



Understanding the OP-CRC: Comparison of existing Complaints Mechanisms

December 2012

Child Rights International Network

	CERD 1965 (Article 14 opt-in)	OP-ICCPR 1966	CAT 1984 (Article 22 opt-in)	MIGRANT WORKERS 1990	OP-CEDAW 1999	OP-CRPD 2006	OP-ICESCR 2008	OP-CRC 2011
Who may bring	Individuals or groups of individuals (14.1)	Individuals (1)	Individuals (22.1)	Individuals (77.1)	Individuals or groups of individuals (2)	Individuals and groups of individuals (1.1)	Individuals or groups of individuals (2)	Individuals or groups of individuals (5.1)
Consent					Consent required unless author can justify acting on victim's behalf (2)		Consent required unless author can justify acting on victim's behalf (2)	Consent required unless author can justify acting on victim's behalf (5.2)
Time limit to file after exhaustion of remedies	None; 6 months ¹ (14.2)						1 year unless demonstrably not possible (3.2(a))	1 year unless demonstrably not possible (7(h))
Concurrent procedures		Inadmissible where being examined under another international investigation/settlement (5(2)(a))	Inadmissible where being examined under another international investigation/settlement (22.5(a))	Inadmissible where being examined under another international investigation/settlement (77.3(a))	Inadmissible where being examined under another international investigation/settlement (2(a))	Inadmissible where being examined under another international investigation/settlement (2(c))	Inadmissible where being examined under another international investigation/settlement (3.2(c))	Inadmissible where being examined under another international investigation/settlement (7(d))
Inadmissibility		Inadmissible where abuse of right to	Inadmissible where abuse of right to	Inadmissible where abuse of right to	Inadmissible where manifestly	Inadmissible where manifestly	Inadmissible where manifestly	Inadmissible where manifestly ill-founded, not sufficiently

¹ Under CERD, States Parties may designate a national body to receive and review petitions after the exhaustion of domestic remedies. If victims fail to obtain satisfaction from this body, they may then file communicate the matter to the Committee within 6 months.

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		submit a communication (3)	submit a communication (22.2)	submit a communication (77.2)	ill-founded, not sufficiently substantiated or where abuse of right to submit a communication (2(c)(d))	ill-founded, not sufficiently substantiated or where abuse of right to submit a communication (2(b),(e))	ill-founded, not sufficiently substantiated, exclusively based on reports disseminated by mass media; or where abuse of right to submit a communication (3.2(e),(f))	substantiated; or where abuse of right to submit a communication (7(c),(f)); in addition, Committee to include rules to prevent manipulation of child; may decline to receive communications not in a child's best interests (3.2).
Anonymity	Anonymity not permitted (14.6(a))	Anonymity not permitted (3)	Anonymity not permitted (22.2)	Anonymity not permitted (77.2)	Anonymity not permitted (3)	Anonymity not permitted (2(a))	Anonymity not permitted (3.2)(g))	Anonymity not permitted (7(a))
Form		Must be in writing (2)			Must be in writing (3)		Must be in writing (3.2 (g))	Must be in writing (7(b))
Confidentiality	Identity of individual or individuals concerned may not be revealed without express				Individuals must consent to identities being disclosed for communication to go forward;	Complaints communicated to States confidentially (3)	Complaints communicated to States confidentially (6)	Names of individuals concerned not revealed publicly without their express consent (4.2); complaints communicated to States confidentially

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	consent; complaints communicated to States confidentially (14.6(a))				complaints communicated to States confidentially, (6.1)			(8.1)
Clear disadvantage							Committee can decline to consider communicatio ns where author has suffered clear disadvantage, unless raises a serious issue of general importance (4)	
Interim Measures					Permissible as necessary to avoid possible irreparable damage (5)	Permissible as necessary to avoid possible irreparable damage (4.1)	Permissible as necessary in exceptional circumstances to avoid possible irreparable damage (5)	Permissible as necessary in exceptional circumstances to avoid possible irreparable damage (6.1)
Time limit to respond	3 months (14.6(b))	6 months (4.2)	6 months (22.3)	6 months (77.4)	6 months (6.2)	6 months (3)	6 months (6.2)	6 months, as soon as possible (8.2)

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Exhaustion of remedies exception	Unreasonably prolonged (7(a))	Unreasonably prolonged (5.2(b))	Unreasonably prolonged or unlikely to bring effective relief (22.5(b))	Unreasonably prolonged or unlikely to bring effective relief (77.3(b))	Unreasonably prolonged or unlikely to bring effective relief (4)	Unreasonably prolonged or unlikely to bring effective relief (2(d))	Unreasonably prolonged (3.1)	Unreasonably prolonged or unlikely to bring effective relief (7(e))
Friendly Settlement							Closes consideration of communication (7.2)	Closes consideration of communication (9.2)
Examination of communication/ Reasonableness							Committee can consider reasonableness of steps taken to implement rights, bear in mind that State Party can adopt range of possible policy measures (8.4)	For economic, social and cultural rights, Committee can consider reasonableness of steps taken to implement rights, bear in mind that State Party can adopt range of possible policy measures (10.4)
Follow-up					State Party to submit response		State Party to submit response	State Party to submit within 6 months (11.1)

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					within 6 months (7.4)		within 6 months (9.2)	
Time limit for Committee to issue suggestions and recommendations	N/A							
Inquiry			Mandatory where torture being systematically practiced (20)		Mandatory for grave or systematic violations; States to respond within 6 months; optional follow up from Committee after 6 additional months (8,9)	Opt-out for grave or systematic violations; States to respond within 6 months; optional follow up from Committee after 6 additional months (6, 7, 8)	Opt-in for grave or systematic violations, States to respond within 6 months, optional follow up from Committee after 6 additional months (11, 12)	Opt-out for grave or systematic violations; States to respond within 6 months as soon as possible; optional follow up from Committee after 6 additional months (13, 14)
Protection measures					All appropriate measures to prevent as a consequence of communicatin		All appropriate measures to prevent as consequence of communicatin	All appropriate steps to prevent as consequence of communications or cooperation with Committee (4.1)

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					g with Committee (11)		g with Committee (13)	
Reservations					No reservations (17)			
General Principles								Guided by best interests of child, regard for rights and views of child; views of child given due weight in accordance with the age and maturity of the child (2)
Rules of Procedure								Rules to be “child-sensitive” (3.1)