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**A GUIDE TO  
ADVOCATING FOR  
WOMEN'S RIGHTS  
USING INTERNATIONAL  
HUMAN RIGHTS MECHANISMS**

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# ABOUT EQUALITY NOW

Equality Now is an international human rights organisation founded in 1992 to protect and advance the rights of women and girls around the world. Its campaigns focus on four programmatic areas: legal equality, ending sexual violence, ending harmful practices and ending sexual exploitation, with a cross-cutting focus on the special needs of adolescent girls.

Equality Now connects grassroots activism with international, regional, and national accountability mechanisms to bring about legal and systemic change for the benefit of all women and girls. It works to get governments to enact and enforce laws and policies that support women and girls' rights in line with international human rights standards.



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# INTRODUCTION

Civil society organisations (CSOs)<sup>1</sup> working locally and/or nationally on the promotion and protection of women’s and girls’ rights have a number of opportunities to engage in international advocacy to ensure that these UN bodies give helpful recommendations to the government to improve the human rights situation in the country, as well as to contribute to the government’s implementation of these recommendations. The UN has recognised the importance of CSO involvement in promoting and implementing international human rights treaties and their Optional Protocols at the national level.<sup>2</sup> They provide a range of ways of engaging with its mechanisms to ensure that States’ human rights obligations are being met and implemented.

CSOs have a valuable role to play in bringing forward information about progress and challenges on the ground and ensuring governments play their part in upholding human rights for all women and girls, irrespective of their ethnicity, disability, race, religion, or other status.

*“A strong and autonomous civil society, able to operate freely, and knowledgeable and skilled with regard to human rights, is a key element in securing sustainable human rights protection at the national level.”<sup>3</sup>*

This Guide offers information on the available mechanisms and different methods of engagement at the international level that you can use in order to push for greater protection of human rights, and women’s and girls’ rights in particular, in your country.

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1 These can include human rights organisations, victim support organisations, human rights defenders, persons with disabilities and their representatives, community-based groups (indigenous peoples, minorities, rural communities) and faith-based groups; Working with the United Nations Human Rights Programme, A Handbook for Civil Society, OHCHR, 2008, p. vii.

2 Instruments and mechanisms at the UN level: <https://www.ohchr.org/en/instruments-and-mechanisms>

3 Working with the United Nations Human Rights Programme, A Handbook for Civil Society, OHCHR, 2008.

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# INTERNATIONAL AND UN HUMAN RIGHTS INSTRUMENTS AND MONITORING BODIES AND WAYS OF ENGAGING IN INTERNATIONAL ADVOCACY

## Understanding Treaty Bodies

There are two types of human rights monitoring mechanisms within the United Nations system - **treaty-based bodies** and **charter-based bodies**.<sup>4</sup>

### What are treaty-based bodies?

Treaty-based bodies are committees of independent experts who monitor the implementation of the core international human rights treaties by reviewing reports submitted periodically by State parties. Most treaty bodies are also competent to receive and consider individual complaints (provided that the State has agreed to be subject to such procedures), and several may conduct broader specific inquiries relating to systemic and widespread abuse,<sup>5</sup> details of which are set out below.

Among the ten existing human rights treaty-based bodies,<sup>6</sup> this Guide focuses on the six bodies which are most relevant to women's rights or have developed the most jurisprudence on issues affecting women.

These are the:

- Committee on the Elimination of Discrimination against Women (**CEDAW**)
- Committee against Torture (**CAT**)
- Committee on the Rights of the Child (**CRC**)
- Committee on the Rights of Persons with Disabilities (**CRPD**)
- Human Rights Committee (**CCPR**)
- Committee on Economic, Social and Cultural Rights (**CESCR**)

Many treaties are supplemented by **Optional Protocols**<sup>7</sup> with a particular focus, which State parties to the treaty may also ratify.

States are generally - unless expressly prohibited or limited by the treaty - permitted to enter **reservations** to a treaty to "exclude or alter the legal effect of certain provisions of a treaty in their application to that State".<sup>8</sup> This can take place when they sign, ratify, accept, approve or accede to it, and enables a State to participate in a multilateral treaty that it would otherwise be unable or unwilling to participate in. These cannot be, however, contrary to the object and purpose of the treaty.

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4 <https://www.ohchr.org/en/instruments-and-mechanisms>

5 Working with the United Nations Human Rights Programme, A Handbook for Civil Society, OHCHR, 2008

6 <https://www.ohchr.org/en/treaty-bodies>

7 <https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>

8 <https://www.ohchr.org/en/treaty-bodies/glossary-technical-terms-related-treaty-bodies#reservation>

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## What are charter-based bodies?

Charter-based bodies hold broad human rights mandates and were established under the Charter of the United Nations.<sup>9</sup>

**Charter-based bodies** include:

- Human Rights Council (**HRC**)
- Special Procedures, such as the Special Rapporteur on Violence Against Women
- Universal Periodic Review (**UPR**)
- Independent Investigations<sup>10</sup>

**Additional international fora for advocacy** include:

- Commission on the Status of Women (**CSW**)
- UN High Level Political Forum (**HLPF**)

## How to engage with Treaty Bodies

Upon ratifying a treaty, a State then has the legal obligation to take steps to ensure that the substantive rights protected by that treaty are being effectively implemented and realised. Each State party must submit periodic reports to the relevant treaty body on how those rights are being implemented.

In order to ensure treaty bodies have a realistic and accurate picture of the human rights situation in that country, CSOs and other entities, such as academic institutions, professional groups, and inter-governmental organisations, are encouraged to **engage in human rights monitoring**.

Human rights monitoring involves the active collection, verification, analysis, and use of information to assess and address human rights concerns.<sup>11</sup> Written submissions and alternative reporting on women's rights offer CSOs the opportunity to provide input and scrutiny on how the State party conducts itself and encourages greater accountability and transparency.

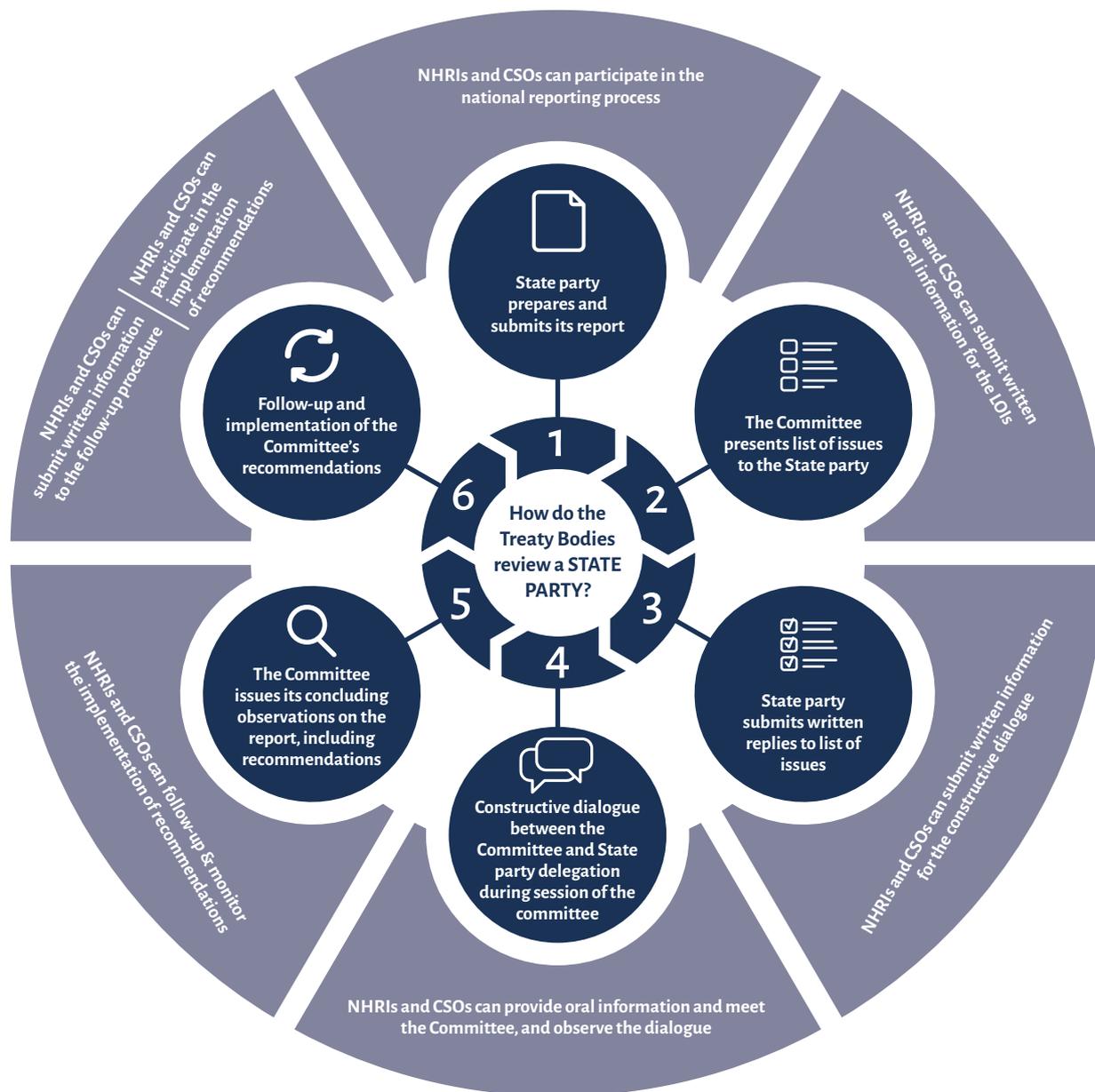
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<sup>9</sup> <https://research.un.org/en/docs/humanrights/charter>

<sup>10</sup> "United Nations mandated commissions of inquiry, fact-finding missions and investigations are increasingly being used to respond to situations of serious violations of international humanitarian law and international human rights law, whether protracted or resulting from sudden events, and to promote accountability for such violations and counter impunity." <https://www.ohchr.org/en/hr-bodies/hrc/co-is>

<sup>11</sup> A Practical Guide for Civil Society: How to Follow Up on United Nations Human Rights Recommendations (OHCHR 2013) <https://www.ohchr.org/en/aboutus/pages/civilsociety.aspx>

## Process of Review by Treaty Bodies:



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### Stage 1: State party prepares and submits its report

The first stage of the process is the development of the State Party's report. Each State has to submit a comprehensive initial report within one or two years after ratifying a treaty; and then report periodically, usually every four or five years, on the measures it has taken to implement the Treaty. In preparation for the report, each State Party needs to conduct a comprehensive review of all the legal, administrative, judicial and any other relevant measures taken to give effect to the Treaty. The State Party also needs to monitor progress made in promoting the enjoyment of the rights set forth in the Treaty, and also identify problems and shortcomings in how they have been implementing the Treaty.

12 This diagram has been adapted from: OHCHR Treaty Body Capacity Building Programme: The independent role of NHRI and NGOs in the TB and UPR processes.

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Even though the preparation of this Report is the responsibility of the State itself, civil society organisations can still be involved in the process. It is recommended that States consult organisations when they start preparing it and that they also share the report with all sectors of civil society to ensure transparency in the reporting process.

### **Stage 2: Preparation of the List of Issues (LOIs)**

A Committee will meet together as a Working Group and draft a List of Issues before reviewing the State, and will then submit this to the State. Creating this List provides an opportunity for the Committee to request any additional information from the State which may have been left out from the State Party Report. The list is around 30 questions covering all areas of the Treaty.

### **Stage 3: Consideration of State Party Report**

The Committee will then engage in a constructive dialogue with the State Party at the session to discuss any issues regarding the State's effective implementation of the Treaty. States send a delegation to attend this session and they endeavour to respond to Committee members' questions and provide any additional relevant information.

The Committee does not pass judgment on the State Party for not having interpreted or implemented certain elements of the Treaty. Rather, the aim of the dialogue is to be constructive because Treaty bodies are not judicial bodies. They were created to monitor the implementation of the treaties and provide recommendations and encouragement to States.

### **Stage 4: Concluding Observations**

When the State Party has been reviewed, 'concluding observations' are adopted. These are recommendations to the State with practical advice and encouragement on further steps required in order to better implement the rights contained in the Treaty. In its concluding observations, the Committee will acknowledge the positive steps taken by the State, but also identify areas of concern and where more needs to be done. The recommendations are concrete and practicable. States are required to publicise the concluding observations within the country so as to encourage public debate on how to move forward.

### **Stage 5: Follow-up to Concluding Observations**

Treaty Bodies themselves cannot force a State Party to apply their recommendations. To support States in implementing the recommendations, CERD, CCPR, CEDAW, CRPD and CAT have introduced procedures to ensure that the States follow up.

They request that States report back to either the country rapporteur or follow-up rapporteur within one or two years to say what measures they have done in response to specific recommendations or priority concerns.

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# How to make a complaint about human rights violations to the Treaty Bodies?

## Individual Complaints / Communications

Anyone may bring an alleged violation of human rights to the attention of the United Nations and it is through individual complaints that human rights are given concrete meaning. When individual cases are adjudicated and applied to a real person's situation, the international standards are interpreted and given real meaning. The jurisprudence may guide States, civil society and individuals in interpreting the contemporary meaning of these treaties.

The complaint mechanisms are designed to be accessible to non-lawyers so anyone can bring a complaint and you don't need to be familiar with legal and technical terms in order to bring a complaint under the Treaties.

A complaint can be lodged against a State that:

- Ratified the treaty in question, for example CEDAW;
- Accepted that the Committee is allowed to examine individual complaints, either through ratification or accession to an Optional Protocol (in the case of ICCPR, CEDAW, CRPD, ICESCR and CRC) or by making a declaration to that effect under a specific article of the Convention (in the case of CERD, CAT, CED and CMW)

There is also a requirement to have exhausted domestic remedies - which means that claims must have been brought first to the attention of the relevant national authorities, up to the highest available instance.

Some Committees, such as the CEDAW Committee, provide for a model complaint form on the Committee website which is strongly recommended to be used in order to present the complaint.

## Inquiry Procedure

The Inquiry Procedure can be initiated by the Committee if it receives reliable information on serious, grave or systematic violations by a State party to the Convention.

Inquiries may only be conducted with respect to States parties that have recognised the competence of the relevant Committee in this regard. A Committee may then decide to designate one or more of its members to make a confidential inquiry into the issue raised. Some treaties specifically authorise a visit to the State concerned, if warranted and with the State's consent.

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## The different methods CSOs can engage with Treaty Bodies:

There are a number of ways in which civil society can engage with the human rights treaty bodies system, while taking into account the specific arrangements of each treaty body, including:<sup>13</sup>

- If a State has not yet **ratified or acceded** to a treaty or an Optional Protocol, national civil society actors can encourage the government to do so by coordinating their efforts with National Human Rights Institutions (NHRIs) and the national media and/or by raising public awareness of the issue. You can see which treaties your country has ratified and is bound to implement on the **UN Treaty Body Database**<sup>14</sup> and in this interactive dashboard.<sup>15</sup>
- **Submitting written information** and material, in the form of **alternative or shadow reports**,<sup>16</sup> to human rights treaty bodies during the following stages:
  - In preparation for the **Pre-Sessional Working Group** to support the Committee's preparation and adoption of the **List of Issues (LOIs)** and **List of Issues Prior to Reporting (LOIPR)**.<sup>17</sup>
  - For the consideration of the Committee **during its examination of a State party's report**
  - For the consideration of the Committee's procedure for **follow-up** to Concluding Observations
- Depending on the rules of each human rights treaty body, by **participating** in human rights treaty body sessions as an observer or through oral submissions in order to brief the Committee;<sup>18</sup>
- **Following up** on human rights treaty bodies' concluding observations;
- Bring an alleged violation of human rights to the attention of the United Nations by **submitting an individual complaint**<sup>19</sup> to human rights treaty bodies<sup>20</sup>;
- Providing reliable information to the Committee on serious, grave or systematic violations by a State party to the Convention to generate **confidential inquiries**<sup>21</sup>;
- Submitting country-specific, evidence-based information and contributing otherwise in the development of **General Comments** or **General Recommendations**<sup>22</sup> which interpret specific articles of a treaty.

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13 Working with the United Nations Human Rights Programme, A Handbook for Civil Society, OHCHR, 2008, pg 33

14 [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx)

15 <https://indicators.ohchr.org/>

16 An alternative report is one which is produced by civil society in the absence of a State party report, while a shadow report is undertaken when a State Party report has been produced.

17 "In the simplified reporting procedure, the process is commenced by the Treaty Body preparing a list of issues prior to reporting (LOIPR) before a State submits its report. Under the simplified reporting procedure, the State party's response to the LOIPR constitutes the State report to be reviewed under that particular treaty. The aim of this procedure is to streamline the reporting process by removing the need for States both to submit a report and then respond to a list of issues and questions." <https://academy.ishr.ch/learn/treaty-bodies/periodic-reviews---what-do-the-treaty-bodies-do>

18 [https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook\\_en.pdf](https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf)

19 <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-07-rev-2-individual-complaints-procedures-under-united>

20 <https://www.ohchr.org/en/treaty-bodies/complaints-about-human-rights-violations>

21 See procedure for the Committee on the Elimination of Discrimination against Women: <https://www.ohchr.org/en/treaty-bodies/cedaw/inquiry-procedure#:~:text=About%20Treaty%20Bodies,-Overview&text=The%20inquiry%20procedure%20may%20be,rights%20con-tained%20in%20the%20Convention>

22 <https://www.ohchr.org/en/treaty-bodies/general-comments>

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# HOW TO ENGAGE WITH EACH SPECIFIC TREATY BODY

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

The **Convention on the Elimination of All Forms of Discrimination against Women**<sup>23</sup> is unequivocally the most important human rights treaty for women and girls. State parties to the Convention are legally obligated to:

- Eliminate all forms of discrimination against women in all areas of life;
- Ensure women's full development and advancement in order that they can exercise and enjoy their human rights and fundamental freedoms in the same way as men; and
- Allow the Committee to scrutinise their efforts to implement the treaty by reporting to the body at regular intervals.<sup>24</sup>

In addition to the Convention, the Committee has adopted 38 **General Recommendations**<sup>25</sup> on a number of thematic issues which affect women and to which State parties should be paying more attention. Issues include gender-based violence against women, trafficking in women and girls in the context of global migration, harmful practices such as child marriage and female genital mutilation, and the rights of indigenous women and girls.

### How to engage with CEDAW<sup>26</sup>

#### Written and Oral Submissions

In addition to the opportunities illustrated in **Page 10** above, the Committee also sets aside time at each of its sessions, usually on the Monday of the first and second week of the session, to enable representatives of CSOs to provide **oral information** in a public meeting.<sup>27</sup> CSOs are also provided with the opportunity to make a written submission and participate in the **closed pre-sessional working group meeting**.

#### Complaints and inquiries under the Optional Protocol of the Convention

The Optional Protocol enables the Committee to receive and consider individual communications, known as **complaints**,<sup>28</sup> from or on behalf of a person or group of persons claiming to be victims of a violation of the rights set forth in the Convention by a State party and conduct an **inquiry**<sup>29</sup> into **grave or systematic violations of women's human rights** in State Parties to the Optional Protocol. This enables women to have access to justice at the international level.

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23 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

24 <https://www.ohchr.org/en/treaty-bodies/cedaw/introduction-committee>

25 <https://www.ohchr.org/en/treaty-bodies/cedaw/general-recommendations>

26 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/Statements/NGO.pdf>

27 <https://www.ohchr.org/en/treaty-bodies/cedaw/rules-procedure-and-working-methods>

28 <https://www.ohchr.org/en/treaty-bodies/cedaw/individual-communications>

29 <https://www.ohchr.org/en/treaty-bodies/cedaw/inquiry-procedure>

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The Optional Protocol:<sup>30</sup>

- Allows investigation of substantial abuses of women's human rights by an international body of experts;
- Allows widespread violations to be investigated where individuals or groups may be unable to make communications (for practical reasons or because of fear of reprisals);
- Gives the Committee an opportunity to make recommendations regarding the structural causes of violations;
- Allows the Committee to address a broad range of issues in a particular country.

## Committee against Torture (CAT)

The Committee against Torture (CAT) is the body of 10 independent experts that monitors the implementation of the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**<sup>31</sup> by its States parties.

CAT's mandate involves holding States parties accountable for human rights violations, systematically investigating reports of torture (which also includes sexual and gender based violence for instance), with the goal of stopping and preventing this crime. CAT has published four **General Comments** on issues relating to torture and its victims which required more clarification and to which it believed States parties should devote more attention.<sup>32</sup>

### How to engage with CAT

In addition to the opportunities of engagement highlighted in **Page 10**, CAT is also mandated, under Article 20 of the Convention, to undertake **confidential inquiries** when reliable information is received with a **'well-founded indication that torture is being systematically practiced in a State party'** and to consider **individual complaints**, under Article 22, which is only applicable to State parties which have recognised the competence of CAT to receive such complaints.<sup>33</sup> For further specifics on the modalities of engagement with CAT, please refer to its website.<sup>34</sup>

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<sup>30</sup> <https://www.un.org/womenwatch/daw/cedaw/protocol/communication.htm>

<sup>31</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

<sup>32</sup> <https://www.ohchr.org/en/treaty-bodies/cat/general-comments>

<sup>33</sup> <https://www.ohchr.org/en/treaty-bodies/cat/information-civil-society-ngos-and-nhris>

<sup>34</sup> <https://www.ohchr.org/en/treaty-bodies/cat/information-civil-society-ngos-and-nhris>

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

The Committee on the Rights of the Child (CRC)<sup>35</sup> is the body of 18 independent experts that monitors the implementation of the **Convention on the Rights of the Child**.<sup>36</sup> The CRC is also charged with the responsibility to monitor the implementation of the Optional Protocols<sup>37</sup> to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

CRC has adopted 25 **General Comments**<sup>38</sup> which focus on a variety of issues including children's rights in relation to the digital environment, the child justice system and the rights of children with disabilities.

The CRC can also receive and consider **individual complaints** from or on behalf of an individual or group of individuals within the jurisdiction of a State party to the **Optional Protocol** to the Convention under a communications procedure, on the basis of a claim to be a victim of a violation by that State party of any of the following instruments to which that State is a party:<sup>39</sup>

- The Convention;
- The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;
- The Optional Protocol to the Convention on the involvement of children in armed conflict.

### How to engage with the CRC

Article 45(a) of the Convention provides the opportunity for the United Nations Children's Fund (UNICEF), CSOs, individual experts and children to provide expert advice on the implementation of the Convention in order to provide a comprehensive picture of how States parties are implementing the rights enshrined in the Convention. The submission of written reports by individual CSOs or coalitions of CSOs is encouraged, as well as by children themselves.

The **pre-sessional working group** is an interactive, confidential meeting between the CRC and United Nations bodies, specialised agencies, CSOs and children.<sup>40</sup> The CRC only invites partners whose information is "particularly relevant to its consideration of the State party's report" and who can provide "first-hand information that is complementary to information already available to the Committee."

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35 <https://www.ohchr.org/en/treaty-bodies/crc>

36 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

37 <https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crcc156-guidelines-regarding-implementation-optional>

38 <https://www.ohchr.org/en/treaty-bodies/crc/general-comments>

39 <https://www.ohchr.org/en/treaty-bodies/crc/individual-communications>

40 <https://www.ohchr.org/en/treaty-bodies/crc/information-civil-society-ngos-and-nhris>

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## Committee on the Rights of Persons with Disabilities (CRPD)

The Committee on the Rights of Persons with Disabilities (CRPD)<sup>41</sup> is the body of independent experts which monitors the implementation of the **Convention on the Rights of Persons with Disabilities**<sup>42</sup> by the States parties.

CRPD provides authoritative guidance on the provisions of the Convention through its **General Comments**.<sup>43</sup> To date, seven **General Comments** have been published which explore issues including the rights of women and girls with disabilities, equal recognition before the law and equality and non-discrimination.

### How to engage with the CRPD

In addition to the general methods of engagement referred to in **Page 10** above and more specifically under Article 35 of the Convention, the CRPD encourages organisations representing persons with disabilities, in particular organisations representing women and children with disabilities, to provide written submissions with country-specific information relevant to the review of the State party and its reports. The CRPD “understands disabled persons’ organisations as those comprising a majority of persons with disabilities - at least half their membership - and governed, led and directed by persons with disabilities.”<sup>44</sup> The modalities of the submissions can be found on the committee website.<sup>45</sup>

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41 <https://www.ohchr.org/en/treaty-bodies/crpd>

42 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

43 <https://www.ohchr.org/en/treaty-bodies/crpd/general-comments>

44 CRPD/C 11/2/[https://tbinetnet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C&11/2/Lang=en](https://tbinetnet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C&11/2/Lang=en)

45 <https://www.ohchr.org/en/treaty-bodies/crpd/information-and-guidelines-independent-monitoring-mechanisms-and-national-human-rights-institutions>

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## Human Rights Committee (HRC)

The Human Rights Committee (HRC) is the body of **independent experts** that monitors the implementation of the **International Covenant on Civil and Political Rights (ICCPR)** by its States parties.<sup>46</sup>

The HRC encourages each State party:<sup>47</sup>

- To maintain in place those laws, policies and practices that enhance the enjoyment of these rights;
- To withdraw or suitably amend those measures that are destructive or corrosive of Covenant rights;
- To take appropriate positive action when a State party has failed to act to promote and protect these rights; and
- To consider appropriately the effects in terms of the Covenant of new laws, policies and practices that a State party proposes to introduce in order to ensure that it does not regress in giving practical effect to the Covenant rights.

HRC has adopted 37 **General Comments**<sup>48</sup> which include a focus on the equality of rights between men and women, the protection of the family, the right to marriage and equality of the spouses, and the right to life.

### How to engage with the HRC

Please refer to the general information on CSO engagement underlined in **Page 10** above and the CCPR's website for information on written submissions and participation in sessions.

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<sup>46</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>47</sup> <https://www.ohchr.org/en/treaty-bodies/ccpr/introduction-committee>

<sup>48</sup> <https://www.ohchr.org/en/treaty-bodies/ccpr/general-comments>

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## Committee on Economic, Social and Cultural Rights (CESCR)

The Committee on Economic, Social and Cultural Rights (CESCR) is a body of 18 independent experts that monitor the implementation of the **International Covenant on Economic, Social and Cultural Rights** (ICESCR)<sup>49</sup> by its States parties. The ICESCR covers economic, social and cultural rights such as the rights to adequate food, adequate housing, education, health, social security and work.<sup>50</sup> To date 25 **General Comments**<sup>51</sup> have been adopted including on issues such as the right to sexual and reproductive health.

### How to engage with the CESCR

Please refer to the general information on CSO engagement underlined in **Page 10** above and the CESCR's website for information on written submissions and participation in sessions.<sup>52</sup>

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49 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

50 <https://www.ohchr.org/en/treaty-bodies/cescr/guidelines-civil-society-ngos-and-nhris>

51 <https://www.ohchr.org/en/treaty-bodies/cescr/general-comments>

52 <https://www.ohchr.org/en/treaty-bodies/cescr/guidelines-civil-society-ngos-and-nhris>

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## FOLLOW-UP ACTIONS

Once the relevant UN Committee has finished its review, it will adopt and issue its Concluding Observations on where the State party has made progress and where the State party needs to take specific action in order to comply with the Convention. CSOs can undertake **follow-up** activities at the national level to raise awareness of the State's responsibility to take steps and implement the recommendations and decisions of human rights mechanisms and bodies.<sup>53</sup> CSOs can also:<sup>54</sup>

- **Disseminate** recommendations, communications and reports of human rights mechanisms through events, including thematic discussions, roundtables, seminars, public conferences, media and workshops, at the national or local levels to raise awareness of the issues highlighted in their shadow report, if one was submitted, and the specific concluding observations themselves;
- **Work together** with the government to help it meet its obligations and use the recommendations as a basis for engaging in dialogue with state bodies;
- **Monitor** the human rights situation in the country and assess the steps taken to implement the concluding observations by state bodies;
- **Disseminate** the recommendations, communications and reports of human rights mechanisms.

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<sup>53</sup> Also see: <https://www.ohchr.org/en/publications/policy-and-methodological-publications/how-follow-united-nations-human-rights>

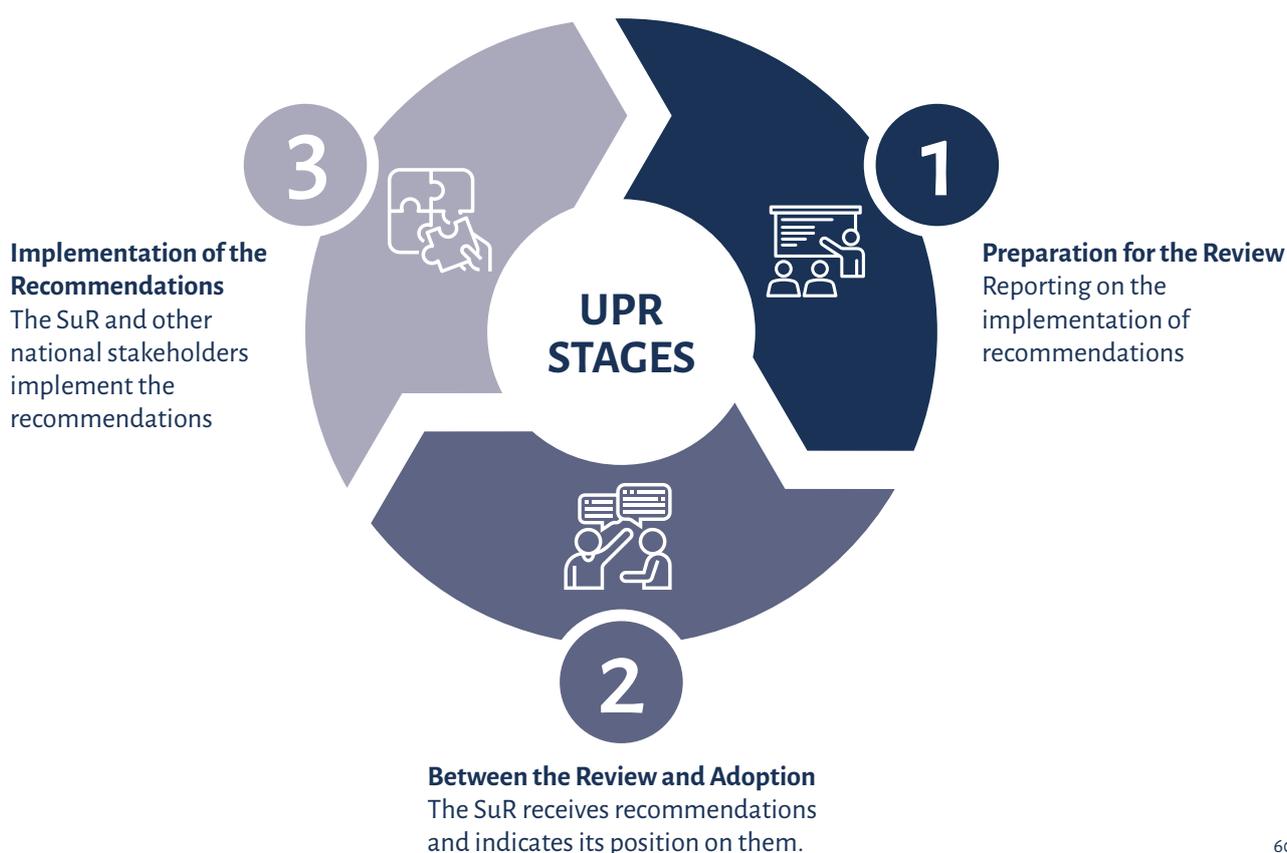
<sup>54</sup> OHCHR Handbook for Civil Society

# CHARTER-BASED BODIES

## Universal Periodic Review (UPR)

The Universal Periodic Review (UPR) was established in 2007<sup>55</sup> and is intended to be “a cooperative mechanism, based on interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs”.<sup>56</sup> Every 4-5 years, each UN Member State’s human rights situation is reviewed.<sup>57</sup> The UPR is a **peer-review mechanism** whereby UN Member States and observer States can make recommendations to the State under review on any human rights issue, including economic, social, cultural, political and civil rights. The review process provides a unique opportunity to engage with other States and organisations to exercise international pressure on the State under review so that human rights violations and unjust practices are addressed and rectified.<sup>58</sup>

The review is based on: “(a) a national report prepared by the State under review; (b) a compilation of United Nations information on the State under review prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR); and (c) a summary of information submitted by other stakeholders (including civil society actors, national human rights institutions and regional organisations), also prepared by OHCHR.”<sup>59</sup>



60

55 United Nations General Assembly Resolution) 5/1 A/HRC/RES(5/1/

56 United Nations General Assembly Resolution60/251

57 <https://www.ohchr.org/en/hr-bodies/upr/cycles-upr>

58 [https://www.upr-info.org/sites/default/files/documents-/2010/ngo\\_advocacy\\_in\\_un\\_hrc\\_upr\\_process\\_moss\\_-\\_oxford\\_jhrp.pdf](https://www.upr-info.org/sites/default/files/documents-/2010/ngo_advocacy_in_un_hrc_upr_process_moss_-_oxford_jhrp.pdf)

59 <https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris>

60 This diagram has been adapted from: UPR info: <https://www.upr-info.org/en/upr-process/what-upr/introduction-brief-history>

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## How to engage with the UPR:<sup>61</sup>

CSOs can engage with the UPR process in the following ways:<sup>62</sup>

- In the preparation of the Review by engaging in Pre-sessions
- Between the Review and adoption of the recommendations
- Implementation of the recommendations<sup>63</sup>

### *Pre-sessions:*

Pre-sessions provide an opportunity for CSOs and permanent missions to engage in an exchange on the human rights situation of the State under review.<sup>64</sup> They are organised by **UPR Info**<sup>65</sup> and focus on the States under review, taking place in Geneva, Switzerland, approximately one month prior to the UPR Working Group session.

In lieu of the Pre-session, CSOs - either individually or in coalition with other stakeholders - can prepare a **written submission**<sup>66</sup> which provides a thorough analysis and accurate information on the human rights situation in the State under review. This information will be used to inform other States of the current situation, but also the extent of the implementation of previous cycle recommendations, and will ensure that their recommendations to the State under review are as specific and targeted as possible. Creating a **formal UPR coalition with other CSOs** is considered the most appropriate and effective in showing State representatives a strong united front, and the impact of their collective statements has reportedly been said to significantly increase.<sup>67</sup>

### *Between the Review and adoption of recommendations:*

CSOs can host a **side event**<sup>68</sup> one or two months in advance of the date of the Working Group in order to share their own assessment of the human rights situation and advocate to participant stakeholders.

Additionally, even though only UN Member States are allowed to take the floor during the Working Group sessions, CSOs with ECOSOC status can be present in the room. The session is live streamed on the UN website<sup>69</sup> so CSOs might like to virtually attend the review from their location to see how the session developed in order to better raise awareness of the recommendations afterwards.

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61 [https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Tips21\\_Sept2020.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Tips21_Sept2020.pdf)

62 <https://www.upr-info.org/en/get-involved/civil-society-organisations-csos/take-action>

63 See UPR info database of recommendations :<https://upr-info-database.uwazi.io/>

64 <https://www.upr-info.org/en/presessions>

65 <https://www.upr-info.org/en/node2299/>

66 See Universal Periodic Review) Fourth Cycle : (Information and guidelines for relevant stakeholders 'written submissions :[https://www.upr-info.org/sites/default/files/documents//technicalguidelines4thcycle\\_final.pdf](https://www.upr-info.org/sites/default/files/documents//technicalguidelines4thcycle_final.pdf)

67 [https://www.upr-info.org/sites/default/files/documents/2016-12/pre-sessions\\_web.pdf](https://www.upr-info.org/sites/default/files/documents/2016-12/pre-sessions_web.pdf)

68 Side events are activities organised outside the formal programme of the session of the Working Group sessions and provides a great opportunity to discuss the human rights situation of their country and other critical issues.

69 <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/>

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During the adoption of the report at the Human Rights Council, accredited CSOs are allocated a combined total of 20 minutes<sup>70</sup> to make a statement.<sup>71</sup>

Moreover, CSOs can also engage with the government of the State under review and other interested stakeholders so as to **advocate for the adoption of the UPR's recommendations**. CSOs can also put pressure on the government to submit an 'addendum' to the Human Rights Council after the session with clear and detailed responses to each recommendation it received during its review.

### *Implementation of the Recommendations*

CSOs should continue advocating and find ways to work with their government to implement the Recommendations.

## **UN Special Procedures**

The UN Special Procedures of the Human Rights Council are **independent human rights experts** who are mandated to "report and advise on human rights from a thematic or country-specific perspective".<sup>72</sup> As of October 2022, there are 45 thematic<sup>73</sup> and 13 country mandates, including violence against women, persons with disability, the right to freedom of opinion and expression, and human rights defenders.<sup>74</sup>

Special Rapporteurs are mandated to:

- Undertake **country visits** to assess the general human rights situation in a country, as well as the institutional, legal, judicial, administrative and de facto situation under their respective mandates;<sup>75</sup>
- **Send communications to States** and others on reported past human rights violations, an on-going or potential human rights violation, concerns relating to bills, legislation, policies or practices that fail to comply with international human rights law and recommendations on different measures, means and ways at various levels to address human rights protections and violations;<sup>76</sup>
- **Engage** in advocacy, raise public awareness and provide advice for technical cooperation;
- Submit **annual thematic reports** to the General Assembly and Human Rights Council;<sup>77</sup>

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70 Details as to the modalities :<https://www.ohchr.org/en/hr-bodies/hrc/ngo-participation>

71 OHCHR guide :[https://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO_en.pdf)

72 <https://www.ohchr.org/en/special-procedures-human-rights-council>

73 <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM&lang=en>

74 <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx>

75 <https://www.ohchr.org/en/special-procedures-human-rights-council/country-and-other-visits>

76 <https://www.ohchr.org/en/special-procedures-human-rights-council/what-are-communications>

77 See examples of reports by the SR VAW :<https://www.ohchr.org/en/special-procedures/sr-violence-against-women/annual-thematic-reports>

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## Special Rapporteur on violence against women, its causes and its consequences (SR VAW)<sup>78</sup>

### Ways to engage with the SR VAW and others

#### *Communications procedure*<sup>79</sup>

An individual submission or a complaint can be made to the Special Procedures, including the **SR VAW** and the **Working Group on discrimination against women and girls**,<sup>80</sup> if a woman or girl or group of women or girls have been subjected to acts of gender-based violence. This is an opportunity to receive **urgent support**, particularly because it does not require applicants to have exhausted domestic remedies before submitting their complaint. Communications are aimed at “soliciting a response on the measures taken to stop, investigate the violations, punish those responsible and provide remedies to victims” and as a result need to be “as comprehensive, detailed and precise as possible”.<sup>81</sup>

The general purpose of the Communication is to:<sup>82</sup>

- Raise awareness of the government and any other parties on the alleged human rights violations;
- Ask that the violations are prevented, stopped, investigated and/or that remedial action is taken.

#### *Calls for input*<sup>83</sup>

The SR VAW requests input from States, civil society and a broad range of experts by issuing a **call for input** in order to provide an assessment to the Human Rights Council and UN General Assembly. This is done through carrying out expert panel consultations or open calls for input, which CSOs can engage in.<sup>84</sup>

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78 <https://www.ohchr.org/en/special-procedures/sr-violence-against-women>

79 [https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/SPP\\_PresentationFlyer.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/SPP_PresentationFlyer.pdf)

80 <https://www.ohchr.org/en/special-procedures/wg-women-and-girls>

81 <https://www.ohchr.org/en/special-procedures-human-rights-council/what-are-communications>

82 <https://www.ohchr.org/en/special-procedures-human-rights-council/what-are-communications>

83 <https://www.ohchr.org/en/special-procedures-human-rights-council/reports-and-related-calls-input>

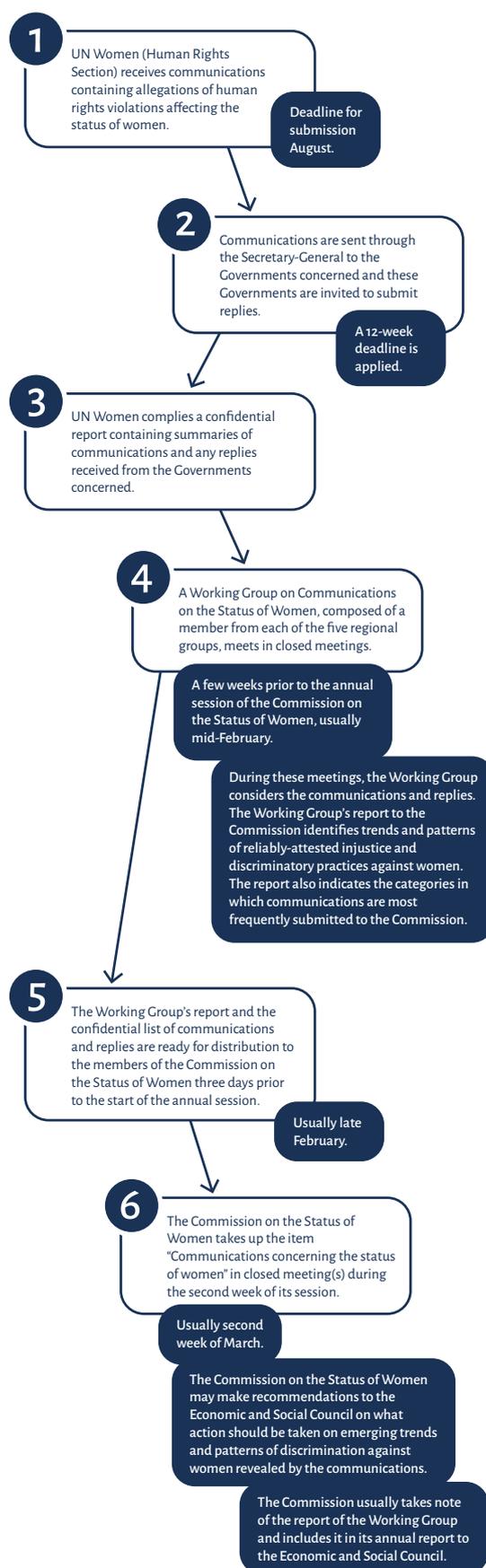
84 <https://www.ohchr.org/en/calls-for-input-listing>

# OTHER OPPORTUNITIES FOR INTERNATIONAL ADVOCACY

## Commission on the Status of Women (CSW)

The Commission on the Status of Women<sup>85</sup> is the “principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women” and is considered instrumental in promoting women’s rights, documenting the reality of women’s rights around the world, and defining global standards on gender equality.<sup>86</sup>

The CSW provides the opportunity for any individual, non-governmental organisation or group to **submit a communication** relating to information on alleged violations of human rights affecting the status of women anywhere in the world in the political, economic, civil, social and educational fields.<sup>87</sup> These communications are considered part of CSW’s annual programme of work in order to “identify emerging trends and patterns of injustice and discriminatory practices against women for purposes of policy formulation and development of strategies for the promotion of gender equality.” Some of the trends already identified include the lack of due diligence by States to adequately investigate, prosecute and punish perpetrators of violence against women, domestic violence, forced marriage and marital rape.



85 <https://www.unwomen.org/en/csw/csw-snapshot>

86 <https://www.unwomen.org/en/csw>

87 This diagram has been adapted from: <https://www.unwomen.org/en/csw/communications-procedure>

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## United Nations High-Level Political Forum on Sustainable Development

The High-Level Political Forum (HLPF), which generally takes place every year in July, is the **main platform on sustainable development** at the UN with the mandate to **follow-up and review the 2030 Agenda for Sustainable Development**<sup>88</sup> and implementation and status of the Sustainable Development Goals (SDGs)<sup>89</sup> around the world. As part of its process of review, UN Member States are encouraged to “conduct regular and inclusive reviews of progress at the national and sub-national levels, which are country-led and country-driven”.<sup>90</sup>

Whilst the HLPF is an inter-governmental process, there is opportunity for CSOs to engage in the process by:

- Attending all official meetings of the forum
- Having access to all official information and documentation;
- Intervening in official meetings;
- Submitting documents and presenting written and oral contributions;
- Organising side events and roundtables, in cooperation with UN Member States and the HLPF Secretariat;<sup>91</sup>

Furthermore, during the **Voluntary National Reviews (VNRs)**,<sup>92</sup> CSOs can deliver collaborative statements and pose questions to the respective government based on their own assessment.<sup>93</sup>

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88 <https://sustainabledevelopment.un.org/post2015/transformingourworld>

89 <https://sdgs.un.org/goals>

90 2030 Agenda, paragraph 79.

91 Relations with Major groups and stakeholders: <https://sustainabledevelopment.un.org/hlpf>

92 <https://sustainabledevelopment.un.org/vnrs/>

93 [https://sustainabledevelopment.un.org/content/documents/22610Process\\_for\\_MGoS\\_engagement\\_in\\_the\\_VNR\\_Sessions\\_FINAL2.05.2019.pdf](https://sustainabledevelopment.un.org/content/documents/22610Process_for_MGoS_engagement_in_the_VNR_Sessions_FINAL2.05.2019.pdf)

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# SECURITY ISSUES

CSOs and individuals who engage with international human rights mechanisms and processes should be free to do so without fear of reprisals or intimidation by their own State agents or others. States have a duty to protect individuals and groups who engage in human rights advocacy and work on the protection and promotion of all or any human rights issues. Having a vibrant, diverse and active civil society which engages in international mechanisms should be encouraged by governments as this also demonstrates to the world their commitment to democracy, transparency and human rights. It also provides an invaluable opportunity to receive helpful recommendations and feedback on how to further fulfill its obligations under international human rights law and improve the human rights situation of all in the country. Civil society should be perceived as collaborators in this process, rather than hostile actors deserving of retribution.

Nonetheless, some groups and individuals are at risk or face reprisals or intimidation for their cooperation with international human rights bodies. The San José Guidelines<sup>94</sup> provide practical guidance to enhance the efficiency and effectiveness of the protection provided by treaty bodies to individuals or groups. Specifically, committees can take a number of steps against intimidation and reprisals, including:

- **Preventative measures:**<sup>95</sup> enabling groups or individuals to provide information on the human rights situation or violations in a confidential manner and remind State parties of their obligation to prevent and refrain from all acts of intimidation and reprisals against individuals or groups;
- **Protection measures:** request that the relevant State party adopts protective measures for the individual or group when it has been alleged that they have been at risk of such intimidation when seeking to communicate with a Treaty Body;
- **Security measures:**<sup>96</sup> In the case of an imminent threat or danger of violence during a treaty body session, the UN Department of Safety and Security should be approached to take appropriate security measures.

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<sup>94</sup> <https://digitallibrary.un.org/record?820400/ln=en>

<sup>95</sup> Section B, page 5 of Guidelines

<sup>96</sup> Section C, page 6 of Guidelines

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# ANNEX

## CHECKLIST FOR PREPARING A SHADOW REPORT TO A UN TREATY BODY OR CHARTER-BASED BODY:

This Checklist is intended to help maximise efficiency to achieve high quality, accurate UN submissions.

### Identify when your State will be reviewed

- Review the [UN Treaty Body Database](#)<sup>97</sup> to identify when your State will be reviewed so you can adequately prepare and submit all required information before the deadline for CSO involvement.
- Allow yourself a good 4-8 weeks of preparation depending on the number of issues you will be raising, number of partners, and the languages involved.
- Ensure you submit your report in advance of the set deadline. By consulting the relevant mechanism's website, other means of engagement will also be highlighted which could be of interest for further advocacy, as well as additional or changed information with respect to timing deadlines or other submission requirements.

### Check the specific reporting guidelines and modalities for each UN mechanism

- Each treaty body has specific reporting requirements about how a CSO submission should be presented and it is important to ensure you check each individual treaty body<sup>98</sup> so as to understand what information should be submitted and in what format. Take note to remain within the stipulated word limit, annotate pages, number paragraphs and address the submission to the relevant person(s).
- Written reports by CSOs are not official UN documents. It is important to submit the information in one of the working language(s) of the Committee so that it can be read as widely as possible and so other stakeholders are aware of the issues highlighted. The working language of the Committee will generally be limited to English, French or Spanish.
- Written information submitted to treaty bodies is generally regarded as public information, but if an organisation wants to keep their report confidential for any reason, committees will respect this. It is important to highlight this when submitting the report.

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<sup>97</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/sessionslist.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/sessionslist.aspx)

<sup>98</sup> <https://www.ohchr.org/en/treaty-bodies>

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## Review previous concluding observations, recommendations and list of issues

- Organisations should review the previous treaty body concluding observations to the State and provide an assessment, where possible, on the extent of their implementation by the State party.
- If you are drafting a report for the preparation of the List of Issues, ensure you review the issues highlighted in the State Party report. Similarly, when undertaking a report for the Session itself, review the State Party Report and the List of Issues and the State's response to those questions.

## Identify the main issues impacting women and girls' rights in your country

- The main issues impacting women and girls' rights in your country should be identified in accordance with the rights guaranteed by the relevant Convention.
- Apply an intersectional lens by including the perspectives of women and girls from a variety of backgrounds, including rural women, women with disabilities, adolescent girls, for example.
- It is recommended to also meet with as many women's groups as possible in your country, representing a variety of groups, so as to identify a consensus on the main issues affecting women at the national level, thus generating a larger advocacy base in your country after the review process has completed.<sup>99</sup>
- Depending on the issues being raised in the report, the Committee might also need some **contextual information** in order to have a comprehensive understanding of the reported concerns. This information should be phrased concisely and be relevant to the Committee's mandate.

## Provide specific and targeted recommendations and questions

- Submissions should include recommendations and questions for the government which are targeted to the relevant governmental body or agency, specific, measurable, achievable and time-bound.
- Any specific assertions made in the State party report or its replies to the Committee questions on the issue(s), should also be recognised and assessed, where possible. Information based on reliable sources and evidence, such as statistics, legal cases and provisions of national and local laws, should be considered.<sup>100</sup>

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<sup>99</sup> See International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific): Participation in the CEDAW Process: Process and Guidelines for Writing a Shadow/Alternative report, page 2 - <https://www.iwraw-ap.org/wp-content/uploads/2018/06/NGO-Participation-in-CEDAW-Part-1-and-2-Feb-2010.pdf>

<sup>100</sup> International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific): Participation in the CEDAW Process: Process and Guidelines for Writing a Shadow/Alternative report - <https://www.iwraw-ap.org/wp-content/uploads/2018/06/NGO-Participation-in-CEDAW-Part-1-and-2-Feb-2010.pdf>

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## **Consider the author(s) of the submission**

- A single organisation or a coalition of organisations or stakeholders can undertake a report. A joint report could cover more information and analysis on the different articles or themes of the Convention in question, although it is still effective advocacy if an organisation or a group wants to highlight more in depth information on a single issue or violation or a single organisation wants to make a submission on its own.

## **Build in time to discuss with partners at the outset and after their review, in case questions arise**

### **Information to request from partners for joint submissions in addition to content approval includes:**

- partner logo;
- contact information (including address, email, website); contact person / Director;
- a short paragraph describing the organisation and their work;
- consent from the partners for the submission to be made public to the treaty body web page;
- consent has been obtained from any survivors or other persons referred to in the submission;
- any other information stipulated on the treaty body website.