

# **ICCPR and the Human Rights Committee**

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# Human Rights Committee

- U.N. on the basis of the ICCPR.
- Controls the implementation of the ICCPR by the State Parties and is the quasi-judicial body for the examination of individual complaints.
- Exists since 1976.
- Composition: 18 Experts) (not to be mistaken for the Human Rights Council)

# Historical Development

1948 Universal Declaration of Human Rights

1966 Adoption of the ICCPR and the First Optional Protocol  
(individual complaints)

1976 ICCPR entered into force

1989 Adoption of the Second Optional Protocol  
(entered into force in 1991)

# Ratification

ICCPR: 166 States (classical human rights)

Optional Protocol: 113 States (individual petitions to the HRC)

Second Protocol: 72 States (abolition of the death penalty)

# Composition of the HRC

- 18 experts not representing their States (5 women, 13 men)
- regional distribution

Western Europe and North America	7, new 8
African	5, new 5
Latin American and Caribbean Countries	3, new 3
Asia	2, new 1
Eastern Europe	1, new 1

# **Main responsibilities of the HRC**

1. Examining State Reports
2. Considering Individual Communications
3. Adopting General Comments

# Examining Reports

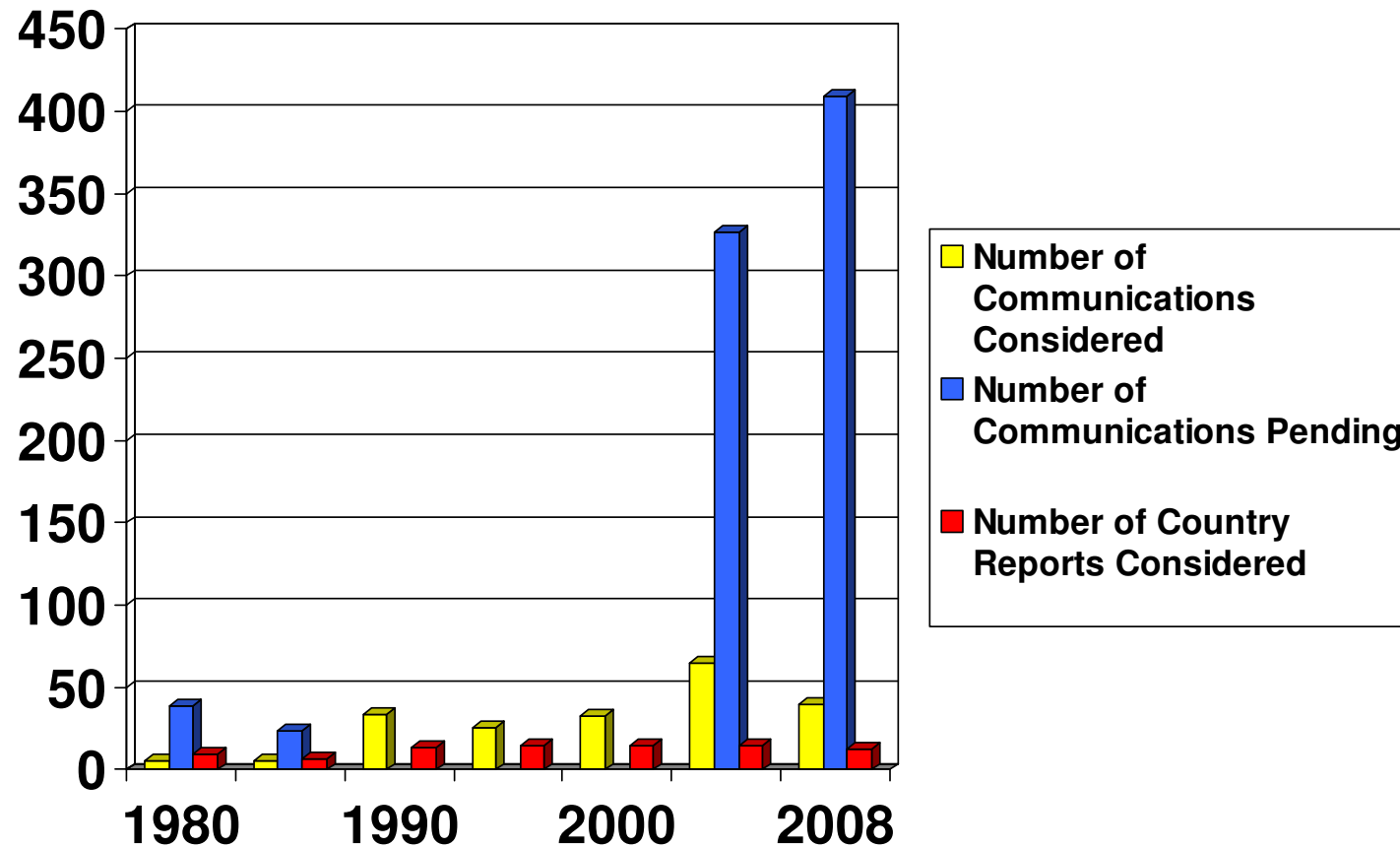
- first report due one year after ratification of the ICCPR
- periodic reports every 4-6 years
- Report → List of issues → Constructive dialogue before the Committee
- shadow reports by **NGOs**
- concluding observations



# Considering Individual Complaints

- no formal procedure, a simple letter to the office of the High Commissioner for Human Rights is enough
- no fees, no legal representation required
- since the institution of the complaints procedure, some 8,000 communications have been received
- no personal appearance, **no fact-finding missions**
- follow-up monitoring

# Workload of the Human Rights Committee (1980-2008)



# Adopting General Comments

- summary of frequent problems either in the process of examining State Reports or Communications
- since 1981, 33 General Comments have been adopted
- legal character **very disputed**

# October Session 2010

- Examination of 5 state reports (El Salvador, Belgium, Jordan, Poland, Hungary)
- Examination of 28 Views
- First reading accomplished of draft General Comment No. 34 on article 19 ICCPR (freedom of speech)
- New rule adopted on undue delay
- 100th session

# Main Problems

- Filibustering
- Delay, Non-Reporting
- Cooperation with NGOs
- Standardization (Common Core Document and LOIPR)
- Compliance and Follow-up
- Backlog of over 400 Communications
- Financial and human resources
- Human Rights Council