

UN complaint procedures: the roles of the Special Rapporteur on the rights of persons with disabilities and of the CRPD Committee

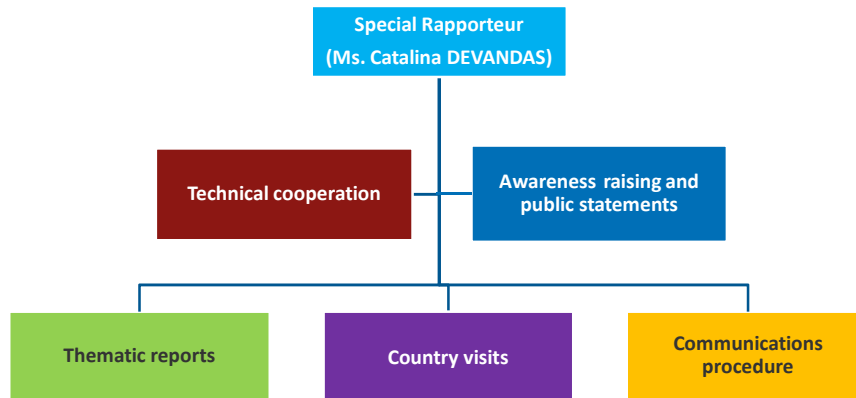
Objectives

- Understand the **UN Special Rapporteur's communications procedure**
- Understand the **communications and inquiry procedures** in the Optional Protocol to the CRPD

Module flow

- UN Special Rapporteur (SR) on the rights of persons with disabilities
- SR's Communications procedure
- The communications procedure under the OP CRPD
- From complaint to resolution
- The inquiry procedure under the OP CRPD

1. UN Special Rapporteur on the rights of persons with disabilities



1. The SR's communications procedure

Key facts

- Urgent appeals and letters of allegation sent to States and other actors
- Allegations of human rights violations (past, ongoing, potential), or
- Allegations of legislation, policies or practices non-compliant with IHRL
- Raise concerns and refer to applicable int. human rights standards
- Request State to clarify facts, take measures & inform on action taken
- Initially a confidential procedure, then public
- Press release in urgent case

It is **NOT**

- Necessary for the State to be a party to the CRPD or its OP
- Necessary to exhaust domestic remedies
- A judicial or quasi-judicial complaint mechanism
- Legally enforceable

2. The CRPD Committee's communications procedure

Key facts (arts. 1-5 OP CRPD)

- A quasi-judicial written procedure
- Only applies to State parties to the CRPD and its OP
- Internal domestic remedies must be exhausted (& other criteria)
- Communications from/on behalf of alleged victims of violations of CRPD provisions
- Committee can request a State to take interim measures
- Committee provides its views and recommendations
- Remedies rely on the political will of the State party

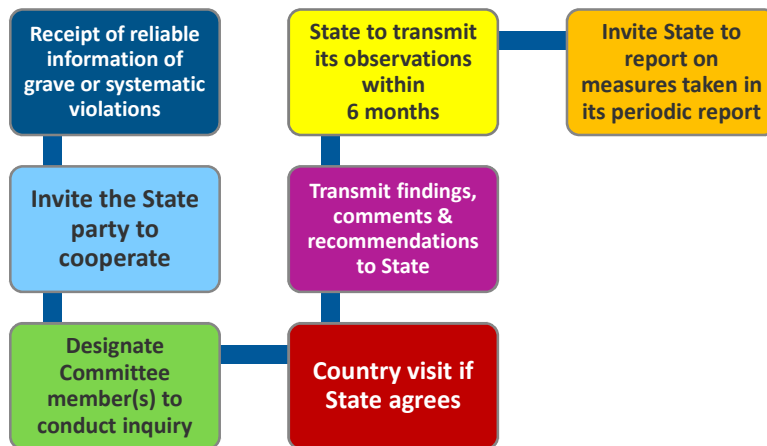
It is **NOT**

- A court (CRPD Committee)
- An oral hearing
- Legally enforceable (views and recommendations only)

2. From complaint to resolution



3. The CRPD Committee's inquiry procedure (arts. 6-7 OP CRPD)



Sources

- Special Rapporteur on the rights of persons with disabilities www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/SRDisabilitiesIndex.aspx
- Online form to submit information to the SR on alleged human rights violations <https://spsubmission.ohchr.org/>
- Fact sheet on the procedure for submitting communications to the Committee on the Rights of Persons with Disabilities under the Optional Protocol to the Convention ([CRPD/C/5/2/Rev.1](#))
- Revised guidelines for submission of communications to the Committee on the Rights of Persons with Disabilities under the Optional Protocol to the Convention ([CRPD/C/5/3/Rev.1](#))