



Convention on the Rights of Persons with Disabilities

Distr.: General
15 June 2011
English
Original: Spanish

Committee on the Rights of Persons with Disabilities

Fifth session

11–15 April 2011

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

1. The Optional Protocol to the Convention on the Rights of Persons with Disabilities came into force on 3 May 2008. It recognizes the competence of the Committee on the Rights of Persons with Disabilities, a body of independent experts, to receive and consider communications from or on behalf of individuals or groups of individuals who claim to be victims of a violation of the rights recognized and protected by the Convention.
2. Communications submitted by or on behalf of individuals or groups of individuals who are subject to the jurisdiction of a State party to the Convention and the Optional Protocol shall be subject to the provisions contained in articles 1 and 2 of the Optional Protocol and rule 55 et seq. of the Committee's rules of procedure.
3. Under article 1, paragraph 2, of the Optional Protocol and rule 55, paragraph 4, of the Committee's rules of procedure, no communication shall be received by the Committee if it concerns a State party to the Convention that is not a party to the Optional Protocol.
4. Under rule 55, paragraph 3, read in conjunction with rule 24 of the Committee's rules of procedure, communications are to be submitted in writing or in an alternative format that enables a legible copy of its content to be transmitted to the State party.
5. The working languages of the Secretariat are English, French, Russian and Spanish; all communications are to be submitted in one of these languages.
6. Under rule 68, paragraph 2, of its rules of procedure, the Committee shall apply the criteria set forth in article 12 of the Convention, recognizing the legal capacity of the author or alleged victim before the Committee, regardless of whether this capacity is recognized in the State party against which the communication is directed.
7. The Committee shall examine communications submitted by the alleged victim(s) or by those possessing a power of attorney to act on their behalf (please include a copy of the power of attorney, without requirement as to its specific form). Any person submitting communications on behalf of individuals or groups of individuals without evidence of consent shall provide a written justification as to why the alleged victim(s) is/are unable to submit the communication in person and why a letter granting such power is not submitted.
8. Under article 2 of the Optional Protocol, the Committee shall consider a communication inadmissible when:

- (a) The communication is anonymous;
- (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- (e) It is manifestly ill-founded or not sufficiently substantiated; or when
- (f) The facts that are the subject of the communication occurred prior to the entry into force of the Optional Protocol for the State party concerned unless those facts continued after that date.

9. Subject to the provisions of article 2 of the Optional Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State party under article 3 of the Optional Protocol and rule 70, paragraph 1, of the Committee's rules of procedure.

10. More information on the Convention on the Rights of Persons with Disabilities, its Optional Protocol and the Committee's rules of procedure is available from the following website: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>.

11. To submit a communication, please follow the guidelines below. Please submit, in addition to all the relevant information available at the time of submission, any information obtained at a later date, such as documents that demonstrate the exhaustion of domestic remedies or documents containing information relevant to the case (decisions of domestic courts, domestic legislation, etc.).
