

**GUIDE FOR THIRD PARTY INTERVENTIONS BEFORE UN HUMAN
RIGHTS TREATY BODIES**

DRAFT

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ABBREVIATIONS

AI	Amnesty International
CAT	Committee against Torture
CCPR-Centre	Centre for Civil and Political Rights
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination Against Women
CELS	Center for Legal and Social Studies
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CESR	Center for Economic and Social Rights
ch	Chapter
CLADEM	Latin-American and Caribbean Committee for the Defense of Women's Rights
CMW	Committee on Migrant Workers
CRC	Committee on the Rights of the Child
CRIN	Child Rights International Network
CRPD	Committee on the Rights of Persons with Disabilities
DOI	Dullah Omar Institute
e.g.	<i>exempli gratia</i> (for example)
ECHR	European Court of Human Rights
edn	edition
eds	Editors
ESCR-Net	International Network for Economic, Social and Cultural Rights
fn	Footnote
GI-ESCR	Global Initiative for Economic, Social and Cultural Rights

HCHR	High Commissioner for Human Rights
HPOD	Harvard Law School Project on Disability
HRCttee	Human Rights Committee
i.e.	<i>id est</i> (that is)
IACrHR	Inter-American Court of Human Rights
IC / Complaint / Submission / Petition	Individual Communication presented before a UNTB
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Commission of Jurists
IDA	International Disability Alliance
ILGA-World	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IMADR	International Movement Against All Forms of Discrimination and Racism
ISHR	International Service for Human Rights
IWRAW-AP	International Women's Rights Action Watch Asia Pacific
NGO	Non-governmental organisation
NHRI	National Human Rights Institution
No.	Number
OHCHR	Office of the High Commissioner for Human Rights
OMCT	World Organisation Against Torture
OSJI	Open Society Justice Initiative
para	Paragraph
PUAS	Petitions and Urgent Actions Section
ROP	Rules of Procedure
SERI	Social Rights Institute of South Africa
SR	Special Rapporteur

TB-Net	Network of NGOs that work in regular partnership with UNTBs.
TP	Third Party
TPI	Third Party Intervention
UN	United Nations
UNGA	United Nations General Assembly
UNTB	United Nations Treaty Body
v	versus
WG	Working Group

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

¹ International Service for Human Rights (ISHR) 'Understanding the Treaty Bodies - Individual Communications - What Do the Treaty Bodies Do?' (ISHR Academy, 2021) <<https://academy.ishr.ch/learn/treaty-bodies/individual-communications---what-do-the-treaty-bodies-do>>

² Office of the High Commissioner for Human Rights (OHCHR) 'Human Rights Treaty Bodies - Individual Communications. Procedure for complaints by individuals under the human rights treaties' (OHCHR) <[ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#proceduregenerale](https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#proceduregenerale)>

³ OHCHR 'What information do you need to provide in your complaint?' (OHCHR, 2021) <www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#whatinfo>

⁴ ISHR, 'A simple guide to the UN Treaty Bodies' (ISHR, 2015) 28, 29 <https://academy.ishr.ch/upload/resources_and_tools/ishr_simpleguide_treatybodies_2015_en.pdf>

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).

⁶ Claire Callejon, Kamelia Kemileva and Felix Kirchmeier *Treaty Bodies' Individual Communication Procedures: Providing Redress And Reparation To Victims Of Human Rights Violations* (Geneva Academy, May 2019) 13 - 15 <www.geneva-academy.ch/joomlatools-files/docman-files/UN%20Treaty%20Bodies%20Individual%20Communications.pdf>

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

⁷ International Justice Resource Center 'Exhaustion of Domestic Remedies in the United Nations System' (IJRC, August 4, 2017) 10 - 16 <ijrcenter.org/wp-content/uploads/2018/04/8.-Exhaustion-of-Domestic-Remedies-UN-Treaty-Bodies.pdf>

⁸ See: CESC 'Imelda Merino Sierra and Juan Luis Merino Sierra v Spain' (24 November 2016) [E/C.12/59/D/4/2014](http://www.unhcr.org/refugees/article/5c1259d4/2014) 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 HRCtee 'Rabbae, ABS and NA v The Netherlands' (14 July 2016) [CCPR/C/117/D/2124/2011](http://www.unhcr.org/refugees/article/5c1259d4/2014) para 9.6

¹⁰ CESC, CERD, CEDAW, CRPD and CRC. See: CERD 'TBB-Turkist Union in Berlin/Brandenburg v Germany' (26 February 2013) [CERD/C/82/D/48/2010](http://www.unhcr.org/refugees/article/5c1259d4/2014) para 11.4

¹¹ OHCHR, 'Human Rights Treaty Bodies - Individual Communications' (OHCHR) <www.ohchr.org/en/hrbodies/tbpetitions/Pages/IndividualCommunications.aspx>>

¹² Ilias Bantekas and Lutz Oette, 'International Human Rights Law and Practice' (3rd edn, Cambridge University Press, 2020) ch 7, 331.

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.¹⁴

academy.ishr.ch/upload/resources_and_tools/Principi%20implementation%20of%20decisions%20under%20TB%20complaints%20procedures_en.pdf

¹⁴ ISHR, ‘A simple guide to the UN Treaty Bodies’ (ISHR, 2015) 32
academy.ishr.ch/upload/resources_and_tools/ishr_simpleguide_treatybodies_2015_en.pdf

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 at 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.

¹⁵ Chairs of the human rights treaty bodies (29th meeting) 'Common approach to engagement with national human rights institutions' (4 July 2017) [HRI/MC/2017/3](#), 8, para 33

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>>

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),¹⁷ 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 HRCtee (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 *ratione*

¹⁸ HPOD 'Third party intervention in the matter of Bujdosó, Zsolt et al. v. Hungary, Communication No. 4/2011 before the Committee on the Rights of Persons with Disabilities' (2011) <<https://drive.google.com/file/d/1Wy8trkn40FERkIZe9likBmUUHjuVGfBM/view?usp=sharing>>

¹⁹ CRPD 'Bujdosó et. al. v. Hungary' (16 October 2013) [CRPD/C/10/D/4/2011](#) paras 9.1 - 10

²⁰ ESCR-Net 'Toussaint v. Canada, CCPR/C/123/D/2348/2014, 2018. UN finds rights violations in irregular migrant being denied essential health services' (ESCR-Net, 12 December 2018) <www.escr-net.org/caselaw/2018/toussaint-v-canada-ccprc123d23482014-2018>

²¹ ESCR-Net's Strategic Litigation Working Group members: CELS, CESR, GI-ESCR, SERI, SECTION27 'Nell Toussaint v. Canada. Communication No. 2348/2014. LEGAL OPINION' (22 August 2015) <www.escr-net.org/sites/default/files/escr-net_legal_opinion_-_toussaint_v_canada.pdf>

²² HRCttee 'Toussaint v. Canada' (7 August 2018) [CCPR/C/123/D/2348/2014](#) paras 11.1 - 14

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.

²³ Gamze Erdem Türkelli and others 'Third Party Intervention to the UN Committee on the Rights of the Child in the cases of H. and A. v. France and X. and X. v. France' (10 June 2020) <www.childrensrightsobservatory.nl/images/papers/TPI-Submission-10-June-2020-final.pdf>

²⁴ CRC 'L.H. and others v. France' (30 September 2020) [CRC/C/85/D/79/2019 – CRC/C/85/D/109/2019](https://www.unhcr.org/refugees/crc/C/85/D/79/2019-CRC/C/85/D/109/2019) paras 9.1 - 11

²⁵ Helen Duffy, 'Communication 79/2019 and 109/2019 et. al., Case Note 2021/3. French Children in Syrian Camps: the Committee on the Rights of the Child and the Jurisdictional Quagmire' (Leiden Children's Rights Observatory, 18 February 2021) <www.childrensrightsobservatory.nl/case-notes/casenote2021-3>

Third-party interventions: Several TPIs were submitted, dealing with a range of topics including: gender-based violence,²⁶ gender stereotyping,²⁷ transformative equality,²⁸ the due diligence principle in relation to gender-based violence in the Inter-American System,²⁹ and the jurisprudence of the European Court of Human Rights (ECHR) on the obligation to exercise due diligence to protect individuals from domestic violence³⁰.

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.³¹

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.

²⁶ Save the Children 'La responsabilidad del Estado ante las vulneraciones de los derechos de los niños y niñas víctimas de la violencia de género' (2014) <www.womenslinkworldwide.org/files/77/amicus-de-save-the-children-espana.pdf>

²⁷ Simone Cusack 'Ángela González Carreño v. Spain CEDAW Communication No. 47/2012: Amicus Curiae Brief' (2 February 2014) <www.womenslinkworldwide.org/files/78/amicus-de-simone-cusack-solo-en-ingles.pdf>

²⁸ Christine Chinkin and Keina Yoshida 'Transformative Equality and Violence against Women and the Girl Child' (2014) <www.womenslinkworldwide.org/files/80/amicus-de-christine-chinkin-y-keina-yoshida-solo-en-ingles.pdf>

²⁹ Victor Abramovich and Susana Villarán 'Amicus Curiae. The Due Diligence Principle in the Inter-American System Applied to Gender-Based Violence' (2014) <www.womenslinkworldwide.org/files/79/amicus-de-victor-abramovich-y-susana-villaran-solo-en-ingles.pdf>

³⁰ International Commission of Jurists 'Ángela González Carreño v. Spain, Communication No. 47/2012, CEDAW. Amicus Brief' (26 June 2014) <www.womenslinkworldwide.org/files/76/amicus-de-la-comision-internacional-de-juristas-informacion-disponible-solo-en-ingles.pdf>

³¹ CEDAW 'González Carreño v. Spain' (16 July 2014) [CEDAW/C/58/D/47/2012](http://www.unhcr.org/refugees/article/43c9d4d4.html) paras 9.1 - 12

Third party interventions: The Committee received various amicus briefs which provided information on the situation of maternal mortality in Brazil³² 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 CED 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” about the mandatory nature of the Urgent Actions.³⁶

³² Latin-American and Caribbean Committee for the Defense of Women's Rights (CLADEM) 'AMICUS CURIAE by CLADEM Case: ALYNE DA SILVA PIMENTEL (Communication No. 17/2008)' (January 2010) <<https://opcedaw.files.wordpress.com/2012/01/alyne-da-silva-v-brazil-cladem-amicus-curiae-brief.pdf>>

³³ ICJ 'Committee on the Elimination of Discrimination Against Women: Case of Alyne da Silva Pimentel V. Federative Republic of Brazil. Legal Opinion by the International Commission of Jurists' (2010) <<https://www.icj.org/wp-content/uploads/2012/11/Legal-Opinion-ICJ-Case-of-Alyne-da-Silva-Pimentel-.pdf>>

³⁴ CEDAW 'Alyne da Silva Pimentel v. Brazil (27 September 2011) [CEDAW/C/49/D/17/2008](#) paras 7.1 - 9

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

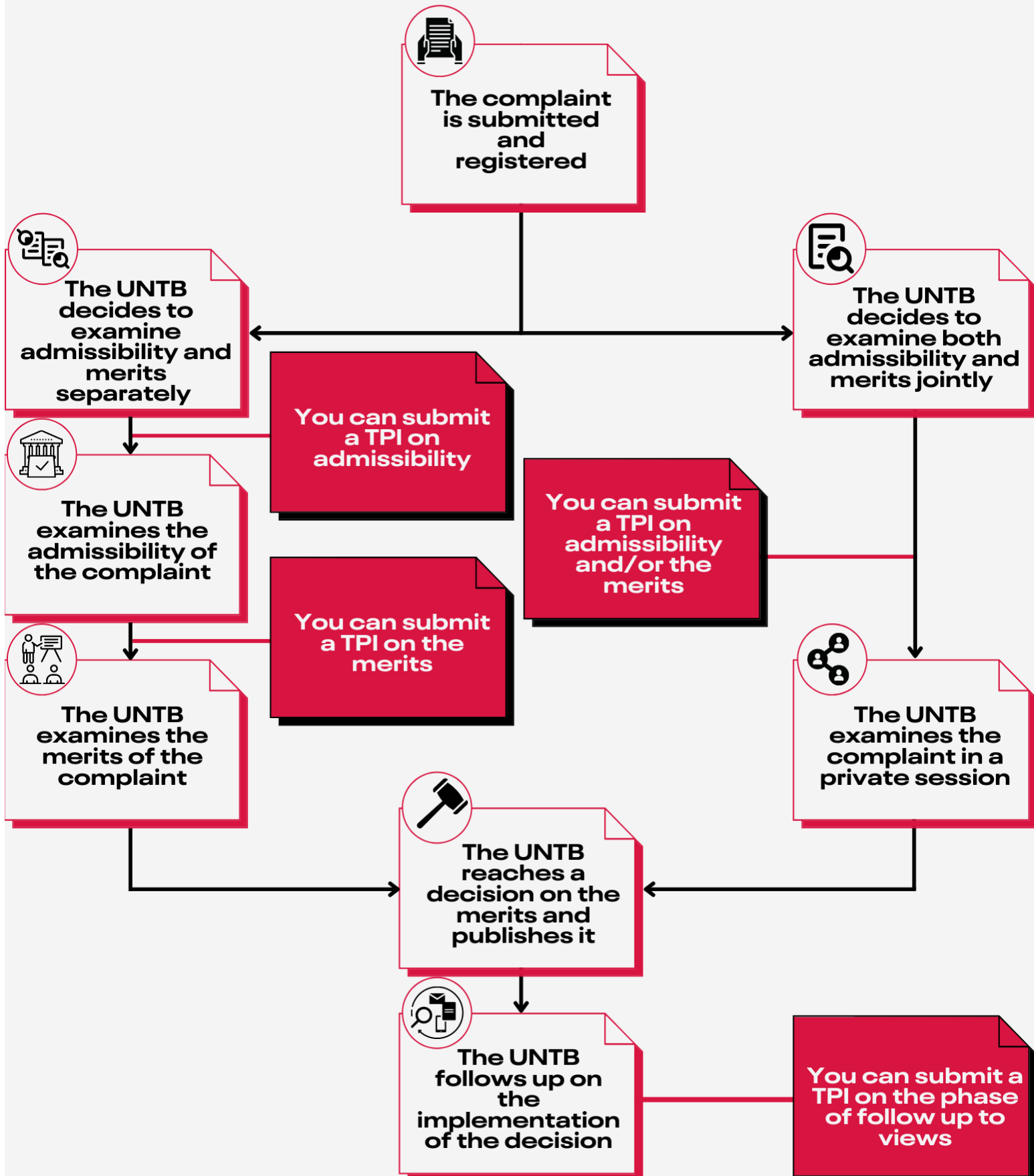
CHAPTER III: IDENTIFYING AND CAPITALISING ON OPPORTUNITIES TO SUBMIT THIRD-PARTY INTERVENTIONS

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



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,³⁷ 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.³⁸
- **CESCR:** On the Committee's website,³⁹ on the left column under "Complaints and inquiry procedures" there is a link titled "Table of pending cases".⁴⁰
- **CRC:** On the Committee's website,⁴¹ on the left column under "Complaints Procedure" there is a link titled "Table of pending cases".⁴²

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_MZ6wQxz1U_-gW/view?usp=sharing>;

2018: <<https://drive.google.com/file/d/1iSto1mk2NbGTbOkpwXjY6b5e6bMjV3Ib/view?usp=sharing>>;

2019: <<https://drive.google.com/file/d/1tOaZHsK1EUEomWJE9HwONQoOLkXdNpir/view?usp=sharing>>

³⁹ OHCHR 'Introduction. Committee on Economic, Social and Cultural Rights' (2021) <<https://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx>>

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>

⁴¹ OHCHR 'Introduction. Committee on the Rights of the Child' (2021) <<https://www.ohchr.org/en/hrbodies/crc/pages/crcindex.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,⁴³ on the left column under "Complaints Procedure" there is a link titled "Table of pending cases".⁴⁴
- **CRPD:** On the Committee's website,⁴⁵ on the left column under "Complaints Procedure" there is a link titled "Table of pending cases".⁴⁶

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.⁴⁷ This is achieved by setting new precedents and publicly exposing injustice.⁴⁸ As such, cases presented to UNTBs are sometimes made public by the Applicants, as a way to raise awareness of their cause.⁴⁹ 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.⁵⁰
 - *Opinio Juris*.⁵¹
 - *EJIL: Talk!*⁵²

⁴³ OHCHR 'Introduction. Committee on the Elimination of Discrimination against Women' (2021) <www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

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.

⁴⁵ OHCHR 'Introduction. Committee on the Rights of Persons with Disabilities' (2021) <www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>

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>

⁴⁷ See, for example: Daniele Paletta 'ILGA World Launches Treaty Bodies Strategic Litigation Toolkit' (ILGA World, 10 March 2019) <<https://ilga.org/ILGA-World-launches-UN-Treaty-Bodies-Strategic-Litigation-toolkit>>

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

⁴⁹ See, for example: 'Severe torture inflicted on Mr. Nouar Abdelmalek' (TRIAL International, 15 September 2016) <<https://trialinternational.org/latest-post/severe-torture-inflicted-on-mr-nouar-abdelmalek/>>;

'Case Omar N'dour v. Morocco' (TRIAL International, 28 September 2016) <<https://trialinternational.org/latest-post/case-omar-ndour-v-morocco/>>

'Comité Contra las Desapariciones Forzadas' (Idheas, Litigio Estratégico en Derechos humanos, A.C.) <<https://www.idheas.org.mx/litigio-internacional/comite-contra-las-desapariciones-forzadas/>>

⁵⁰ [Centre for Civil and Political Rights](#) (on HRCttee); [Child Rights Connect](#) (on CRC); [Global Initiative on ESC rights](#) (on CESCR); [International Disability Alliance](#) (on CRPD); [International Movement against all forms of Discrimination and Racism](#) (on CERD); International Women's Rights Action Watch Asia Pacific ([IWRAP-AP](#)) (on CEDAW) and [World Organisation Against Torture](#) (on CAT).

⁵¹ 'OpinioJuris' (2021) <<http://opiniojuris.org/>>

⁵² 'EJIL:Talk! Blog of the European Journal of International Law' (2021) <www.ejiltalk.org/>

- Open Society Justice Initiative.⁵³
- Women's Link Worldwide.⁵⁴
- 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).⁵⁵
 - ESCR-Net.⁵⁶
 - International Institute on Race, Equality, and Human Rights.⁵⁷

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.⁵⁸
- 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.

⁵³ 'Open Society Justice Initiative' (Open Society Foundations, 2021) <www.justiceinitiative.org/>

⁵⁴ 'Women's Link Worldwide' (2021) <www.womenslinkworldwide.org/en>

⁵⁵ 'International Federation For Human Rights' (FIDH: International Federation For Human Rights, 2021) <www.fidh.org/en/>

⁵⁶ 'ESCR-Net - International Network for Economic, Social and Cultural Rights' (ESCR-Net, 2021) <www.escr-net.org/>

⁵⁷ 'The International Institute on Race, Equality and Human Rights' (2018) <<https://raceandequality.org/>>

⁵⁸ Chambers Associate 'Top law firms for pro bono experience' (Chambers and Partners Ltd, 2021) <www.chambers-associate.com/law-firms/associate-satisfaction-surveys/top-law-firms-for-pro-bono-experience>

'Our supporters' (Pro Bono Net, 2021) <www.probono.net/about/supporters/#lawfirms>

'Pro Bono Program' (Center for Reproductive Rights, 2021) <<https://reproductiverights.org/about-us/pro-bono-program/>>

'Our Partners' (ISHR, 2021) <<https://ishr.ch/about-us/partners/>>

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

You submit your TPI

Your TPI is rejected

You can request an explanation regarding what motivated the rejection

Your TPI is accepted

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

The UNTB reaches a decision

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.⁵⁹ 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.”*⁶⁰

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.⁶¹

⁵⁹ HRCttee ‘Guidelines on making oral comments concerning communications’ (26 March 2019) [CCPR/C/159/Rev.1](https://www.ohchr.org/Documents/Publications/FactSheet7Rev.2.pdf)

⁶⁰ OHCHR, *Human Rights Fact Sheet No. 7 Individual Complaint Procedures under the United Nations Human Rights Treaties* (2nd rev, United Nations, 2013) 24 <www.ohchr.org/Documents/Publications/FactSheet7Rev.2.pdf>

⁶¹ UN Human Rights Office Media Section ‘UN Child Rights Committee rules that countries bear cross-border responsibility for harmful impact of climate change’ OHCHR (Geneva, 11 October 2021) <www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27644&LangID=E>

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?

HRCtee: 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).

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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

⁶² HRCttee 'Rules of procedure of the Human Rights Committee' (9 January 2019) [CCPR/C/3/Rev.11](#)

63 HRCttee 'Guidelines on third-party submissions' (2019)
 <<https://drive.google.com/file/d/1mA5jig3NopABZop4uybG Xq E9DaiLj/view?usp=sharing>>

1211 Geneva 10, Switzerland

Email: petitions@ohchr.org

Fax: + 41 22 917 9022

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.

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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.⁶⁴

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.⁶⁵

- 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.

⁶⁴ 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](#).

⁶⁵ CESCR 'Guidance on third-party interventions' (2016) https://drive.google.com/file/d/1vHWDvU2FiiffEl1tu6u_48IHdHMxwd-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.

DRAFT

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.⁶⁶

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.⁶⁷

- 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.

⁶⁶ CRC 'Rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure' (16 April 2013) [CRC/C/62/3](https://www.ohchr.org/Documents/HRBodies/CRC/GuidelinesTPI.pdf).

⁶⁷ CRC 'Guidelines on third-party interventions under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC)' (2020) [<ohchr.org/Documents/HRBodies/CRC/GuidelinesTPI.pdf>](https://www.ohchr.org/Documents/HRBodies/CRC/GuidelinesTPI.pdf)

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.

DRAFT

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

⁶⁸ CEDAW 'Rules of procedure of the Committee on the Elimination of Discrimination Against Women' (26 January 2001) [CEDAW/C/ROP](#).

⁶⁹ CEDAW 'Working Methods of the Committee on the Elimination of Discrimination Against Women and its Working Group on individual communications received under the Optional Protocol to the CEDAW Convention' (17 November 2020) www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/CEDAW/WorkingMethods.docx&action=default&DefaultItemOpen=1

1211 Geneva 10, Switzerland

Email: petitions@ohchr.org

Fax: + 41 22 917 9022

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.

DRAFT

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.⁷⁰

- 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.

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.

DRAFT

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.

DRAFT

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

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

⁷³ Claire Callejon, Kamelia Kemileva and Felix Kirchmeier *Treaty Bodies’ Individual Communication Procedures: Providing Redress And Reparation To Victims Of Human Rights Violations* (Geneva Academy, May 2019) 12, fn 23 <www.geneva-academy.ch/joomlatools-files/docman-files/UN%20Treaty%20Bodies%20Individual%20Communications.pdf>

Email: petitions@ohchr.org

Fax: +41 22 917 9022

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.

DRAFT

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 actors⁷⁴ and *“individuals and sources not mentioned in the previous paragraphs of this rule.”*⁷⁵

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

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](http://www.ohchr.org/EN/HRBodies/CED/Pages/RulesOfProcedure.aspx#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

DRAFT

B. OVERVIEW OF UN TREATY BODY CASE LAW FEATURING THIRD-PARTY INTERVENTIONS

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

Case	Complaint	Third parties	Decision
<p>C.S. <i>et al.</i> v. Argentina, Brazil, France, Germany and Turkey.</p> <p>Nos. 104 - 108 / 2019</p>	<p>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.</p>	<p>Joint submission in admissibility by: Current (Dr. David R. Boyd) and former (Prof. John H. Knox) UN Special Rapporteurs on the environment.⁷⁶</p>	<p>Declare inadmissible for: failure to exhaust domestic remedies.</p>
<p>A.B. v. Finland</p> <p>No. 51/2018</p>	<p>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.</p>	<p>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</p>	<p>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.</p> <p>Violation of article 19: failure to protect author of real risk of irreparable harm in case of return to</p>

⁷⁶ Dr. David R. Boyd and Professor John H. Knox 'N.104/2019, N.105/2019, N.106/2019, N.107/2019, and N.108/2019. Before the United Nations Committee on the Rights of the Child C.S. *et al.* v. ARGENTINA, BRAZIL, FRANCE, GERMANY and TURKEY. Amici Curiae brief of Special Rapporteurs on Human Rights and the Environment in support of admissibility' (30 April 2020) <www.hausfeld.com/uploads/documents/crc_admissibility_brief_boyd_knox_final_-_1_may_2020.pdf>

		Families Associations (NELFA). ⁷⁷	the Russian Federation.
M.H. v. Finland No. 23/2017	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.	International NGO Council on Genital Autonomy. ⁷⁸	Declared inadmissible <i>ratione temporis</i> .
D.D. v. Spain No. 4/2016	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.	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. ⁷⁹	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.
S.M.A v. Spain No.	Spain subjected unaccompanied migrant minors to age determination tests and detention in adult detention centres	Defender of Rights (<i>Ombudsman</i>) of France. ⁸¹	Violation of articles 3, 8, 12, 20: failure to ensure that all procedures for assessing the age of young

⁷⁷ CRIN, ICJ, ILGA-Europe, ILGA-World and NELFA 'Third-party intervention. Communication no. 51/2018 against Finland' (15 April 2020) <https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/602cfa9e4c13017e1d7fe704/1613560479462/Interventions_AB+v.+Finland_final.pdf%201%20response>

⁷⁸ INGO CGA 'Under the Convention on the Rights of the Child. M.H. v Finland Communication 23/2017. Third Party Intervention Submitted to the United Nations Committee on the Rights of the Child (CRC)' (December 2018) <www.arclaw.org/wp-content/uploads/INGO CGA-Third-Party-Intervention-As-Submitted-to-CRC-12-31-18.pdf>

⁷⁹ ICJ, ECRE, AIRE Center, Dutch Council for Refugees 'Third party intervention in D.D. v Spain, 4/2016. To the UN Committee on the Rights of the Child' (31 May 2018) <www.icj.org/wp-content/uploads/2018/06/UN-Third-party-intervention-DD-v-Spain-Rights-of-the-Child-May-2018-ENG.pdf>

⁸¹ Défenseur des droits Jacques Toubon 'Tierce-intervention du Défenseur des droits dans le cadre des communications suivantes portées devant le Comité des droits de l'enfant de l'ONU: 44/2018, 42/2018, 41/2018, 40/2018, 39/2017, 38/2017, 37/2017, 29/2017, 28/2017, 26/2017, 25/2017, 24/2017, 22/2017, 20/2017, 18/2017, 16/2017, 15/2017, 14/2017, 11/2017, 8/2016' (2 May 2018) <https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=17671>

40/2018. ⁸⁰	<p>pending deportation.</p> <p>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.</p>		<p>people claiming to be minors offer the safeguards needed to protect their rights under the CRC.</p> <p>Failure to protect highly vulnerable unaccompanied child migrants.</p> <p>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</p>
<p>L.H., L.H., D.A, C.D. and A.F. v France</p> <p>79/2019 109/2019</p>	<p>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.</p>	<p>Joint submissions on admissibility at the Committee's invitation by:</p> <p>Three experts from the Consortium on Extraterritorial Obligations.⁸²</p> <p>A group of 31 experts from different universities.⁸³</p>	<p>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.</p>

⁸⁰ The submission also concerned analogous communications against Spain from: L.D. (37/2017), M.B. (28/2017), R.K. (27/2017), M.B.S (26/2017), A.B. (24/2017), J.A.B. (22/2017), A.D. (21/2017), M.T. (17/2017), A.L. (16/2017), D.K.N (15/2017), A.D. (14/2017), and N.B.F. (11/2017)

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

⁸³ Gamze Erdem Türkelli and others 'Third Party Intervention to the UN Committee on the Rights of the Child in the cases of H. and A. v. France and X. and X. v. France' (10 June 2020) <www.childrensrightsobservatory.nl/images/papers/TPI-Submission-10-June-2020-final.pdf>

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

Case	Complaint	Third parties	Decision
L.C. v. Perú. No. 22/2009	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.	International Commission of Jurists. ⁸⁴ Health Equity And Law Clinic. International Reproductive And Sexual Health Law Programme. Faculty Of Law, University Of Toronto (HEAL Clinic). ⁸⁵	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.
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. ⁸⁶ Simon Cusack. ⁸⁷ International Commission of Jurists (ICJ). ⁸⁸	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.

⁸⁴ ICJ 'Legal Opinion. Committee on the Elimination of Discrimination against Women, Case of L.C. v. Perú' <www.icj.org/wp-content/uploads/2012/11/Legal-Opinion-ICJ-LC-v.-Peru1.pdf>

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

⁸⁶ Save the Children 'La responsabilidad del Estado ante las vulneraciones de los derechos de los niños y niñas víctimas de la violencia de género' (2014) <www.womenslinkworldwide.org/files/77/amicus-de-save-the-children-espana.pdf>

⁸⁷ Simone Cusack 'Ángela González Carreño v. Spain CEDAW Communication No. 47/2012: Amicus Curiae Brief' (2 February 2014) <www.womenslinkworldwide.org/files/78/amicus-de-simone-cusack-solo-en-ingles.pdf>

⁸⁸ ICJ 'Angela Gonzalez Carreno v. Spain, Communication No. 47/2012, CEDAW. Amicus Brief' (26 June 2014) <www.womenslinkworldwide.org/files/76/amicus-de-la-comision-internacional-de-juristas-informacion-disponible-solo-en-ingles.pdf>

		Professors Christine Chinkin and Keina Yoshida. ⁸⁹ Victor Abramovich and Susana Villarán. ⁹⁰	
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 ICJ. ⁹⁴	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

⁸⁹ Christine Chinkin and Keina Yoshida 'Transformative Equality and Violence against Women and the Girl Child' (2014) <www.womenslinkworldwide.org/files/80/amicus-de-christine-chinkin-y-keina-yoshida-solo-en-ingles.pdf>

⁹⁰ Victor Abramovich and Susana Villarán 'Amicus Curiae. The Due Diligence Principle in the Inter-American System Applied to Gender-Based Violence' (2014) <www.womenslinkworldwide.org/files/79/amicus-de-victor-abramovich-y-susana-villaran-solo-en-ingles.pdf>

⁹¹ Center for Reproductive Rights 'Supplemental Information Re: A.S. v. Hungary. Communication No: 4/2004' (2005) <https://reproductiverights.org/wp-content/uploads/2020/12/ww_ASvHungary_amicus_brief.pdf>

⁹² ERRC 'Written Comments of the European Roma Rights Centre concerning the CEDAW case of A.S. v. Hungary, communication No. 4/2004.' (20 November 2009) <www.errc.org/uploads/upload_en/file/hungary-written-comments-cedaw-ascase-20112009.pdf>

⁹³ CLADEM 'AMICUS CURIAE by CLADEM Case: ALYNE DA SILVA PIMENTEL (Communication No. 17/2008)' (January 2010) <<https://opcedaw.files.wordpress.com/2012/01/alyne-da-silva-v-brazil-cladem-amicus-curiae-brief.pdf>>

⁹⁴ ICJ 'Committee on the Elimination of Discrimination Against Women: Case of Alyne da Silva Pimentel V. Federative Republic of Brazil. Legal Opinion by the International Commission of Jurists' (2010) <<https://www.icj.org/wp-content/uploads/2012/11/Legal-Opinion-ICJ-Case-of-Alyne-da-Silva-Pimentel-.pdf>>

No. 17/2008		Amnesty International (AI) (not available online). ⁹⁵	she received appropriate health services in connection with her pregnancy
J.D. <i>et al.</i> v. The Czech Republic No. 102/2016	The Czech Republic was responsible for not providing an effective remedy to six Romani women who were victims of forced sterilisation.	Center for Reproductive Rights. ⁹⁶	Declared inadmissible for: lack of exhaustion of domestic remedies.

⁹⁵ Amnesty International (AI) 'UN finds Brazil failed to prevent pregnant woman's death' (August 19, 2011) <www.amnesty.org/en/latest/news/2011/08/un-finds-brazil-failed-prevent-pregnant-womanes-death/>

⁹⁶ Center for Reproductive Rights 'Expert Opinion submitted by the Center for Reproductive Rights in the case of J.D. *et al.* v. the Czech Republic, CEDAW Communication No. 102/2016 ' (24 November 2017) <https://reproductiverights.org/wp-content/uploads/2021/04/CRR-Expert-Opinion_JD-et-al.-v.-Czech-Rep_Final.pdf>

B3 - Human Rights Committee (HRCttee)

Case	Complaint	Third parties	Decision
Krikkerik v. Russian Federation. No. 2992/2017	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.	International Service for Human Rights (ISHR). ⁹⁷	Case registered. Pending resolution.
Nell Toussaint v. Canada No. 2348/2014	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.	<u>Members of ESCR-Net's Strategic Litigation Working Group</u> : 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. ⁹⁸	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.

⁹⁷ ISHR 'HUMAN RIGHTS COMMITTEE. Written comments of the International Service for Human Rights. Complainant: Sasha Maimi Krikkerik. Communication number: 2992/2017' (August 2017) <https://ishr.ch/wp-content/uploads/2021/10/ishr_amicus_brief_-_sasha_krikkerik_-_2992-2017_final.pdf>

⁹⁸ ESCR-Net's Strategic Litigation Working Group members 'Nell Toussaint v. Canada. Communication No. 2348/2014. LEGAL OPINION' (22 August 2015) <www.escr-net.org/sites/default/files/escr-net_legal_opinion_-_toussaint_v_canada.pdf>

		AI. ⁹⁹	
Irina Fedotova v. Russian Federation. No. 1932/2010	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.	ICJ. ¹⁰⁰	Violation of articles 19 and 26: 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.

⁹⁹ AI 'Legal Opinion submitted before the United Nations Human Rights Committee regarding issues raised in Nell Toussaint v Canada Communication No. 2348/2014' (August 2015) <www.amnesty.ca/sites/amnesty/files/imce/images/Legal%20Opinion%20of%20Amnesty%20International%20-%20Toussaint.pdf>

¹⁰⁰ ICJ 'ICJ Legal Opinion on Section 3.10 of the Ryazan Oblast Law' <www.icj.org/wp-content/uploads/2012/06/Russian-Federation-ICJ-opinion-legal-submission-2010.pdf>

B4 - Committee On Economic, Social And Cultural Rights (CESCR)

Case	Complaint	Third parties	Decision
I.D.G v. Spain. No. 2/2014	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.	<u>Members of ESCR-Net's Strategic Litigation Working Group: CESR, GI-ESCR, SERI.</u> ¹⁰¹	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.
Mohamed Ben Djazia and Naouel Bellili v. Spain. No. 5/2015	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.	<u>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.</u> ¹⁰² UNSR on adequate housing as a component of the right to an adequate standard of living, and on the right to non-	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.

¹⁰¹ ESCR-Net 'I.D.G. c. ESPAÑA Comunicación 2/2014. Intervención De Tercero' (24 February 2015) <www.escr-net.org/sites/default/files/intervencion_de_tercero_-_red_desc_comunicacion_2-2014_2.pdf>

¹⁰² ESCR-Net 'M.B.D. v Spain. Communication 5/2015. Third Party Intervention' (17 May 2016) <www.escr-net.org/sites/default/files/third_party_intervention_-_comm._n.5_eng.pdf>

		<p>discrimination in this context (UNSR on housing), Ms. Leilani Farha.¹⁰³</p> <p>During follow up to views:</p> <p>Civil Society Monitoring Group for compliance with the CESCR's decision of 20 June 2017.¹⁰⁴</p> <p><u>Members of ESCR-Net's Strategic Litigation Working Group:</u> CESR, DOI, Economic & Social Rights Centre – Hakijamii (ESRC-H), Habitat International Coalition – Housing and Land Rights Network (HIC-HRLN), IWRAW-AP, Just Fair, SRAC, Jackie Dugard, GI-ESCR.¹⁰⁵</p>	
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	<p><u>Members of ESCR-Net's Strategic Litigation Working Group:</u> AI, <i>Asociación Civil por la Igualdad y la Justicia</i> (ACIJ), CESR, ESRC-H, <i>Foro Ciudadano de Participación por la Justicia y los Derechos Humanos</i> (FOCO), GI-</p>	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

¹⁰³ UNSR on housing, Ms. Leilani Farha 'Third-party submission on the Communication 5/2015. MDB *et al.* v. Spain' (31 January 2017) <www.ohchr.org/Documents/Issues/Housing/TB/Communication_5_2015.pdf>

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 Comunicación 5/2015 ante el Comité De Derechos Económicos, Sociales y Culturales'* (1 March 2018) <www.escr-net.org/sites/default/files/alegaciones_grupo_monitoreo_mar18.pdf>

¹⁰⁵ ESCR-Net 'Under the working methods concerning the Committee's follow-up to Views under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. MBD v Spain. Communication No. 5/2015. Civil Society submission on the implementation of General Recommendations' (14 March 2018) <www.escr-net.org/sites/default/files/follow_up_to_cescr_comm_5_of_2015_-_collective_submission_14_march_2018.pdf>

	security and non-discrimination.	<p>ESCR, IWRAW-AP, Legal Resources Centre (LRC), SRAC, Lilian Chenwi, Viviana Osorio Pérez.¹⁰⁶</p> <p>During follow up to views:</p> <p><u>Members of ESCR-Net's Strategic Litigation Working Group:</u> ACIJ, Centro de Apoyo y Protección de los Derechos Humanos SURKUNA, IWRAW-AP, LRC, SRAC, Women's Legal Centre (WLC).¹⁰⁷</p>	retirement scheme constituted multiple discrimination, including on the basis of gender and age.
Alarcón Flores <i>et al</i> v. Ecuador No. 14/2016	A decision by Ecuador to rescind previously granted pension benefits amounted to a violation of the Applicants' right to social security.	<p><u>Members of ESCR-Net's Strategic Litigation Working Group:</u> GI-ESCR, Initiative for Social and Economic Rights (ISER), Ana Lucia Maya Aguirre.¹⁰⁸</p>	Declared inadmissible <i>ratione temporis</i>.

¹⁰⁶ ESCR-Net 'M.C.T.C. v Ecuador Communication 10/2015 Third Party Intervention' (30 October 2017) <www.escr-net.org/sites/default/files/escr-net_third_party_intervention_cesr_communication_10_of_2015.pdf>

¹⁰⁷ ESCR-Net 'Third-Party Intervention before the United Nations Committee on Economic, Social, and Cultural Rights regarding Follow-up to Its Views on Marcia Cecilia Trujillo Calero v. Ecuador (Communication 10/2015)' <www.escr-net.org/sites/default/files/intervention_follow-up_mctc_v_ecuador.pdf>

¹⁰⁸ ESCR-Net 'Third Party Intervention on Interim Measures and Admissibility' <<https://drive.google.com/file/d/1D9j7BFNrrs7siLlfuVV8nNOTKciqGB-P/view?usp=sharing>>

B5 - Committee on the Rights of Persons with Disabilities (CRPD)

Case	Complaint	Third parties	Decision
Bujdosó v. Hungary. No. 004/2011	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.	Harvard Law School Project on Disability. ¹⁰⁹	Violation of articles 12 and 29: 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.

¹⁰⁹ HPOD 'Third party intervention in the matter of Bujdosó, Zsolt et al. v. Hungary, Communication No. 4/2011 before the Committee on the Rights of Persons with Disabilities' (2011) <<https://drive.google.com/file/d/1Wy8trkn40FERklZe9likBmUUHjuVGfBM/view?usp=sharing>>

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

Case	Complaint	Third parties	Decision
TBB v. Germany. No. 48/2010	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).	German Institute for Human Rights. ¹¹⁰	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.

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>

B7 - Other cases with interventions not available online

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

¹¹¹ CAT 'Mr. Slobodan Nikolic and Mrs. Ljiljana Nikolic v. Serbia and Montenegro' (9 December 2005) [CAT/C/35/D/174/2000](#) para 3.4

¹¹² Dr. David R. Boyd 'Newsletter #7: December 2020' (December 2020) <<http://srenvironment.org/newsletter/newsletter-7-december-2020>>

¹¹³ 'Turkey's mass surveillance case: Monica Feria-Tinta in third party intervention to the UN Human Rights Committee' (18 September 2020) <<https://twentysex.com/turkeys-mass-surveillance-case-monica-feria-tinta-in-third-party-intervention-to-the-un-human-rights-committee/>>

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 CESCR.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

¹¹⁴ UNESCO Guide for Amicus Curiae Interventions in Freedom of Expression Cases (UNESCO, 2021) <<https://unesdoc.unesco.org/ark:/48223/pf0000379020/PDF/379020eng.pdf.multi>>

¹¹⁵ ISHR ‘Treaty Bodies’ (ISHR Academy, 2021) <<https://academy.ishr.ch/learn/treaty-bodies>>

¹¹⁶ GI-ESCR ‘Individual Communication Guide’ (GI-ESCR, 2021) <www.gi-escr.org/individual-communication-guide>

¹¹⁷ Claire Callejon, Kamelia Kemileva and Felix Kirchmeier *Treaty Bodies’ Individual Communication Procedures: Providing Redress And Reparation To Victims Of Human Rights Violations* (Geneva Academy, May 2019) <www.geneva-academy.ch/joomlatools-files/docman-files/UN%20Treaty%20Bodies%20Individual%20Communications.pdf>

¹¹⁸ Child Rights Connect ‘Optional Protocol on a Communications Procedure’ (2021) <<https://opic.childrightsconnect.org/>>

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>

¹²⁰ Open Society Justice Initiative (OSJI), *Strategic Litigation Toolkit. Drafting Complaints to the United Nations Human Rights Committee and Committee Against Torture. Torture, Deaths in Custody, and Related Violations* (Open Society Foundations, 2018) <www.justiceinitiative.org/uploads/507acc52-2c91-4d0f-8410-62c31cb2f391/litigation-toolkit-torture-20180427.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 IACrTHR 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:

- Sandra Liebenberg's "Between Sovereignty and Accountability: The Emerging Jurisprudence of the United Nations Committee on Economic, Social and Cultural Rights Under the Optional Protocol".¹²⁶
- 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

¹²¹ Equal Rights Trust and Ashurst, *Navigating Human Rights Complaints Mechanisms. Rules, tools and resources* (2018) <www.ashurst.com/en/news-and-insights/legal-updates/navigating-human-rights-complaints-mechanisms-rules-tools-and-resources>

¹²² International Lesbian, Gay, Bisexual, Trans and Intersex Association: Kseniya Kirichenko, *Treaty Bodies Strategic Litigation toolkit* (ILGA-World, October 2019) <<https://ilga.org/Treaty-Bodies-strategic-litigation-toolkit>>

¹²³ OSJI, *Strategic Litigation Impacts. Insights from Global Experience* (Open Society Foundations, 2018) <www.justiceinitiative.org/uploads/fd7809e2-bd2b-4f5b-964f-522c7c70e747/strategic-litigation-impacts-insights-20181023.pdf>

¹²⁴ OSJI, *Global Human Rights Litigation Report* (Open Society Foundations, June 2021) <www.justiceinitiative.org/publications/2021-global-human-rights-litigation-report>

¹²⁵ OSJI, *From Judgment to Justice Implementing International and Regional Human Rights Decisions* (Open Society Foundations, November 2010) <www.justiceinitiative.org/publications/judgment-justice-implementing-international-and-regional-human-rights-decisions>

¹²⁶ Sandra Liebenberg, 'Between Sovereignty and Accountability: The Emerging Jurisprudence of the United Nations Committee on Economic, Social and Cultural Rights Under the Optional Protocol' (2020) vol. 42/no. 1 Human Rights Quarterly 48-84 <<https://muse.jhu.edu/article/747391>>

¹²⁷ Malcolm Langford and others (eds), *The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: A Commentary* (Pretoria University Law Press, 2016) <www.pulp.up.ac.za/component/edocman/the-optional-protocol-to-the-international-covenant-on-economic-social-and-cultural-rights-a-commentary>

complaints procedure by Christian Courtis and Julieta Rossi, is of particular importance.¹²⁸

- The Nordic Journal of Human Rights produced (Volume 27, No: 1) “Perspectives on a New Complaint and Inquiry Procedure: The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights” (2009). Malcolm Langford’s article titled: “Closing the Gap? An Introduction to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights” is particularly relevant, as it makes reference to *amicus* briefs.¹²⁹

➤ 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.¹³⁰
- Members of the Vuka! NGO coalition hosted by Civicus have a “thematic action team” dedicated to strategic litigation, including with UNTBs.¹³¹
- 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.¹³²

¹²⁸ Christian Courtis and Julieta Rossi, ‘Individual Complaints Procedure’ in Malcolm Langford and others (eds), *The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: A Commentary* (Pretoria University Law Press, 2016) ch 3 <www.pulp.up.ac.za/component/edocman/the-optional-protocol-to-the-international-covenant-on-economic-social-and-cultural-rights-a-commentary>

¹²⁹ Malcolm Langford, ‘Perspectives on a New Complaint and Inquiry Procedure: The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights’ (2009) vol. 27/no. 1 Special Issue of *Nordisk Tidsskrift for Menneskerettigheter*. Nordic Journal of Human Rights <www.jus.uio.no/ior/english/people/aca/malcolml/NTMR109-1.pdf>

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/>

¹³² CCPR ‘NGOs meet in Geneva to discuss strengthening of UN Treaty Bodies’ (2019) <<https://ccprcentre.org/ccprpages/ngos-meet-at-geneva-to-discuss-strengthening-of-un-treaty-bodies>>