8+v.+Finland_final.pdf%201response>  
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>40/2018.80</td>
<td>pending deportation. These practices violated the complainants’ rights to have their best interests taken into account, to be heard, to protection in case of deprivation of the family environment, to an adequate standard of living, and to be presumed a minor in the event of doubt or uncertainty about their age.</td>
</tr>
<tr>
<td>79/2019 109/2019</td>
<td>France has jurisdiction over the French nationals (grandchildren of the applicants) detained in Kurdish camps in Syria. By not repatriating them, the State is violating articles 2, 3, 6, 20, 24 and 37 of the CRC.</td>
</tr>
<tr>
<td>Joint submissions on admissibility at the Committee’s invitation by: Three experts from the Consortium on Extraterritorial Obligations.82 A group of 31 experts from different universities.83</td>
<td>people claiming to be minors offer the safeguards needed to protect their rights under the CRC. Failure to protect highly vulnerable unaccompanied child migrants. Failure to respect right of children to identity by attributing to them an age different from that appearing in the official document issued by their country of origin.</td>
</tr>
<tr>
<td>L.H., L.H., D.A, C.D. and A.F. v France</td>
<td>Declared admissible: the State party did exercise jurisdiction over the children subject of the complaint, as it was informed of the situation of extreme vulnerability of the children, who were detained in refugee camps in a conflict zone.</td>
</tr>
</tbody>
</table>


82 Intervention not available online. Contents transcribed in paragraphs 8.2 – 8.4 of the decision.

### B2 - Committee on the Elimination of Discrimination against Women (CEDAW)

<table>
<thead>
<tr>
<th>Case</th>
<th>Complaint</th>
<th>Third parties</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>L.C. v. Perú. No. 22/2009</td>
<td>The refusal by State agents to perform the therapeutic abortion, which resulted in the complainant being paralysed from the neck down, violated her rights to health, dignity and non-discrimination. Peru also failed to enact positive measures to secure equal access to healthcare.</td>
<td>International Commission of Jurists, Health Equity And Law Clinic, International Reproductive And Sexual Health Law Programme, Faculty Of Law, University Of Toronto (HEAL Clinic).</td>
<td>Violation of articles 1, 2(c), 2(f), 3, 5 and 12: the failure to consider the possible effects that the continuation of the pregnancy would have on the health of the patient amounted to multiple forms of discrimination against the applicant.</td>
</tr>
</tbody>
</table>

| Ángela González Carreño v. Spain No. 47/2012 | Spain’s failure to act with due diligence to prevent and punish the violence committed by the husband of the Applicant against her and her daughter, which culminated in the daughter’s murder, amounted to multiple forms of discrimination. | Save the Children, Simon Cusack, International Commission of Jurists (ICJ). | Violation of articles 2 (a-f), 5(a) and 16 (1)(d): Spain failed to protect Ángela and her daughter. Moreover, it did not investigate whether its authorities failed to protect, or were negligent in protecting the victims. |

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85 HEAL Clinic ‘Written Comments’ (9 June 2011) [https://opcedaw.files.wordpress.com/2012/01/lc-v-peru-heal-clinic-amicus-brief.pdf](https://opcedaw.files.wordpress.com/2012/01/lc-v-peru-heal-clinic-amicus-brief.pdf)


| A.S. v. Hungary. No. 4/2004 | Hungary was responsible for the actions of a doctor who, when providing the Applicant with an emergency C-section, also sterilised her without her consent. | Center for Reproductive Rights. [91] During follow up to views: European Roma Rights Centre (ERRC). [92] | **Violation of articles 10 and 12:** failure to provide access to information regarding healthcare amounted to discrimination against the victim in healthcare. |
| Alyne da Silva Pimentel Teixeira (deceased) v. Brazil | Brazil’s failure to ensure appropriate medical treatment and subsequent failure to provide timely emergency obstetric care amounted to discrimination in healthcare and caused the death of Alyne da Silva. | Latin-American and Caribbean Committee for the Defence of Women’s Rights (CLADEM). [93] | **Violation of article 12(2):** Brazil discriminated against the applicant on multiple grounds, including on the basis of her sex, her status as a woman of African descent and her socio-economic background, by failing to ensure that |

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<table>
<thead>
<tr>
<th>No. 17/2008</th>
<th>Amnesty International (AI) (not available online)</th>
<th>she received appropriate health services in connection with her pregnancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.D. et al. v. The Czech Republic No. 102/2016</td>
<td>The Czech Republic was responsible for not providing an effective remedy to six Romani women who were victims of forced sterilisation.</td>
<td>Center for Reproductive Rights.</td>
</tr>
</tbody>
</table>

### B3 - Human Rights Committee (HRCttee)

<table>
<thead>
<tr>
<th>Case</th>
<th>Complaint</th>
<th>Third parties</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Krikkerik v. Russian Federation. No. 2992/2017</td>
<td>Failure by Russian authorities to investigate and sanction hate attacks against complainant, who is an advocate for LGBTI rights in Russia. State violated its obligation to protect the applicant from cruel, inhuman or degrading treatment or punishment, from arbitrary or unlawful interference with her privacy, and its obligation to investigate and remedy violations. Inaction by Russia amounts to discrimination.</td>
<td>International Service for Human Rights (ISHR).&lt;sup&gt;97&lt;/sup&gt;</td>
<td>Case registered. Pending resolution.</td>
</tr>
<tr>
<td>Nell Toussaint v. Canada No. 2348/2014</td>
<td>Canada’s denial of health care coverage necessary to prevent foreseeable risks to life to undocumented immigrants violates the rights to: non-discrimination, life, not to be subjected to torture and cruel, degrading and inhuman treatment, and liberty and security of person.</td>
<td>Members of ESCR-Net’s Strategic Litigation Working Group: Center for Legal and Social Studies (CELS), Center for Economic and Social Rights (CESR), Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), Social Rights Institute of South Africa (SERI), SECTION27.&lt;sup&gt;98&lt;/sup&gt;</td>
<td>Violation of articles 6 and 26: the applicant’s rights to life and to non-discrimination were violated by not receiving treatment essential to protect her life.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th><strong>Irina Fedotova v. Russian Federation. No. 1932/2010</strong></th>
<th><strong>Al.</strong>[^99]**</th>
<th><strong>Violations of articles 19 and 26:</strong> The restriction to the exercise of freedom of expression by banning propaganda on homosexuality amounted to discrimination, as propaganda on heterosexuality or sexuality in general was allowed.</th>
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<tr>
<td>Sanctions against the Applicant for disseminating ideas of tolerance towards sexual minorities constituted an unjustifiable restriction against her freedom of expression. It also amounted to discrimination on the basis of sexual orientation.</td>
<td><strong>ICJ.</strong>[^100]**</td>
<td></td>
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</tbody>
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<tr>
<th>Case</th>
<th>Complaint</th>
<th>Third parties</th>
<th>Decision</th>
</tr>
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<tbody>
<tr>
<td>I.D.G v. Spain. No. 2/2014</td>
<td>Spanish legislation regulating mortgage enforcement proceedings did not adequately protect the right to mount a proper legal defence, which in turn amounted to a violation of the Applicant’s right to adequate housing.</td>
<td>Members of ESCR-Net’s Strategic Litigation Working Group: CESR, GI-ESCR, SERI.</td>
<td>Violation of article 11: the authorities did not exhaust all available means to personally notify the victim of the proceedings against her, so that she could mount a proper defence, in court, of her right to housing.</td>
</tr>
<tr>
<td>Mohamed Ben Djazia and Naouel Bellili v. Spain. No. 5/2015</td>
<td>The State violated the rights of the Applicants to adequate housing by not providing alternative accommodation, social housing or other assistance when they were evicted.</td>
<td>Members of ESCR-Net’s Strategic Litigation Working Group: AI, CELS, CESR, GI-ESCR, Dullah Omar Institute (DOI), Observatori DESC, Social Rights Advocacy Center (SRAC), Ana Lucia Maya Aguirre, Jackie Dugard.</td>
<td>Violation of articles 11, 2(1) and 10(1): the eviction of a couple and their child without a guarantee of alternative housing amounted to a violation of their rights.</td>
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| **M.C.T.C. v. Ecuador. No. 10/2015** | **The denial of the Applicant’s retirement pension, despite having paid her monthly contributions in full while employed as a domestic worker, violated her rights to social** | **Members of ESCR-Net’s Strategic Litigation Working Group: AI, Asociación Civil por la Igualdad y la Justicia (ACIJ), CESR, ESRC-H, Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO), GI-ESCR.** | **Violation or articles 2, 3 and 9: The denial of the Applicant’s special retirement request constituted a violation of the right to social security, while the conditions attached to the** |

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104 Cáritas España, FEANTSA, Fundación Abogacía Española, Observatori DESC, Plataforma de Afectados por la Hipoteca, Sindicato de Inquilinos, Arquitectura Sin Fronteras, Federación Regional de Asociaciones Vecinales de Madrid, Federación de Asociaciones Vecinales de Barcelona, Centro de Asesoría y Estudios Sociales ‘Comentarios que presenta el Grupo de Monitoreo de la sociedad civil para el cumplimiento del dictamen relativo a la Comunicacion 5/2015 ante el Comite De Derechos Economicos, Sociales y Culturales’ (1 March 2018) <www.escr-net.org/sites/default/files/alegaciones_grupo_monitoreo_mar18.pdf>

<table>
<thead>
<tr>
<th>Case</th>
<th>Description</th>
<th>Parties</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alarcón Flores et al v. Ecuador No. 14/2016</td>
<td>A decision by Ecuador to rescind previously granted pension benefits amounted to a violation of the Applicants’ right to social security.</td>
<td>ESCR, IWRAW-AP, Legal Resources Centre (LRC), SRAC, Lilian Chenwi, Viviana Osorio Pérez.&lt;sup&gt;106&lt;/sup&gt; <strong>During follow up to views:</strong> Members of ESCR-Net’s Strategic Litigation Working Group: ACIJ, Centro de Apoyo y Protección de los Derechos Humanos SURKUNA, IWRAW-AP, LRC, SRAC, Women’s Legal Centre (WLC).&lt;sup&gt;107&lt;/sup&gt;</td>
<td>Retired scheme constituted multiple discrimination, including on the basis of gender and age.</td>
</tr>
</tbody>
</table>


<sup>108</sup> ESCR-Net ‘Third Party Intervention on Interim Measures and Admissibility’ <https://drive.google.com/file/d/1D9j7BFNrrs7sIIfuVV8nNOTKciqGB-P/view?usp=sharing>
### B5 - Committee on the Rights of Persons with Disabilities (CRPD)

<table>
<thead>
<tr>
<th>Case</th>
<th>Complaint</th>
<th>Third parties</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bujdosó v. Hungary. No. 004/2011</td>
<td>Applicants placed under guardianship were automatically prevented from participating in Parliamentary elections. The lack of an individualised assessment breached their rights to equality and to participate in political and public life.</td>
<td>Harvard Law School Project on Disability.¹⁰⁹</td>
<td><strong>Violation of articles 12 and 29:</strong> Preventing people with intellectual disabilities from voting was discriminatory on the basis of disability. Furthermore, the State did not guarantee to persons with disabilities the actual exercise of their legal capacity.</td>
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</table>

### B6 - Committee on the Elimination of Racial Discrimination (CERD)

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<tr>
<th>Case</th>
<th>Complaint</th>
<th>Third parties</th>
<th>Decision</th>
</tr>
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<tbody>
<tr>
<td>TBB v. Germany. No. 48/2010</td>
<td>The State party failed to provide protection under its Criminal Code against a former public official’s racially discriminatory and insulting statements directed against the complainants (a group of individuals of Turkish heritage).</td>
<td>German Institute for Human Rights</td>
<td>Violation of articles 2(1)(d), 4(a), and 6: Germany had violated its obligations to protect its Turkish and Arab populations, as the official’s statements amounted to dissemination of ideas based upon racial superiority or hatred and contained elements of incitement to racial discrimination.</td>
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110 German Institute for Human Rights ‘Stellungnahme des Deutschen Instituts für Menschenrechte im Verfahren vor dem UN-Antirassismus-Ausschuss Türkischer Bund in Berlin-Brandenburg e.V. /./ Deutschland’ (December 2011) [www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Stellungnahme_DIMR_im_Verfahren_vor_dem_UN_Antirassismus_Ausschuss_TBB_Deutschland.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Stellungnahme_DIMR_im_Verfahren_vor_dem_UN_Antirassismus_Ausschuss_TBB_Deutschland.pdf)
### B7 - Other cases with interventions not available online

<table>
<thead>
<tr>
<th>Committee</th>
<th>Case</th>
<th>Third Party Intervenors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Against Torture (CAT)</td>
<td>Mr. Slobodan Nikolic and Mrs. Ljiljana Nikolic v. Serbia and Montenegro No. 174/2000</td>
<td>Human Rights Watch/Helsinki (referenced in paragraph 3.4 of the decision).[^111]</td>
</tr>
<tr>
<td>Human Rights Committee (HRCttee)</td>
<td>Torres Strait Islanders v. Australia (No registration number yet)</td>
<td>Current and former UNSRs on the environment.[^112]</td>
</tr>
<tr>
<td>Human Rights Committee (HRCttee)</td>
<td>Gençay Bastimar v Turkey No. 3592/2019</td>
<td>Bar Human Rights Committee of England &amp; Wales.[^113]</td>
</tr>
</tbody>
</table>


[^112]: Dr. David R. Boyd ‘Newsletter #7: December 2020’ (December 2020) [http://srenvironment.org/newsletter/newsletter-7-december-2020](http://srenvironment.org/newsletter/newsletter-7-december-2020)

C. ADDITIONAL RESOURCES

➢ Third Party Interventions

UNESCO published a guide for presenting Amicus Curiae interventions in freedom of expression cases. While the guide focuses on this specific right, the authors recognise that “the information it provides is broadly applicable to other human rights cases as well” in litigation before national or international courts.114

➢ ISHR Academy

ISHR Academy’s online learning module on Treaty Bodies includes An introduction to individual communications to UNTBs, to TPIs in IC procedures and practical examples.115

➢ Individual Communications

GI-ESCR’s Individual Communication Guide contains a detailed set of tips on how to submit individual complaints to the CEDCR.116

The Geneva Academy has authored a detailed analysis of the procedural handling of individual communications to UNTBs with practical suggestions on how that could be improved in “Treaty Bodies individual communications procedures: providing redress and reparation to victims of human rights violations”.117

Child Rights Connect have established a dedicated webpage on the Third Optional Protocol to the Convention on the Rights of the Child which includes an information pack, and practical information on how to submit a complaint.118

OMCT’s Handbook on the Individual Complaints Procedures of the UN Treaty Bodies provides detailed and useful information and tips on individual communications to CAT, HRCttee and CEDAW.119

Open Society Justice Initiative’s “Toolkit for Drafting Complaints to the United Nations Human Rights Committee and Committee Against Torture”.120

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119 Sarah Joseph and others, Seeking Remedies for Torture Victims. A handbook on the individual complaints procedures of the UN Treaty Bodies (OMCT, 2006) <www.omct.org/site-resources/legacy/handbook4_eng_00_table_contents_2020-12-11-144643.pdf>
Equal Rights Trust and Ashurst’s “Navigating Human Rights Complaints Mechanisms” includes a dedicated section on UNTBs, including information on the submission of TPIs.121

- **Strategic litigation and UNTBs**

ILGA’s “Treaty Bodies Strategic Litigation toolkit” includes a policy paper, a case digest of the UNTBs, and a compilation of LGBTI cases reviewed by the IACrHR and the European Court of Human Rights.122

Open Society Justice Initiative have produced a range of excellent, thorough, insightful and well documented reports, studies and guides on human rights litigation, including with UNTBs. Those include:

- Practical examples of effective litigation, including with UNTBs, and their impact are documented in Strategic Litigation Impacts: insights from global experience.123
- Global human rights litigation reports, including the 2018 report which integrates an article on CAT litigation in Central Asia.124
- Reports from the “Implementing human rights decisions” series include useful insights into the implementation of UNTB decisions, which are crucial to consider in designing effective litigation strategies.125

- **CESCR**

GI-ESCR’s guide also contains references to other resources that elaborate on individual complaints before the CESCR, including:

- Malcolm Langford, Bruce Porter, Rebecca Brown & Julieta Rossi’s “The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: A Commentary”.127 While the entire book is relevant, the chapter on individual

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complaints procedure by Christian Courtis and Julieta Rossi, is of particular importance.  


➢ Litigators groups

Several litigators groups have published useful guidance, including:

- ESCR-Net has a working group on strategic litigation, which includes resources on support to litigation, implementation of decisions and a case law database.  
- Members of the Vuka! NGO coalition hosted by Civicus have a “thematic action team” dedicated to strategic litigation, including with UNTBs.  
- CCPR Centre convenes annually an informal group of UNTB litigators, together with TBnet, OSJI and ISHR, to discuss recent UNTB case law and procedural developments.

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130 ESCR-Net ‘Strategic Litigation’ (2021) <www.escr-net.org/strategiclitigation>

131 VUKA! Coalition for Civic Action ‘What we do’ (2021) <www.vukacoalition.org/what-we-do/>