

Global Focus on Knowledge at University of Tokyo

2007 Summer session “Sustainability from Society Viewpoints-Peace, Development,
Human Rights” Day #9

“What do Human Rights Committees do?”

What do Human Rights Committees do?

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Treaty Bodies

- 1 Human Rights Committee (HRC)
- 2 Committee on Economic, Social and Cultural Rights (CESCR)
- 3 Committee on the Elimination of Racial Discrimination (CERD)
- 4 Committee on the Elimination of Discrimination against Women (CEDAW)
- 5 Committee against Torture (CAT)
- 6 Committee on the Right of the Child (CRC)
- 7 (Committee on Migrant Workers CMW)
- 8 (Working Group on Enforced or Involuntary Disappearances -- Ad Hoc committee)
- 9 (Committee on the Right of the Disabled – Ad Hoc committee)



Enforcement of Human Rights Treaties

- 1 State-to-State complaints
 - All major human rights treaties
- 2 The Individual Complaints Procedure
 - ICCPR, CEPD, CAT, CEDAW
- 3 Inquiries
 - CAT, CEDAW
- (4 State Complaints Procedure)
 - ICCPR, CEPD, CAT

Activities of Human Rights Committee

- 1 State-to- State complaint Procedure
- 2 The Individual complaint Procedure
- 3 General Comments

1 State-to- State Complaint Procedure

Examples of Reports

➤ Japan

➤ USA

State-to-State Complaint Procedure

- Information from NGO
- “Constructive dialogue:”
Establishment of committee of ICESCR (1985)
- “General view”
Concerns and advice – the case of Japan
No obligation, but important

2 The Individual Complaint Procedure

- Individuals who have had human rights violated can report personally
- Submission
- Two major stages of Procedure
 - (1) Admissibility
 - (2) Merits
- The formal requirements of admissibility
 - To exhaust all domestic remedies
 - To have efficient reasons to submit etc.
- “Decision”
 - A form of jurisdiction, but no legal obligation



Example of Individual Complaint Procedure –The Case of Braks

- A case of unemployment insurance in Netherlands
- Married female are allowed to receive only 70% unless they certify that “they are breadwinners”
- Acknowledged violation of Article 26
- ✓ Article 26 of ICCPR was applied for discrimination of social rights (unemployment insurance)

The Individual Complaint Procedure

- Can be used only in nations ratified in ICCPR optional protocol.
- Japan has not ratified it.

3 General Comments

- General comments concerning Article 14
- Based on individual complaint and general views
- No legal obligation
- Important as notes of convention

The Treaty Bodies: Bringing Human Rights Home

Treaty Bodies
Actualization of Human Rights—

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End

The 3rd class

June/ 12/ 2007(Tue)

16:20~17:50 Educational Building 18th
Hall