

دليل التعامل مع الشكاوى

Complaints Handling Guide



الهيئة الوطنية لحقوق الانسان
المتضمنة لجنة الوقاية من التعذيب

National Human Rights Commission
including the committee for the prevention of torture



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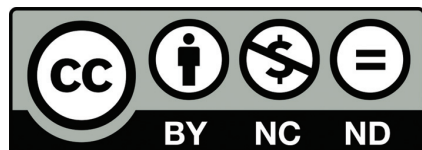
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المتضمنة لجنة الوقاية من التعذيب

National Human Rights Commission
including the committee for the prevention of torture





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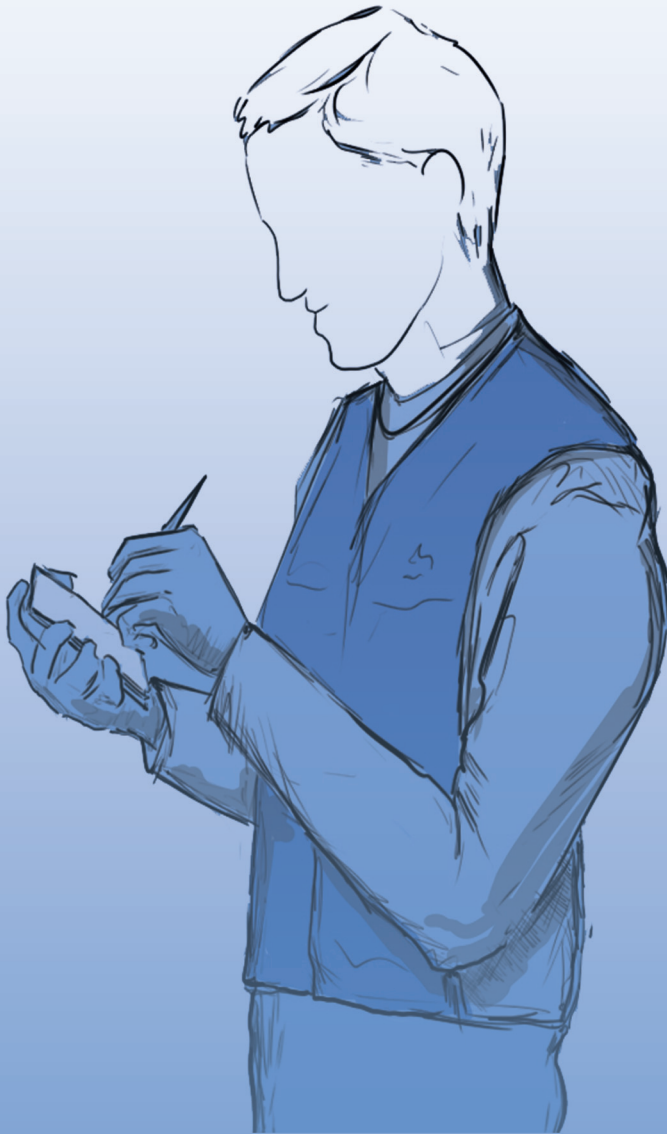
Table of Contents

- List of abbreviations..... 5
- Executive Summary..... 7
- General rules..... 15
- Competent authorities entitled to receive and handle complaints..... 21
- Cases requiring the NHRC-CPT to act without receiving complaints... 25
- Complaint submission form and language used to submit..... 27
- Conditions for accepting complaints..... 31
- Standard Complaint Handling Process and referring..... 35
to the Public Prosecution Department and litigation
- Staying a complaint and ending work on it..... 45
- Legal advice and inquiries..... 49
- Final judgments..... 51
- Appendices
 - Appendix 1: The role of the CPT in relation to complaints..... 53
 - Appendix 2: Skills of the team of the Complaint Commission..... 57
 - Appendix 3: Additional notes on complaints relating to children..... 61
 - Appendix 4: Additional notes on complaints relating 67
to human trafficking

- Appendix 5: Additional notes on Complaints relating..... 71
to Rights of Women and Girls
- Appendix 6: Additional notes on Complaints relating..... 77
to Persons with Disabilities
- Appendix 7: Procedures for receiving a complaint..... 81
- Appendix 8: Undertaking Effective Investigations..... 85
- Appendix 9: List of the places of deprivation of liberty 99
in Lebanon under the mandate of the Committee for
the Prevention of Torture (CPT)
- Appendix 10: Glossary..... 103

List of abbreviations

EU	European Union
FIIAPP	International and Ibero-American Foundation for Administration and Public Policies
NHRC-CPT	National Human Rights Commission, including the Committee for the Prevention of Torture
NPM	National Preventive Mechanism
UNHRC	United Nations Human Rights Council
NHRIs	National Human Rights Institutes
CAT	Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SPT	UN Subcommittee on the Prevention of Torture
GANHRI	Global Alliance of National Human Rights Institutions
UDHR	Universal Declaration of Human Rights
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
UPR	Universal Periodic Review
OHCHR	Office of the High Commissioner for Human Rights
CSOs	Civil Society Organizations



Executive Summary

Executive Summary⁽¹⁾

National Human Rights Institutions may deal with complaints of human rights violations in a manner somewhat similar to but different from the courts.

Complaint handling by NHRIs usually follows similar steps, including reception, initial assessment, investigation, conciliation, and referral or reporting.

Many NHRIs conduct their own investigations into human rights violations, and several may handle complaints in a semi-judicial manner, i.e., similar to the function of the courts.

Courts receive and identify complaints and issue binding orders enforceable by law. They abide by the judicial process. However, it should be stressed that NHRIs are not courts, as they do not generally issue binding and enforceable decisions.

However, not unlike courts, national institutions may receive complaints. Accordingly, they may ask for evidence and obtain evidence provided by the parties to the complaint.

Many NHRIs are required by law to attempt to resolve disputes through intervention and conciliation. However, NHRIs may refer the complaint to the court for trial and final decision if the dispute is not resolved. Sometimes, the

(1) Geneva Center for Security Sector Governance - DCAF supported the preparation of the first draft of this guide.

referral is accompanied by the findings of the NHRIs regarding facts and recommendations about their treatment.

In dealing with complaints, NHRIs must apply rules of justice. Although they are human rights advocates, they must be impartial in handling complaints.

NHRIs play a vital role in addressing complaints of human rights violations. They are more accessible and more flexible than courts, which is especially important for people who may be poor, vulnerable, or marginalized. For many, NHRIs may be the only option to secure justice.

According to Law 62 / 2016, the National Human Rights Commission in Lebanon (NHRC-CPT) can follow up on the reality of human rights and international humanitarian law in Lebanon. It includes receiving, following up, and handling complaints related to violations of any rights and freedoms guaranteed by the Lebanese constitution and domestic laws or per Lebanon's obligations under international human rights law and international humanitarian law.

NHRC-CPT deals with protection-related roles and responsibilities, which constitute an essential aspect of the responsibilities of NHRIs following the Paris Principles. It receives and investigates complaints, negotiates, mediates, and seeks redress through the Public Prosecution Department or the courts.

NHRC-CPT has established a Complaints Commission according to its internal system to facilitate the reception and follow-up of complaints. It also established three permanent committees (out of four), in addition to the Committee for the Prevention of Torture (CPT), which has the power to receive and handle complaints, namely:

- Grievance Committee for Child Victims of Child Rights Violations
- Committee for the Protection of the Rights of Persons with Disabilities
- Anti-Human Trafficking Committee

Moreover, the CPT may receive complaints during visits to places of

detention. The complaints are treated according to the relevant section of this manual. However, the CPT does not receive, follow up, or treat any complaints outside the framework of its visits to places of detention and places of deprivation of liberty.

The tasks of NHRIs in handling complaints ⁽¹⁾

The Sub-commission on Accreditation of the International Coordinating Committee of NHRIs (General Observations 2.10 adopted by the Sub-commission on Accreditation in Geneva in May 2013) has indicated that NHRIs handling complaints require «appropriate functions and powers necessary to carry out this mandate.» These powers/authorities and duties may include:

- the ability to receive complaints against public and private bodies within its jurisdiction;
- the ability to receive complaints from persons on behalf of the alleged victims when consent is given;
- the ability to initiate complaint procedures on its own initiative;
- the ability to investigate complaints, including the power to compel the submission of evidence and witnesses and visits places of deprivation of liberty;
- the ability to protect complainants (plaintiffs) from retaliation for submitting a complaint;
- the ability to protect witnesses from any retaliation for providing evidence in connection with the complaint;
- the ability to seek amicable and confidential settlement of the complaint through an alternative dispute resolution process;
- The ability to resolve complaints by making a binding decision;

(1) Source: Directory of National Human Rights Institutions, Asia Pacific Forum.

- the ability to refer its findings to the competent courts or judicial bodies for decision;
- the ability to refer complaints outside its jurisdiction, or within concurrent jurisdiction, to the appropriate decision-making body;
- the ability to seek through the court system the enforcement of its decisions in relation to the settlement of complaints;
- the ability to follow up and monitor the implementation of its decisions related to the settlement of complaints;
- The ability to refer its findings to the government in cases where the complaint provides evidence of a widespread or systematic violation of human rights.

Accordingly, NHRC-CPT shall follow successive steps in handling complaints:

- Reception of the complaint
- Admission, triage, and referral
- Examination and investigation
- Negotiation and mediation
- Reporting results or referral

NHRC-CPT seeks to reach an agreement with the public authorities to ensure it receives a response in cases of complaints within two weeks, according to the law establishing Commission. Therefore, in all of its correspondence and interventions, NHRC-CPT shall request that public authorities respond within this period.

NHRC-CPT seeks to allow its members and specialized staff to receive complaints and conduct initial evaluation and follow-up, utilizing their experience in dealing with national and international human rights legislation and complaint handling techniques. Therefore, NHRC-CPT aims to carry out continuous training for all relevant persons (see annexes).

Organizing complaints according to the NHRC law

According to Law No 62/2016 regulating the work of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, the powers of the NHRC-CPT to receive and handle complaints are in the following items:

Article 14: Request for information

The NHRC and the CPT may contact the Lebanese or foreign authorities and agencies and request them to provide documents or information that it deems useful for the proper exercise of its functions. The concerned Lebanese authorities and agencies must respond to the request without delay.

Article 15: Defining the tasks of the NHRC and the CPT

- A. The NHRC-CPT shall protect and promote human rights in Lebanon following the standards outlined in the Lebanese Constitution, the UDHR, international human rights conventions and treaties, and Lebanese laws consistent with these standards, in addition to performing the special tasks specified in this law. In this regard, it may communicate independently with international and local bodies concerned with human rights.
- B. In particular, the NHRC-CPT is entrusted with the following tasks:
 4. Receive complaints and reports related to human rights violations, and contribute to addressing them through negotiation and mediation or litigation.
- C. The CPT within the NHRC works to protect the rights of persons detained and deprived of their liberty following the provisions of this law and Lebanon's obligations under the Optional Protocol to the «Convention against Torture and Other Cruel, Inhuman and Degrading Treatment» (referred to in this law as the «Convention against Torture »).

Under the Optional Protocol to the Convention against Torture, NHRC-CPT assumes the functions of the National Preventive Mechanism to protect the rights of detained persons and those deprived of their liberty. Consequently, it enjoys an independent legal personality in everything related to torture and prevention.

Article 17: Receiving complaints and contributing to their treatment

The NHRC-CPT receives reports and complaints related to human rights violations in Lebanon from any natural or legal person, Lebanese or non-Lebanese. It may investigate facts and related evidence and contribute to addressing them.

Article 18: Rules for submitting information and complaints

- A. The NHRC-CPT shall set the details, rules, and conditions for submitting complaints and reports in its internal system. It shall ensure the seriousness of the complaint or news, the complainant or informant's safety, and, when necessary, the confidentiality of correspondence.
- B. Neither the NHRC-CPT nor any of its members or employees has the right to reveal the name and identity of the complainant or informant without his prior written consent, even after the case reaches the competent judicial or disciplinary bodies.

Article 19: investigation

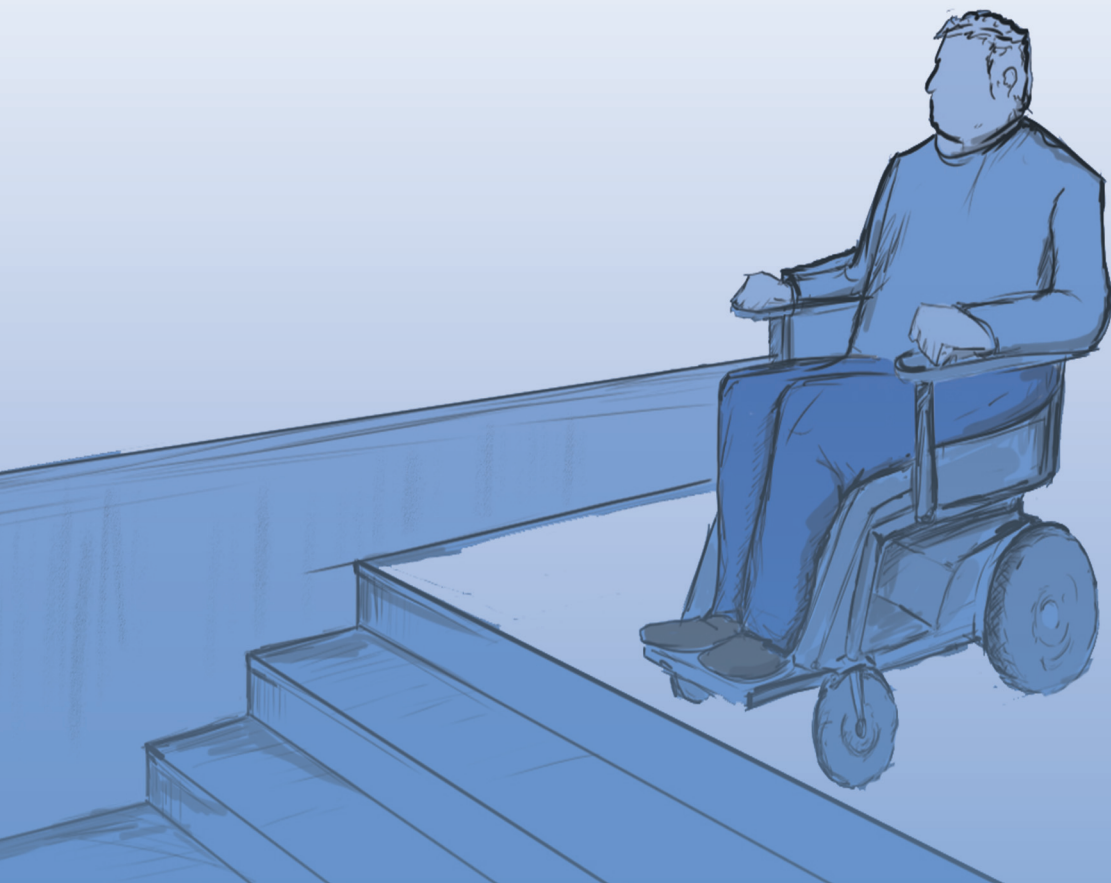
- A. The NHRC-CPT assigns one of its members upon receiving the complaint or informing one or more rapporteurs to conduct and supervise investigations and complete the announced information by all available means.
- B. Rapporteurs shall be allowed to collect all available information, and the cooperation of competent executive, administrative, and judicial authorities shall be ensured upon request.

In the event that the concerned authorities do not cooperate within a maximum period of two weeks from the date of notification, rapporteurs may refer the issue to the competent authorities to take the appropriate measures.

Article 20: Procedures as a result of the investigation

Based on the investigation results, the NHRC-CPT shall decide whether to close the file or resolve the complaint through negotiation or mediation in matters related to individual rights. It may also provide information to the Public Prosecution Departments, which has to inform the NHRC-CPT of the progress of the investigation and its results or assist the complainant in submitting reviews necessary before the competent authorities.

The NHRC-CPT shall maintain the confidentiality of investigations stipulated in the Code of Criminal Procedures.



General rules

General Rules

Independence

The NHRC-CPT is independent of both the NGO sector and the government, which should be the basis for dealing with complaints, news, and information. The NHRC-CPT differs from NGOs in terms of the manner of receiving complaints and finding facts:

- When dealing with complaints, the NHRC-CPT does not defend any of the parties;
- The NHRC-CPT does not receive any material returns or fees from those submitting complaints or information or in return for legal advice and intervention with various parties.

Rights-based approach

The NHRC-CPT adopts a human rights-based approach, starting from the first contact with the complainant. The values of the human rights-based approach can be summarized in the PANEL principles:

- Participation
- Accountability
- Non-discrimination
- Empowerment
- Legality

Protection of complainants, victims, and their data

The Lebanese authorities shall ensure the protection of the complainant, witnesses, and information providers in terms of non-dismissal, non-discrimination, and prohibition of any penalty or disciplinary action against them related to the submission of the complaint or information.

The NHRC-CPT shall be committed to the principle of «do no harm» in all circumstances, including not endangering the lives of victims, witnesses, or anyone contacted in the course of its work, protecting their physical and psychological integrity and freedom. It may not subject them to political harassment, intimidation, or restrictions. Accordingly, the NHRC-CPT avoids causing harm through:

- Awareness of the potential risks of harm;
- Exercising good judgment, caution, and accuracy;
- Taking all possible precautions and appropriate measures to protect victims and witnesses.

The NHRC-CPT shall adopt steps to protect complainants and witnesses, including protecting their identity when necessary and adopting appropriate techniques for conducting interviews.

The NHRC-CPT shall adopt complete confidentiality in information from the moment the complaint is received and throughout the investigation and handling of the complaint. The NHRC-CPT shall treat complainants with dignity during the various stages of receiving and handling complaints, regardless of its decisions.

If the complainant, witnesses, or information providers are subjected to any harassment or retaliation due to the related complaint, the NHRC shall intervene with the competent national authorities and international bodies to stop the retaliatory measures and any harassment after obtaining the express consent of the person or persons concerned (the complainant, the witness, or information provider).

Complainants shall be informed from the outset of the types of outcomes expected from handling the complaint and the available options. If the complainant can choose between pursuing the case with the NHRC-CPT or through other means, such as the judiciary, the NHRC-CPT shall explain these options to the fullest extent. It shall explain the pros and cons of each option in detail.

In all cases, it is necessary to inform the complainants clearly of the NHRC-CPT's decisions regarding the complaint, the steps taken, and the reasons behind them.

The NHRC-CPT shall inform complainants that the information they provide may be used to prepare the investigation report and that it may not be possible to protect their identity if the case goes to court (except for cases related to children - See Appendix).

Standard of proof

The standard of proof that the tribunal usually uses to reach its conclusions is based on the principle of «balance of probabilities» rather than «beyond a reasonable doubt,» which is usually used in criminal cases.

Independence of the CPT

The CPT operates within the NHRC as a separate and independent regulatory body with its own staff and structure and exercises operational independence. It does not operate under any other management within the NHRC.

In cases where victims cannot decide or file a complaint personally due to circumstances such as death, security problems, age, physical conditions, or mental disability, they may generally be represented by a parent, guardian, or person with a power of attorney. Additionally, persons or organizations who are not direct victims may submit complaints on behalf of victims. For example, there may be instances of multiple or systematic abuses where an organization is better positioned to speak and file complaints to protect

victims from retaliation. In other cases, the victim may have disappeared, detained, or isolated from the outside world

Adoption of partnerships

The NHRC-CPT seeks to conclude agreements or memoranda of understanding with institutions, organizations, or service providers to facilitate the referral process to these entities when necessary.

The handling of complaints by the NHRC-CPT does not lead to a judgment or jurisprudence that binds the competent official authorities. The NHRC-CPT shall not replace the functions of the judiciary, but it shall act as a reference for investigation and complaint, not for rulings or achieving judicial jurisprudence. Accordingly, the conclusions, reports, and information resulting from the complaints submitted to the NHRC-CPT are not considered a final official testimony valid for legal or judicial procedures. However, they constitute a basis or advisory material that could be utilized by the former.

Expectations Management

The NHRC-CPT seeks to manage and clarify the public's expectations regarding complaints. For this purpose, the NHRC-CPT shall clarify its mandate for receiving and handling complaints and the restrictions and procedures followed in clear and understandable language on its website and in its campaigns to allow the public easy access. It shall also publish pamphlets to be provided to visitors and complainants.



**Competent authorities
entitled to receive and
Handle complaints**

Competent authorities entitled to receive complaints

The following bodies are responsible for receiving and handling complaints exclusively:

- Complaints Commission at the CPT
- Grievance Committee for Child Victims of Child Rights Violations
- Committee for the Protection of the Rights of Persons with Disabilities
- Committee to Combat Human Trafficking

If the NHRC-CPT receives complaints within the framework of the visits included in its work, it shall follow the procedures specified below (see the annex on complaints received by the NHRC-CPT).

NHRC-CPT's work is not limited to these committees. Other committees, permanent or temporary, may be established to deal with complaints about specific topics or specific events.

Receiving and handling complaints

Parties that file complaints

The NHRC-CPT can receive complaints related to human rights and international humanitarian law violations in Lebanon by any of the following:

- Any natural or legal person, whether Lebanese or non-Lebanese;
- Groups or groups of individuals;
- Legal representatives of individuals or groups;
- Lawyer;
- NGOs, trade unions, or professional unions that are legally representative of individuals or groups;
- Complaints can be submitted to the Grievance Committee for Child Victims of Child Rights Violations directly by child victims of violations or by their guardian, representative, or others;
- Complaints can be submitted to the Committee for the Protection of the Rights of Persons with Disabilities directly by persons with disabilities who are victims of violations, by their representatives, or others;
- Complaints can be submitted to the Anti-Human Trafficking Committee about human trafficking by victims of trafficking, their families, or their representatives.

Parties that can provide notification

The NHRC can receive news and additional information related to complaints of human rights violations in Lebanon from any natural or legal person, NGO, or competent authority.

Who can be the subject of a complaint?

Complaints may be filed by any official or unofficial bodies and any official or unofficial employees who commit violations against any of the human rights and freedoms guaranteed by the constitution or laws in force in Lebanon or international agreements that Lebanon pledges to respect.

The NHRC may receive complaints about individuals and companies regarding their role in human rights violations.

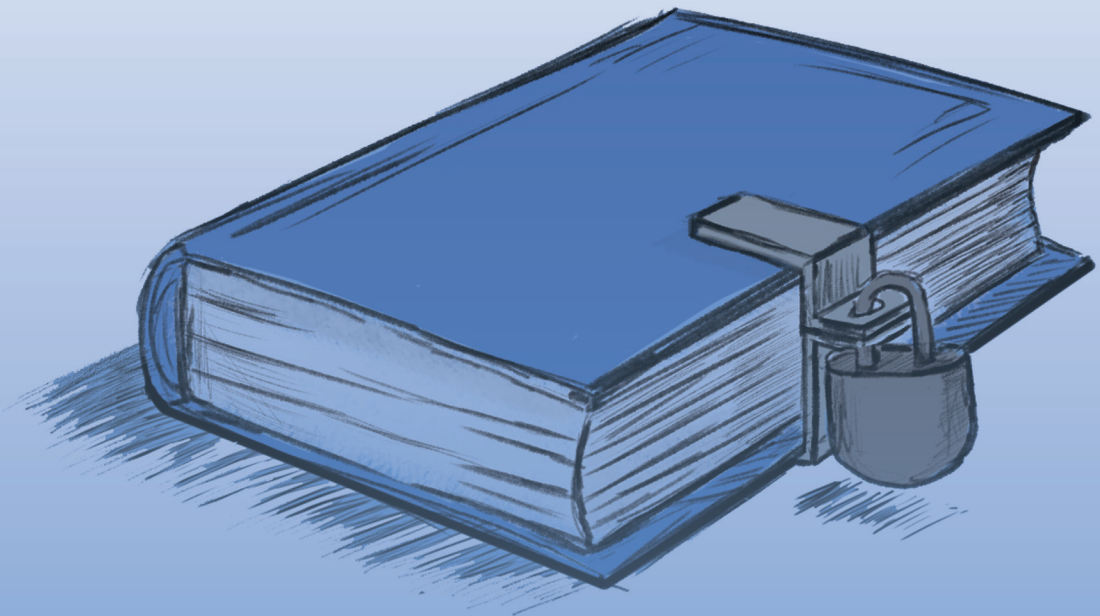


Case requiring
the NHRC-CPT to act without
receiving complaints

Cases requiring the NHRC-CPT to act without receiving complaints

The NHRC-CPT can act automatically and without prior complaint in the following cases, based on news received by the NHRC-CPT from third parties or based on information collected and monitored by the NHRC-CPT :

- Through the Children's Grievance Committee, in all identified cases of child rights violations, regardless of whether a complaint was submitted in this regard or not;
- Through the Anti-Human Trafficking Committee, in all cases of trafficking in persons, ensuring the protection of victims and witnesses regardless of whether a complaint is filed or not;
- Through the Committee of Persons with Disabilities, in cases of violation of their rights, provided that the concerned persons or legal representatives are informed and do not object to the NHRC-CPT's intervention;
- In all cases of human rights violations that occur or are likely to occur soon, to stop the violation before it occurs;
- In all cases of torture and ill-treatment identified by the NHRC or the CPT.



Complaint submission form
and Language used
to submit

Complaint submission form

The complaint or the notification shall be submitted to the Complaints Commission. It is formally accepted if the following conditions are satisfied.

It may be in writing and delivered personally or by someone with a legal capacity. It may also be sent via fax, email, or secured mail. If this is not possible, the complainants or representatives may present the complaint orally. The responsible staff member shall write it down on a printed form, record it, and copy the concerned person.

The commissioner or their representative shall deliver to the complainant a receipt containing the following information:

- Complaint number and date of registration;
- The phone number and email of the Commission - the complainant shall also be notified of the name of the rapporteur in charge of documenting, vetting, and handling the complaint.

Submitting a complaint does not stop or suspend the time limit for procedures stipulated by law or civil or criminal procedures.

The complainants or representatives may present the complaint verbally, including by phone or voice message. In these cases, complaints must contain a method of communication with the complainants or representatives to complete the procedures and information. The responsible NHRC-CPT staff shall write it down and have it signed by the complainants or representatives.

If it is not possible for the complainant or representative to reach the NHRC-

CPT to sign the complaint, the NHRC-CPT can waive the requirement to facilitate the victims' access to justice. It may also be facilitated through NHRC-CPT's staff access to the complainant through field communication.

Language used to submit complaints

- Complaints are generally received and written down in Arabic.
- Complaints submitted in a language other than Arabic may be accepted if translated by certified public translators.
- If documents are submitted in a language other than Arabic, the NHRC-CPT shall provide a translation and cover its costs.



**Conditions for
accepting complaints**

Formal conditions for accepting complaints

Complaints are acceptable if they meet the following formal requirements:

- Be signed by the complainant(s) or legal representative;
- Be accompanied by evidence, supporting documents, or presumptions; it may include photographs and audio, video, or electronic recordings when available;
- Include any efforts made by the complainant(s) to the competent authorities, when necessary.

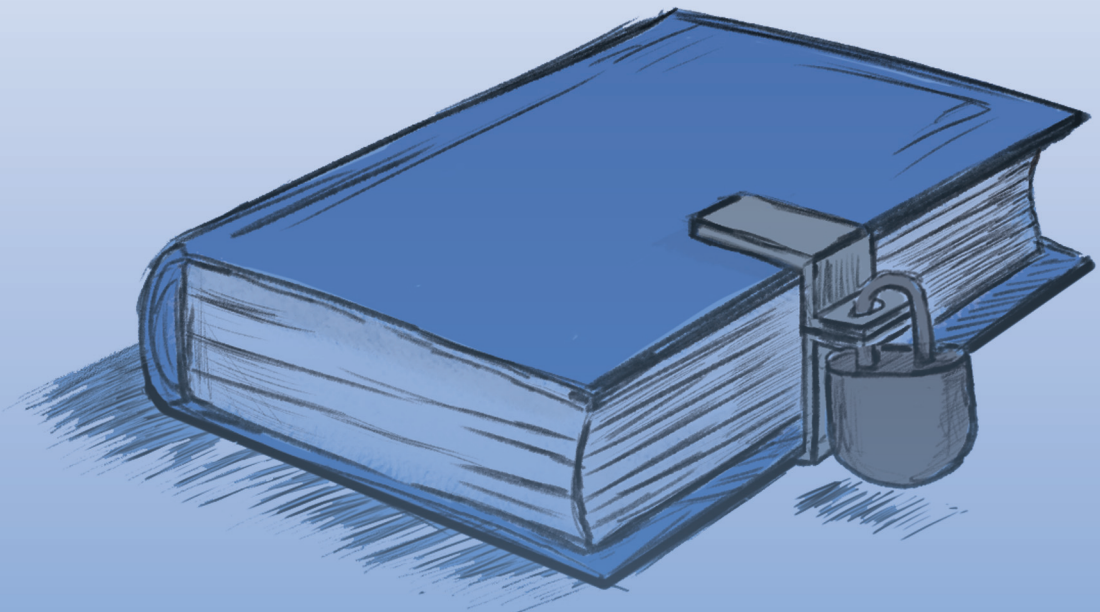
Other conditions for accepting the complaint

The complaint is accepted if the following conditions are met:

- If no more than a year has passed since committing the violation and the complainant's awareness thereof, except in cases of grave and continuing violations. This restriction ensures that the NHRC-CPT does not deal with cases where evidence has disappeared or memories have vanished. However, the NHRC-CPT reserves a margin of discretion to accept complaints outside this specified timeframe if sufficient information is available;
- If the subject of the complaint was not previously presented to the NHRC-CPT, and the NHRC-CPT refused to consider it unless new information and evidence emerged.

Complaints from anonymous sources are generally not accepted since, in this case, the NHRC cannot verify the validity of the complaint and cannot act on redress for a known victim. However, anonymous complaints are referred to other sections of the NHRC to investigate their content, especially when allegations of grave human rights violations are concerned.

Complaints that lack sufficient information or grounds, are based on misunderstanding, lack substance, or are «insincere,» «malicious,» or made «in bad faith» shall not be accepted.



Standard Complaint Handling
Process and referring to
the Public Prosecution
Department and litigation

Standard Complaint Handling Process

Receiving the complaint and recording the evidence

The relevant authorities in the NHRC-CPT shall receive the complaint and record all the details using the forms and templates prepared in advance by the NHRC-CPT.

The Complaints Commission, the CPT, and the relevant committees shall share a common database and information for recording and following up on complaints.

The complainant may fill out their complaint. In that case, the recipient of the complaint from the NHRC-CPT shall review it to ensure that all the information is available and fill out the missing parts.

If the complainant is a legal person, the person legally authorized to submit the complaint shall make the submission and sign the relevant form.

If the complainant is illiterate, the recipient of the complaint from the NHRC-CPT shall take the information and fill out the complaint form based on the complainant's answers to the questions raised by the complainant in the field of the complaint; the answers shall be written down. Then, the information is read to the complainant, and approval is obtained by fingerprint.

In all cases, complainants must be asked why they refused to declare their names in the follow-ups and reports issued by the NHRC-CPT. This information shall be fixed on the complaint form and explicitly signed by the complainant on the designated form. Before signature, complete information must be provided about how NHRC-CPT may use the names and the consequences that may occur.

At the end of the information-taking stage, the complainant is given a review card containing clear information, including the complaint number, the NHRC-CPT's phone numbers, and the period that must elapse for the complainant to be entitled to review.

Admission, screening, and referral

Based on the information provided in the initial stage, the NHRC-CPT determines whether the complaint falls within its jurisdiction or whether it should be referred to another institution, especially if the complaint falls outside the NHRC-CPT's jurisdiction or if another institution provides specialized services. The referral shall be through a letter to the complainant, the institution to which the complaint is referred, or both.

At this stage, triage must also be carried out to determine the extent to which the complaint is considered an emergency that must be addressed immediately and appropriately.

Complaints falling outside the NHRC-CPT's jurisdiction or that do not meet the formal and objective conditions for acceptance may be rejected at this stage. The NHRC-CPT must inform the complainant of the decision.

Registration

After submission, complaints must be registered and followed up using a database. All steps and decisions regarding the complaint are recorded, including whether it has been rejected, accepted, or referred.

Information related to complaints is clearly indicated in the NHRC-CPT's database, including the nature of the complaint, the human rights issue(s) in question, and the institution or organization to which the complaint was referred (if the complaint resulted in a referral).

Investigation and gathering of information

To determine the following steps to be adopted by the NHRC and its specialized committees related to receiving complaints, investigations related

to complaints shall be conducted and studied without any delay. The NHRC-CPT shall send an initial letter to the concerned authorities within 14 days of receiving the complaint, requesting them to provide the NHRC-CPT with information about the allegations. The concerned authorities must respond to the NHRC-CPT's letter within two weeks and are obligated by law to cooperate with the NHRC-CPT's investigative effort. NHRC-CPT shall send a reminder after two weeks if it does not receive a response.

If the NHRC-CPT does not obtain a satisfactory response, it shall review the relevant authorities of the party subject of the complaint.

Complaints are investigated through:

- Collecting evidence;
- Analyzing the evidence to form an opinion;
- Preparing an internal preliminary report to facilitate decision-making based on that evidence.

Three types of evidence may be collected in investigations into complaints of human rights violations:

- Physical;
- Documentary (both physical documents and digital information);
- Certification-based information.

Evidence is collected in different manners, mainly:

- Interrogating victims and witnesses;
- Collecting testimonies even by persons in custody;
- Obtaining documents and information;
- Entering premises and carrying out inspections;
- Calling in experts to support investigations (guaranteeing that experts work independently).

The NHRC-CPT shall review all concerned parties without exception during

interrogation and investigations. It shall also be committed to maintaining the confidentiality of investigations and information as stipulated in the Code of Criminal Procedure.

In light of collecting preliminary information, the NHRC-CPT may save the complaint file and not take any next steps in light of the complaint not fulfilling the formal conditions or the substantive conditions for accepting the complaints.

After investigating the complaint and gathering evidence, an internal preliminary report shall be prepared. It shall include the following:

- Summary of complaint;
- Facts and evidence;
- The relevant human rights (domestic laws, constitutional rights, international instruments) subject of the complaint;
- Main conclusions;
- Description of physical, documentary, and testimony-based evidence in the relevant case;
- Analysis of evidence to establish the veracity of the claim;
- Conclusion strictly based on analysis of evidence;
- Submitting a recommendation regarding the actions to be taken by the relevant authorities to address the complaint.

Referral

The NHRC-CPT may refer complaints to quasi-governmental bodies, CSOs, the Beirut or Tripoli bar associations, or other specialized institutions.

In this case, the NHRC-CPT does not address the complaint. However, it periodically follows up on complaints with the bodies it had referred them to and ensures that the complainant is aware of the progress.

To facilitate the matter, NHRC-CPT shall keep a specific record of the

referred complaints. It shall enter information about the complaint, the party to which the complaint was referred, and the date of transfer. It shall also record the progress of the complaint every time the referral entity is reviewed.

Negotiation and mediation

The NHRC seeks, first of all, to resolve the complaint through negotiation and mediation with the relevant authorities.

Mediation is carried out by sending correspondence to the competent authorities or by organizing direct interviews with the responsible authorities. A letter is also sent to the relevant authorities attached with the vital information, conclusions, and recommendations contained in the internal report resulting from the investigation.

The person directly responsible for the defendant or the department against which the defendant is accused shall be addressed.

In correspondence, information about the complaint is set out in clear and concise points (in the form of allegations or statements).

In terms of style, the NHRC-CPT shall use clear diplomatic language and avoid attacks, defamation, or accusations. The language shall not be biased in favor of the complainant. The central claim and the substantiated evidence shall be specified in the correspondence. The allegation shall be substantiated by legal evidence, documents, or testimonies. The letter shall also indicate if the NHRC-CPT has initiated an investigation of the violation.

The relevant authorities must answer clear and specific questions, or the complaint is requested to be addressed directly. Correspondences shall seek one of the following:

1. Inquire about the validity of the complaining party's claim, for example, examine the facts, explain the reasons, request consideration of the complaint, or request to obtain the investigation results.
2. Demand an appropriate response from the concerned body if there is

conclusive evidence of the violation (for example, releasing an arbitrarily detained person, stopping ill-treatment, allowing a lawyer to visit the place of detention). It shall refer to previous correspondences on the same subject.

If the response is not received within 14 days, NHRC-CPT shall send a reminder and request a response within an additional 14 days. In cases where no response is received, the matter may be raised to higher authorities than the referral body.

If the complaint is urgent, the state of urgency shall be considered. Then, the intervention shall be undertaken, and a solution found as soon as possible. The screening stage helps identify these urgent cases.

The communications shall contain references to provisions of national law that have been violated and are reinforced by relevant international law texts.

Some cases of human rights violations are not suitable for alternative settlement of disputes through mediation or negotiation and may need immediate intervention (for example, cases of torture or enforced disappearances, cases of sexual abuse, and gender-based violence).

Referring complaints or information to the Public Prosecution Department

The NHRC may submit information to the Public Prosecutor directly before negotiation or mediation. The head of the NHRC, in consultation with the head of the Complaints Commission or the concerned committee, shall consult with the employee responsible for making this decision.

If negotiations or mediation fails, the commission may also submit information to the Public Prosecution. The head of the NHRC-CPT, in collaboration with the head of the complaints commission or concerned committee, shall consult with the employee responsible for the decision.

In all cases where NHRC-CPT submits information to the Public Prosecutor, it shall periodically follow up on the matter to gather information about investigations and their outcome. NHRC-CPT shall then inform the complainants of the progress and may also assist the complainant in submitting the necessary reviews before the Public Prosecutor.

Litigation

Per the approval of the NHRC-CPT's council, the head of the NHRC-CPT may resort to the judiciary directly or through a lawyer if the judiciary has not previously taken the case.

The NHRC-CPT may resort to the judiciary in strategic litigation cases, in case the violation committed would generate public harm, or in class action lawsuits in the public interest.

The NHRC may file lawsuits against individuals, groups, bodies, and institutions, whether the nature of the lawsuit is criminal or civil, according to the provisions of civil trial procedures (personal or in-kind lawsuits) and the existing penal codes in Lebanon.

When receiving a complaint and before reaching a decision, the Children's Complaint Committee may refer the case to the competent judicial authorities through the NHRC-CPT Council. It shall request to consider the case urgently, taking the necessary temporary protection measures to avoid any harm that may befall the child, the subject of the complaint.

The Anti-Human Trafficking Committee may also receive complaints and notifications about trafficking in persons and refer them to the competent judicial authorities.



Staying a complaint
and ending work on it

Staying a complaint

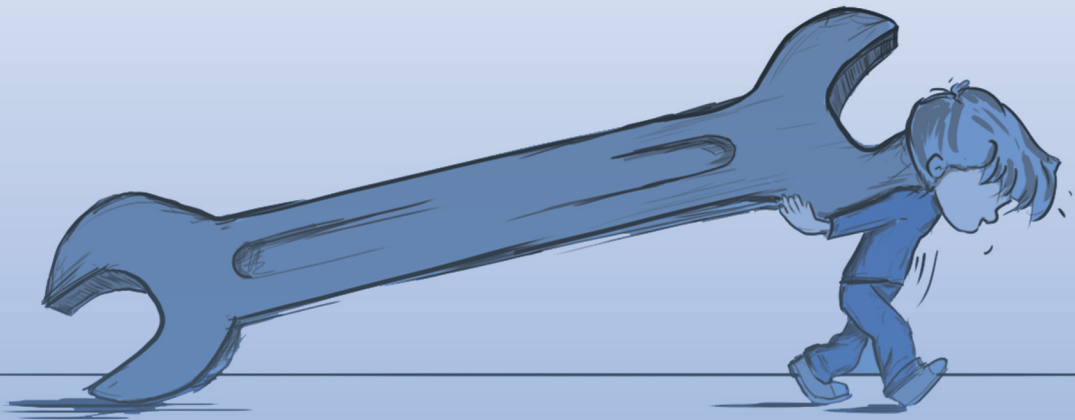
In the following cases, NHRC-CPT shall stop following up on the complaint. The complainant shall be informed of the decision to stop and its reasons within a week from the date of its adoption:

- Complaints that are later found to fall outside the NHRC-CPT's jurisdiction.
- If the complainant files procedures related to the complaint before a court or judicial committee after submitting the complaint to the NHRC-CPT.
- If the complaint was found to be illogical or malicious and not presented honestly.
- Not showing enough interest on the person's part in his complaint.
- Failure to provide evidence and supporting documents required by the NHRC-CPT within a reasonable period.
- The person's unwillingness to continue pursuing investigations into his complaint.

End the work on the complaint

The NHRC-CPT seeks to finish work on complaints and close the file, starting from the point at which the complaint is accepted for investigation within the following time frames:

- «Complex» cases, such as ones related to systematic violations or some official bodies and serious violations, must be resolved within 90 days;
- Ordinary cases of complaints that are neither complex nor straightforward must be resolved within 48 days,
- Minor cases of clear violations that do not require substantial evidence collection must be resolved within 30 days.



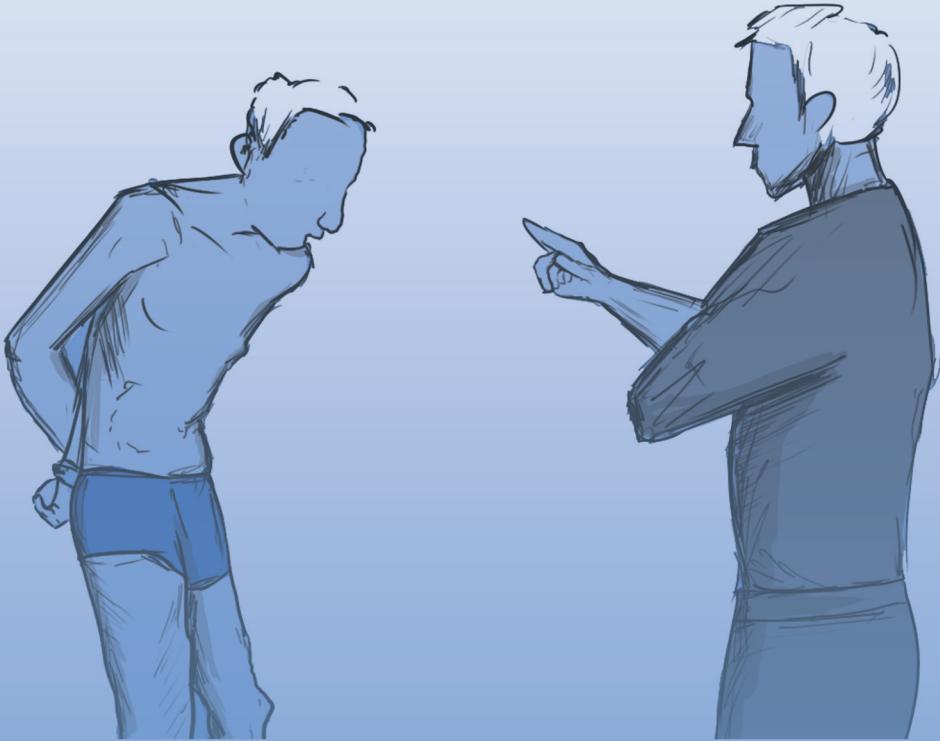
Legal advice and inquiries

Legal advice and inquiries

The Complaints Commission can, based on decisions issued by the NHRC-CPT's Board, notify complainants or inform them of their rights and available remedies and provide legal advice to facilitate the submission of their reviews to the competent authorities.

In the event the NHRC-CPT terminates work on the complaint and does not reach satisfactory results for the complainant, it can suggest the possibility of the complainant going to the judiciary or any other available options. In this case, the NHRC-CPT shall explain these options to the fullest extent, illustrating the pros and cons of each option in detail. The NHRC-CPT shall also inform the complainant of the time limit available to bring cases to trial or follow up through other options based on national legislation.

The Complaints Commission can, based on decisions issued by the NHRC's Board, notify complainants or inform them of their rights. Furthermore, it shall assist the complainants through legal advice from specialists to facilitate the submission of reviews before the competent judiciary.



Final judgments

Final judgments

The competent legislative, executive, judicial, and administrative authorities and all parties shall cooperate with the NHRC-CPT in handling complaints and facilitating its work to assist it in completing its tasks.

If the competent authorities disrupt the work of the NHRC-CPT, fail to cooperate, or procrastinate in providing the required information and responses, the NHRC-CPT shall follow up on the matter again or raise the issue to higher authorities or Parliament (particularly the Parliamentary Commission for Human Rights or other parliamentary committees, depending on the situation).

In the event of failure of mediation and lack of cooperation from the relevant authorities, the Board of the Commission may file a notification or lodge a public case with the Public Prosecution Department of Discrimination in the cases permitted by law.

The NHRC-CPT shall transfer requests for legal advice and aid outside the framework of specific complaints to the competent authorities of the two bar associations, civil society institutions, and other competent authorities.



Appendix 1: The role
of the CPT in relation
to complaints

Appendix 1: The role of the CPT in relation to complaints

Preamble

National Committees for the Prevention of Torture, established under the Optional Protocol to the CAT, are not intended to investigate cases and complaints of torture or ill-treatment in places of detention. They may not receive complaints and thus do not aim to investigate allegations of torture and ill-treatment carried out by national institutions outside their visits.

Regular and sudden preventive visits stipulated in the Optional Protocol differ in their objectives, scope, and methodology from visits that may be carried out by other departments or committees or the Complaints Commission in the NHRC in order to document individual complaints and respond to them:

- Visits carried out by the CPT are proactive. They occur before a specific event takes place or a complaint is received from a detainee and not as a response. It can be done at any time, even if there is no obvious problem or complaint. Since these visits do not aim to respond to individual cases, they mainly focus on analyzing the system of places of detention and evaluating all aspects related to the deprivation of liberty;
- The CPT does not conduct visits to investigate complaints of torture or ill-treatment in various places of detention that it or the NHRC may reach through the Complaints Commission or other bodies in the NHRC;

- However, during its visits to places of detention, the CPT may receive complaints or interview requests related to cases of torture or other cruel, inhuman, or degrading treatment or punishment, or arbitrary deprivation of liberty;
- The NHRC seeks to address situations that may be resolved by the competent prison or place of detention authorities as soon as possible during the visit. In these cases, the complaints received during the visits are dealt with without referring to details about the complainants. However, concerns may be raised about food, hygiene, or medical treatment, as appropriate, before the prison or place of detention administration, requesting that these concerns be addressed. The complainant must agree to the process.
- If the CPT receives a complaint during its visit, it shall investigate and collect information to resolve it after the visit ends. In these cases:
 1. The CPT shall register complaints in the Complaints Register as soon as possible;
 2. Within 24 hours of receiving the complaint, CPT shall provide the Complaints Commission or a competent committee in the NHRC-CPT with all the information related to the complaint. The complainant must agree in advance and be informed of the following steps;
 3. The Complaints Commission or the competent committee of the NHRC shall follow up on complaints received through the CPT through the usual steps and mechanisms followed by the Complaints Commission in the NHRC.
- The work of the CPT differs from the Complaints Commission. The latter's work is based on responding to complaints or information, investigating facts, including through visits, and intervening with the concerned authorities to address that case. On the other hand, the CPT does not visit to investigate complaints received in advance.

- The CPT's mandate focuses on preventing abuse and proactive action by monitoring the treatment of people in places of detention. It also includes monitoring and analyzing laws, policies, and procedures that impact those places and people deprived of their liberty. It identifies patterns and systematic risks of torture and other forms of ill-treatment, suggesting possible measures to reduce the risk of torture and ill-treatment
- On the other hand, the work of the Complaints Commission focuses mainly on reactions and dealing with complaints after the possible occurrence of a violation.



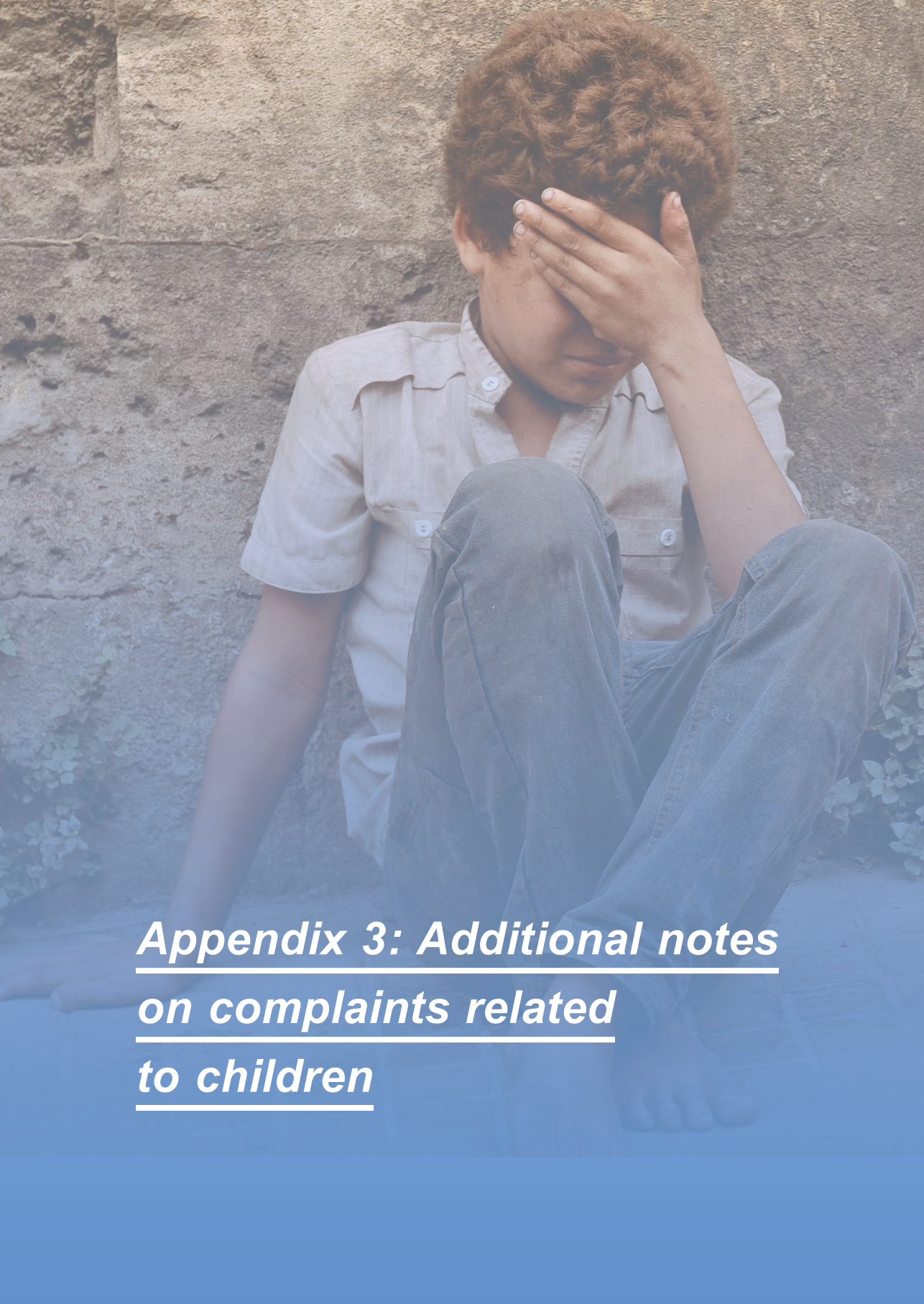
Appendix 2: Complaints
Commission staff skills

Appendix 2: Complaints Commission staff skills

The Complaints Commission's team within the NHRC consists of a diverse group of employees and volunteers and the support of a technical/informational team within the NHRC-CPT. Among the experiences that the Complaints Commission needs is the investigator's role in receiving complaints and information and dealing with them at its various stages. The team of investigators must include the following expertise and skills:

- Thorough knowledge of international human rights law and specific knowledge of national legislation;
- Skill and experience in monitoring, collecting, and analyzing information, data and materials, organizing interviews, and receiving certificates;
- Skill and experience in collecting evidence and clues;
- At least three years of experience in the field of dissemination, protection, and defense of human rights in Lebanon or internationally;
- An employee within the team must have experience in field investigation, particularly in fact-finding related to human rights issues;
- Adherence to the highest standards of professionalism and responsibility, including maintaining the confidentiality of files and the identity of victims and witnesses.

The NHRC-CPT ensures specialized training for its team on conducting interviews with particular groups, including victims of violence and sexual violence, gender-sensitive interviews, interviewing children, and interviewing victims of human trafficking.



Appendix 3: Additional notes
on complaints related
to children

Appendix 3: Additional notes on complaints related to children

The NHRC's work related to children's rights, including receiving and following up on complaints by children or related to children, is based on the Convention on the Rights of the Child (CRC). Article 4 of the CRC stipulates that states parties must take «legislative, administrative and other appropriate measures to implement the rights recognized in this Convention.» In its General Comment No. 2 on the Convention in 2002, the CRC Commission emphasized «the role of independent national human rights institutions human rights in promoting and protecting the children's rights.»

The CRC Commission urges the importance of assigning NHRIs the necessary powers to enable them to carry out their tasks for this purpose, which include:

- The NHRC-CPT shall listen to any person and obtain any information and documents necessary to assess cases that fall within its competence.
- The NHRC-CPT shall promote and protect children's rights within the jurisdiction of the State Party and all relevant public and private administrations
- The NHRC-CPT shall look into complaints and petitions, including those submitted on behalf of children or directly by children, and conduct investigations about them, adopting broad powers, including:
 - Power to subpoena and accountability of witnesses;
 - access to relevant documentary evidence;

- access to places of detention, particularly in the matter of juvenile protection;
- Power to provide independent advice and defense procedures and file complaints regarding any violation of their rights.
- The power to mediate and conciliate, when necessary, these complaints.
- The NHRC-CPT shall support children who file cases before the courts by litigating directly before the competent judicial bodies to redress the child.

The NHRC-CPT shall be responsible for ensuring geographical and physical access to its facilities by all children, their parents, or their representatives. Accessibility shall be ensured for all children, especially the most disadvantaged and vulnerable, such as children in institutions of care or detention, children with disabilities, those living in extreme poverty, refugee and immigrant children, and street children, regardless of the legal status of residence.

Mechanisms for receiving complaints on the issue of violations of children's rights within any section of the NHRC-CPT must consider international principles in dealing with children as defined by international standards. Under Article 12(2) of the CRC, a child shall have «the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through an appropriate representative or body, in a manner consistent with the procedural rules of national law.»

In cases involving children, dealings are based on the principle of involvement and consultation with those concerned. The NHRC may coordinate its work in this field with the Higher Council for Childhood, which is affiliated with the Ministry of Social Affairs, and civil society organizations specializing in children's rights.

Moreover, the NHRC is authorized to report directly, independently, and separately on cases of violations of children's rights, whether before public bodies or parliamentary committees.

The NHRC's activities in the field of protection of children's rights

The NHRC-CPT operates according to a wide range of powers that allow it to carry out the following activities in the field of child rights protection:

- Undertake investigations within its jurisdiction of any case of violation of children's rights, either through complaints or its initiative;
- Provide legal aid to children whose rights have been violated;
- Support the effective participation of NGOs concerned with children's rights;
- Communicate with public opinion, citizens, and residents in Lebanon and encourage them to understand and realize the importance of children's rights and resort to the NHRC in the event of violations and violations against children.

Principles for dealing with complaints and reports concerning children in violation of their rights

The NHRC-CPT shall receive complaints by or on behalf of children in a child-friendly environment, sensitive to children and their needs.

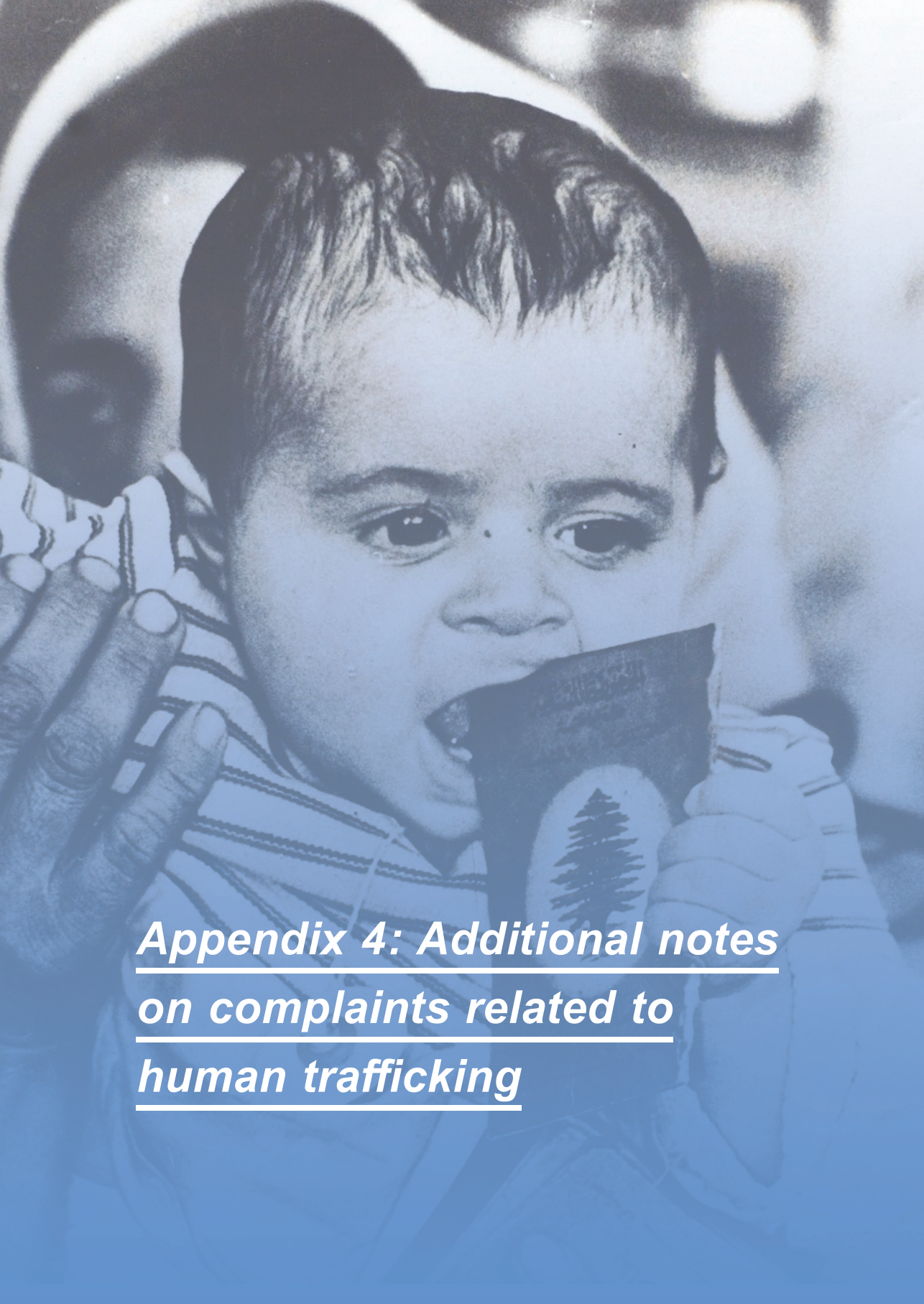
The NHRC-CPT shall adopt a care and protection approach based on children's rights, based on respecting and promoting the human dignity and psychological and physical integrity of children in the first place, as individuals with rights, rather than treating them as «victims.» It requires respecting and protecting each child as a rights holder and a unique and valuable human being with a unique personality, needs, interests, and privacy.

In receiving complaints related to children, the NHRC-CPT adopts a set of

fundamental principles to ensure the safety and security of children and respect their rights:

- **Respect:** This is based mainly on respecting the child's dignity, including respecting children's opinions, whatever they may be, and not underestimating their importance, in addition to respecting the diversity of children's experiences, cultural backgrounds, and viewpoints. It requires providing children with the information they require;
- **The best interest of the child:** Respect for the child's best interest is one of the basic principles of the CRC, to which the NHRC-CPT is committed. It means working to promote children's well-being and best interests in every step the Commission takes. To ensure respect for children's best interests, it must strive to listen to the child and the different points of view from the relevant authorities. It is also necessary to consider the various relevant circumstances and situations and to study the issue from different angles, including the impact of any decisions on children;
- **Do not harm:** Ensure that actions do not cause any harm, whether through act or omission, and put in place measures to mitigate any potential harm to complainants and rights holders, in particular children;
- **Justice:** Accommodate the burden of procedures in a complaint and its benefits to ensure justice for children.
- **Non-discrimination:** The NHRC-CPT is committed to non-discrimination between children or their parents on any basis. It shall treat all children and their representatives and guardians based on equality. It shall guarantee equality of access to the NHRC-CPT and its services without preconceptions.
- **Child involvement:** Children must be involved, not only through

providing information but also in terms of the complaint process and the different alternatives and solutions. For this purpose, children must be heard in terms of when, how, and where they will be heard. Therefore, the NHRC-CPT shall develop mechanisms appropriate to the child's age, level of development, and the situation (including language, gender, and disability). The NHRC-CPT shall also develop tools for speaking, communicating, and dealing with children that contribute to removing dread and helping the child to speak comfortably.



Appendix 4: Additional notes
on complaints related to
human trafficking

Appendix 4: Additional notes on complaints related to human trafficking

In defending victims of human trafficking, the NHRC shall work under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Article 2 sets out the objective of the Protocol to:

- A. Prevent and combat trafficking in persons, paying particular attention to women and children;
- B. Protect and assist victims of such trafficking, with full respect for their human rights;
- C. Strengthen cooperation between States Parties to achieve these goals.

The Protocol urges states parties, pursuant to Article VI, to assist and protect victims of trafficking in persons.

In light of the establishment of a permanent committee to protect victims of human trafficking, the NHRC shall work according to the following objectives:

- Safeguard the personal integrity, identity, and dignity of victims of trafficking;
- Assist victims of trafficking in relevant judicial and administrative procedures;
- Assist victims of trafficking to enable them to present their views and concerns and consider them at the appropriate stages of criminal

proceedings against the perpetrators, without prejudice to the rights of the defense.

The NHRC bases its work on handling complaints related to human trafficking on the understanding and analysis of the following patterns in practice:

- Common goals of trafficking generally include forced labor, forced begging, domestic servitude, commercial sexual exploitation, and forced marriage.
- Persons in need of international protection who move irregularly or who are in protracted refugee situations are particularly vulnerable to being trafficked and may not be able to seek assistance from state authorities to escape a situation of exploitation
- Although not all victims of trafficking are refugees, the circumstances in which victims of trafficking sometimes live may qualify them for refugee status. Trafficked persons may need international protection as refugees based on this experience. It is therefore essential to ensure protection against forced deportation and access to procedures by which it is possible to determine whether refugee status is granted instead of return
- There is often a connection between trafficking in persons, sexual slavery, and marital servitude/forced marriage
- Female and male victims of trafficking may be subjected to many types of sexual violence during their experience of being trafficked, regardless of the purpose of their trafficking and the exploitation to which they are exposed.

In the context of receiving complaints and reports, the NHRC seeks to achieve a set of issues to protect victims of human trafficking through its work, including:

- Adopt measures for the physical, psychological and social recovery of victims of trafficking in persons, including, where appropriate,

cooperation with non-governmental organizations, other relevant organizations, and other elements of civil society;

- Pay particular attention to women and girl victims, especially victims of sexual violence, and deal with these issues with the utmost care, per international standards, to address them.
- Contribute, in coordination with the partners of civil society organizations, to provide for the following needs of the victims:
 - A. Adequate housing;
 - B. Advice and information, especially regarding their legal rights, in a language that victims of trafficking can understand;
 - C. Medical, psychological and material assistance;
 - D. Securing employment, education, and training opportunities.
- Contribute to obtaining compensation for the damages incurred by the victims.
- Assisting the victims, in coordination with the competent authorities, to recover their identification papers in the event of their absence or loss, and enabling them to prove their nationality status to avoid becoming stateless.

The NHRC may contribute to the follow-up of the victims' cases to ensure the proper progress of the procedures to protect them and facilitate their safe and unhurried return to their country, with due consideration given to the principle of voluntary return.

The complaints mechanism related to combating human trafficking adopts a set of principles, including:

- Independence of the investigation;
- Prompt action when receiving news or complaint related to a victim of human trafficking;
- Mandatory cooperation of official bodies;
- Public accountability in the event of the involvement of members and employees of official departments in the crime of human trafficking.



Appendix 5: Additional notes
on Complaints Related to the
Rights of women and girls

Appendix 5: Additional notes on Complaints Related to the Rights of women and girls

NHRIs play a significant role in combating discrimination against women and ensuring equality for women and girls. NHRC-CPT is involved in the matter on many fronts, including through the Complaints Commission, integrating the gender aspect throughout. The NHRC shall consider the specificity of the violations against women and girls.

The NHRC handles its complaints related to women's and girls' rights on the CEDAW and the interpretations of the Committee on the Elimination of Discrimination against Women, which oversees CEDAW's implementation. The Committee has repeatedly stressed the critical and distinct role of NHRIs in promoting the implementation of CEDAW at the national level, including comprehensive protection of women's rights, prevention of violations, ensuring access to justice, and promoting public awareness of the Convention. Thus, the handling of complaints by the NHRC-CPT plays a significant role in ensuring respect for the agreement.

The Amman Declaration and Program of Action resulting from the 2012 meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights stressed the importance of the work of national institutions in defending the rights of women and girls, especially in the following areas:

- Support and facilitate access to remedies for women who have

experienced violations of their economic, social, and cultural rights; advocating for economic, social, and cultural rights justiciability in countries when necessary;

- Encourage and assist in the compilation of the evidence base (e.g., data, inquiries, and research) on the nature, extent, causes, and effects of all forms of gender-based violence and the effectiveness of measures to prevent and treat gender-based violence;
- Assist women and girl victims in accessing complaints procedures and remedies, including compensation, and ensure that advocacy powers are used to address complaints of violence against women and girls.
- Develop and support measures to address violations of human rights and international humanitarian law that women are exposed to in situations of armed conflict, especially sexual violence, and hold the perpetrators of these crimes accountable.

The NHRC-CPT shall deal with complaints related to the role of the public sector and the private sector and complaints related to violations of the rights of women and girls by individuals in the private sphere. The issues addressed by the NHRC through complaints include those related to violence against women and girls, including sexual violence, as well as physical, psychological, and economic violence, discrimination in employment and work, discrimination in access to justice, including the failure of public authorities to investigate and prosecute sexual assault and domestic violence, including spousal violence, institutional and procedural obstacles, and discriminatory practices, child and forced marriage, human trafficking, discrimination in education, reproductive rights, discrimination in access to resources, discrimination and obstruction in access to services, and complex violations of the rights of women and girls with disabilities and racial discrimination.

The NHRC may act on its own to bring complaints about violations and violations of the rights of women and girls. The NHRC's work in this field is of particular importance in light of the possibility that women and girls are

reluctant to file complaints for various reasons, including social and cultural reasons, lack of knowledge of the possibility of moving complaints, and because of fear of revenge and social stigmatization.

The following are some of the things that the NHRC works to take into account and ensure in its work related to handling complaints in cases that involve discrimination based on sex or violations of the rights of women and girls:

- The NHRC-CPT's employees have specialized skills and training to work with victims of sexual harassment, discrimination, human trafficking, or any form of violence against women and girls and how to interview them.
- Facilitating the development of programs to protect complainants and witnesses.
- Adopting a transparent referral system that respects confidentiality, informed choice of complaints, and protection and security. It requires consultation with civil society organizations and other specialized quasi-governmental bodies.
- Understand the interrelationship and overlap between the various and multiple forms of discrimination that lead to compound discrimination.
- Understand stereotypes and traditional images of women and girls and gender roles.
- Full understanding of the potential risks to the interviewee and the NHRC-CPT employee.
- A complete, clear, and detailed explanation of what the NHRC can do and what other parties can do, discussing possibilities and options with the complainant, and involving the complainant in making decisions related to the complaint, including the location of the interview, who is conducting the interview, the date of the interview, and the steps taken after the interview.

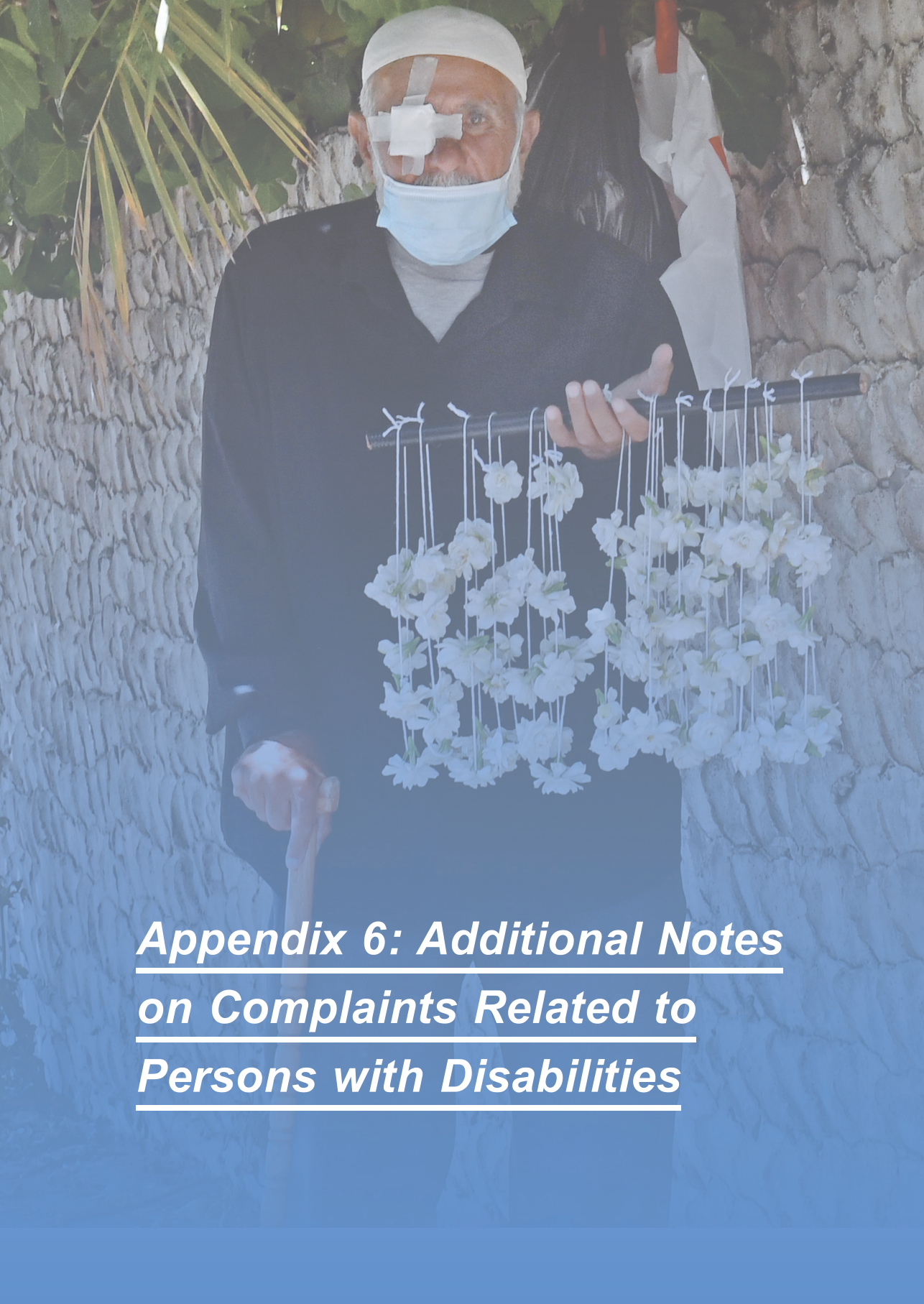
- When conducting the interview, observe basic rules in gender-sensitive interviews, especially specialized interviews with violence survivors, including sexual violence.
- The NHRC-CPT works on adopting mechanisms to facilitate the submission of complaints by women and girls, including the transfer of the NHRC-CPT's employees to locations according to the choice of complainants to facilitate taking information and follow-up

In all complaints related to women and girls or submitted by them, the NHRC offers to interview and collect information through a female employee from the NHRC's team.

In general, the NHRC-CPT ensures the equal participation of women and men in its work.

In developing its internal working methods and mechanisms for handling complaints in general, including complaints related to the rights of women and girls, the NHRC periodically consults with civil society organizations working on women's rights.

The NHRC shall raise public awareness of the importance of filing complaints regarding violations of the rights of women and girls and the role of the NHRC and other bodies.



Appendix 6: Additional Notes
on Complaints Related to
Persons with Disabilities

Appendix 6: Additional Notes on Complaints Related to Persons with Disabilities

The NHRC bases its work on complaints by or about persons with physical and intellectual disabilities on the Convention on the Rights of Persons with Disabilities (CRPD). NHRC-CPT handles complaints related to persons with disabilities under Law 220/2000, enabling the National Commission on the Rights of Persons with Disabilities to «claim or interfere in any lawsuit before any ordinary or exceptional judicial body on any subject related to its interest or helps to achieve it or defend the disabled and their rights» (Article 7, Clause 6).

The NHRC bases its work on a human rights-based understanding of disability. It recognizes disability as a social concept that should not be a reason to deny or restrict human rights. Disability is just one determinant of identity, and laws and policies related to disability must consider the diversity of groups of people with disabilities. It also recognizes that human rights are interrelated, interdependent, and indivisible.

The NHRC-CPT shall encourage persons with disabilities to submit complaints by developing relevant mechanisms and information. The NHRC-CPT shall also train its staff on the right to equality and non-discrimination for persons with disabilities and what this means for practical measures to enable them to deal with complaints adequately received from persons with disabilities with full respect for their dignity.

In its work on complaints received from or regarding persons with disabilities, the NHRC-CPT emphasizes the following:

- Complaints submitted by or concerning persons with disabilities shall deal with the practices of exclusion and isolation of persons with disabilities and their exposure to discrimination and violence, with attention to intersecting and multifaceted discrimination, as well as the lack of reasonable accommodation which constitutes discrimination.
- The NHRC-CPT respects and pays attention to consulting people with disabilities in making related decisions.
- On the logistical level, in case of any barriers or obstacles preventing persons with disabilities from submitting their complaints, the NHRC-CPT shall find appropriate means and measures to enable complainants to submit their complaints. In this regard, the NHRC-CPT considers all types of disabilities, ensuring access to its headquarters, the complaints mechanism, and relevant information. Furthermore, the NHRC-CPT takes the appropriate measures, including transferring a member of the NHRC-CPT work team to meet with the complainant if the latter cannot come to the Complaints Commission Center. In addition, it may resort to experts or specialized professionals and certified public translators or use other mechanisms, tools, or languages to facilitate the submission of complaints or information from persons with disabilities.
- The NHRC-CPT also works to ensure that persons with disabilities have access to information, including through alternative means of communication and communication
- The NHRC-CPT coordinates with the competent authorities regarding the referral, including the National Commission for the Rights of Persons with Disabilities and civil society organizations.

- The NHRC pays attention to women with disabilities and children with disabilities, with the need to integrate the privacy of these groups in the mechanism for receiving complaints, in line with the previous sections on women and children.



**Appendix 7: Procedures for
receiving a complaint**

Appendix 7: Procedures for receiving a complaint⁽¹⁾

When the NHRC-CPT employee receives complaints, the following rules and points must be observed:

1. **Definition:** Start by introducing yourself before explaining the role and powers of the NHRC-CPT.
2. **Routine questions first:** Start with the routine questions first, putting the complainant in a comfortable position.
3. **Be more specific:** Make your questions more specific and focused as the meeting develops.
4. **Try not to interrupt the complainant.** However, continue to run the meeting focusing on the issue and using direct questions to reinforce your knowledge of specific topics, such as the names of the people involved in the assault or violation and the date and time it occurred, recording the most relevant information provided by the complainant.
5. **Avoid asking indoctrinated questions** whose answers can be yes or no, except when emphasizing a specific point raised. Ask questions whose end and answers are open, such as «Can you describe?» or «Tell me why?» to encourage the complainant to speak.

(1) Information excerpted from the Handbook of the Independent Commission for Human Rights «The Board of Grievances»/Palestine, Complaints Handbook, 2016.

6. Listen for the answers and reflect on the complainants by making sure you understand their answers and what they said.
7. To confirm that you understood answers, semi-continuously summarize answers, such as saying: «If I understood you correctly, the reasons for which the defendant dismissed you from work were political.»
8. Ask follow-up questions: Ask follow-up questions such as: «Are there other reasons for your dismissal from work besides your disability? Why do you think that?»
9. Write down the names of the documents and witnesses: As long as the complainant answers your questions without the names of the documents, you may need to review the names of the witnesses you want to interview.
10. Closing the interview: Conclude the interview by describing the next steps for the investigation and follow-up and offer the possibility of further communications and reviews of the documents on file.
11. Determine the expected time the case will need to take the following steps and inform the complainant of the time and procedure.
12. Ask if the complainant has any questions and if there is anything to add.



Appendix 8: Undertaking
Effective Investigations

Appendix 8: Undertaking Effective Investigations⁽¹⁾

Conducting investigations is an essential function of NHRIs as they generally cannot order anyone to do anything. They have to persuade their stakeholders, and therefore their recommendations have to be built on firm, factual foundations. Their investigations have to be robust, fair, and thorough - and be seen as such. If their investigations do not meet those standards, the credibility of the NHRI shall suffer.

Doing investigations based on standards that can withstand scrutiny requires a structured approach, careful planning, appropriate resources, and skilled investigators. Human rights investigations can be particularly challenging. They can involve complex, nuanced issues. Gathering evidence might also be exceedingly difficult, particularly in conflict situations or where there is a significant imbalance of power and resources between the NHRI and those they are investigating.

Some of the critical principles of NHRC-CPT Investigations are:

- The importance of doing investigations well, focusing on thoroughness and objectivity.
- NHRC-CPT's credibility rests, in part, on being able to demonstrate that it has a sound investigative process in place.

(1) Compilation of information is based on «Undertaking Effective Investigations: A Guide for National Human Rights Institutions», Asia Pacific Forum of National Human Rights Institutions July 2013.

- If the NHRC-CPT does not get the facts right, its findings and recommendations will be dismissed, and its credibility will be severely damaged.

Eight Principles of Excellent Investigation:

Good investigations are based on eight fundamental principles.

1. Investigators must be as independent as possible.
2. Investigators must be trained and experienced.
3. All potentially relevant issues must be identified and, where appropriate, pursued.
4. Investigations must be sufficiently resourced.
5. All relevant physical and digital evidence must be identified, preserved, collected, and examined as necessary.
6. All relevant documentation must be secured and reviewed.
7. All relevant witnesses must be identified, segregated where practical, and thoroughly interviewed.
8. The analysis of all the material gathered during the investigation must be objective and based solely on the facts.

What Qualities Do Good Investigators Usually Have?

Patience

Investigators need to be patient. They need the patience to locate, collect and review substantial amounts of evidence. They need the patience to deal with the inevitable obstacles and challenges they will encounter during an investigation.

Curiosity

Good investigators tend to be curious. They want to know what happened, when, where, how, and why. They want to know the truth.

Follow the evidence

Investigators must begin every investigation with an open mind. Good investigators do not assume anything. They are prepared for anything to emerge as they begin to investigate. They do not accept or reject any possible explanation until they have the evidence.

Skepticism

Good investigators do not necessarily accept evidence from anyone at face value. Instead, they look for corroboration wherever possible.

Persistence

Competent investigators never give up without an excellent reason. They want to get to the truth and do not take no for an answer. If they are told that evidence - for example, a document or electronic file - is not available, they will want to know why. They will pursue the evidence unless there is a reasonable explanation for why it cannot be provided.

Adaptability

Investigators have to be flexible in their approach. No two investigations are the same, and all present unique challenges and opportunities. Investigators should be good at identifying both and developing strategies to deal with them.

Empathy

A degree of empathy will assist an investigator in better engaging with and understanding the perspectives of the people they are investigating. Empathy can also help build rapport with the parties to a complaint.

Resilience

Nobody likes being investigated. A lot may be at stake, both personally and professionally, and some parties to an investigation may take it personally. Those who are culpable or may be embarrassed by the outcome of an investigation will not welcome an investigator and seek to undermine it. If that

fails, they may claim that the investigative process was flawed. One way of doing so is to attack the investigators' credibility, impartiality, or professionalism. Investigators need to be resilient to deal with criticism.

Courage

Fear of physical harm or retribution is a very valid concern for some NHRI members and investigators. It can take a great deal of personal courage to conduct human rights investigations, especially in conflict areas. There may also be severe consequences for investigators (and their employers) who embarrass powerful people with facts they do not like. These consequences may also extend to family members.

Judgment and common sense

Sound judgment and common sense are much underrated. Investigators sometimes have to make difficult decisions, including what issues to investigate, what investigative avenues to pursue, and to what extent. As mentioned in Chapter 6, they have to be able to justify why they chose to - or choose not to - interview someone. That takes sound judgment based on common sense.

Strategic thinking

Investigators need to be able to think ahead and think strategically. They need to be able to answer a range of challenging questions to ensure an effective investigation:

- What approach will work best?
- What are the possible obstacles?
- How should a failure to cooperate be dealt with?
- Is it possible to resolve or avoid a potential problem before it arises?
- How should responsibility for lack of cooperation and delays be dealt with to address the difficulties encountered?

The Investigation Plan Template

What is being investigated?

The first step in an investigation plan is to set out precisely what is being investigated as precisely as possible. It may be a specific allegation or series of allegations. It may be an issue that has been identified as appropriate for an «own motion» (suo moto) investigation. It may be several interrelated issues or allegations.

The issue has to have a human rights dimension. That should be identified and articulated clearly.

If any apparent systemic issues have been identified, those issues should be clearly framed and an indication given as to whether they will be investigated.

Do not make the scope of the investigation bigger than it needs to be. Keep the issue(s) as narrow and as focused as possible. In the interests of clarity, it may be prudent to note any related or similar issues not being investigated.

What is the overall approach to gathering the evidence?

A brief outline should be prepared setting out the overall approach to conducting the investigation. What is the strategy? How is it anticipated that the investigation will unfold? What investigative steps will be taken, and in what order?

Decide, for example, if witness interviews should wait until documents have been collected and reviewed. When, if at all, should investigators go to any scene that relates to the investigation? Should witnesses be interviewed in a particular order, if at all possible?

No two investigations are precisely the same. There will be many variations to an overall strategy.

What and where is the evidence?

Identify who should be spoken to and what documentary, physical and digital

evidence should be gathered. The following categories may be helpful as the investigator goes through that process. Many are interrelated.

a) Laws and standards

Investigators need to know the legal, regulatory, and ethical standards applying to whatever matter is investigated. In the case of NHRIs, this also means the human rights standards as set out in relevant human rights covenants and conventions. These standards provide both the context and a baseline for the investigation.

For example, if the NHRC is investigating the treatment of detainees, there are internationally accepted standards that provide for the right to life and security and freedom from torture and cruel, inhuman, or degrading treatment or punishment. There may also be similar provisions in the national constitution. Therefore, they will almost certainly be directly relevant as the evidence is gathered and assessed.

b) Witnesses

A list should be made of who the investigator will likely want to speak to during the investigation, including a one-line reason as to why and where those individuals are physically located. If possible, the method to conduct the interviews - in person, by phone, or by other means - should be determined. Any preferred order of interviews should be detailed, explaining why, as necessary. For example, the first interview may be with the alleged victim to gather more details relating to the complaint.

c) Documents

What documents may be relevant to the investigation? Who has them? Where are they? How many of them are there likely to be? How can they be obtained as quickly as possible? What will be done to ensure they are thoroughly reviewed once obtained?

d) Physical and digital evidence

If physical evidence is a consideration, it will be necessary to work out where it is, how it will be secured, whether a «chain of custody» needs to be established, and whether expert assistance will be needed to preserve and examine it.

If it is anticipated that digital evidence is to be gathered, the same questions need to be asked about sourcing that evidence. For example, is it likely that there is evidence on YouTube? If so, how can it be found and preserved? Might there be a mobile phone video that has yet to be uploaded anywhere? Would CCTV footage have been recorded at the place where the incident occurred? Is there something on a hard drive that might be important?

What problems might arise during the investigation?

Investigators should attempt to identify possible difficulties that may arise during the investigation based on their knowledge of the case or past experience. Then, possible solutions should be developed to avoid them or address those obstacles should they arise.

a) Lack of cooperation

If an organization or individual involved in the investigation is likely to be uncooperative, brainstorm ways of pre-empting or circumventing the problem when planning an investigation. Dealing with an obstructive agency or person is never easy for an investigator, but things can be made simpler if they have a strategy in place. For example, could that information be obtained from other sources? Would it be helpful to make clear to all stakeholders that full cooperation is required and expected when the investigation is launched? If it is almost inevitable that any legal powers available to the NHRC will have to be used - such as a subpoena or power of entry - then build that into the plan.

b) Fear of reprisal

Fear of reprisal can be a significant concern in many investigations.

Intimidation, coercion, or simply not wanting to get involved may prevent witnesses from coming forward and hamper the investigation.

There may be things that can be done as the investigation is planned to encourage witnesses to come forward. Effective messaging will be an essential part of this process

There may be steps that can be taken to provide a degree of protection to those who come forward, including using Law No. 83, dated October 10, 2018, on the Protection of Whistleblowers.

c) Culture and language

Do cultural, language, or other issues need to be considered during the investigation? Is there anything that can be done to address these issues before the investigation begins? If a translator is needed, it should be organized early in the investigation. Similarly, investigators may need assistance and advice to understand the culture and protocols of a group that will be a part of the investigation. There are several practical issues to consider. For example, will the community leaders involved in the investigation expect witnesses to be approached through them? Or is it appropriate for the investigator to contact witnesses directly?

d) Access to sources of evidence

Accessing sources of evidence is critical. It is not easy to do a thorough investigation otherwise. As the investigation plan is developed, consider possible impediments to accessing that evidence. For example, based on experience, is it possible or likely that a key witness will be transferred to the other side of the country once it is known that they will be required for an interview? Will other witnesses be unavailable? Will there be «unavoidable delays» in an organization providing the documents that have been requested? Will the organization expect the investigation to be carried out through a designated «point of contact» rather than going straight to the source?

e) Destruction or tampering with evidence

Are there grounds to suspect that evidence might be destroyed or tampered with before it can be secured? If so, plan what can be done to preserve the evidence. For example, the investigator can inform whoever has custody of that evidence that its existence is known and put the responsibility on them to preserve it.

Alternatively, the investigator may want to use any powers at their disposal, including any legal power of entry without notice, to gather that evidence before it disappears or is altered.

f) Need to use powers

It may be that the NHRC will be required to use those legal powers at its disposal, such as powers of entry or summons, during the investigation. For example, when investigating allegations of torture or ill-treatment in a detention facility, investigators may be able to conduct an unannounced visit to that facility and interview detainees and staff. That will require coordination, resources, and planning. It will also be necessary to map out how that visit will be coordinated and executed in this segment of the investigation plan. For example, if investigating a complaint of overcrowding in prison, it may be best to conduct the inspection in the early morning hours, when detainees are in their cells.

g) Collusion between witnesses

If there is reason to think that witnesses will collude or otherwise obstruct the investigation, consider whether there is anything that can be done to minimize that possibility. For example, this could include conducting witness interviews simultaneously or immediately after each other. However, the investigation plan must provide for a sufficient number of investigators.

«Issue creep»

«Issue creep» is when new but somewhat related issues emerge after the investigation begins. Something is uncovered that seems to deserve further examination, and the investigation branches out into different directions as it is being conducted.

Issue creep should be avoided wherever possible.

In most cases, avoid dealing with new issues. It is simply not worth pursuing them, at least not at this point. It will almost certainly derail the current investigation. More resources will be needed. If they are not available, it will inevitably increase the time it takes to complete the investigation, and delay is generally not a good thing for any investigative agency.

For example, consider an investigation into how a government agency administers the process for providing care for severely disabled adults when caregivers, such as parents, can no longer look after them. The investigators may receive allegations about the poor treatment of residents in a group home where some of those adults live. It can be tempting to investigate those specific allegations.

However, this should be avoided as it is not directly concerned with the primary focus of the investigation. If possible, ask someone else in the NHRC to determine if such an investigation is warranted. If necessary, come back and investigate it, but do so after the current investigation has been completed.

In some circumstances, there may be a compelling reason to deal with the new issue now rather than later. If that is the case, amend the investigation plan and source additional resources. In addition, the NHRC will need to explain to stakeholders why the original investigation will take longer than anticipated.

Mainstreaming gender in NHRC investigations

Gender equality is a core requirement of international human rights law, and NHRIs must be proactive in meeting that requirement in their work and how they do it.

Gender mainstreaming is an essential strategy for achieving gender equality between women and men.

The NHRC defines gender mainstreaming as a «process of assessing and operationalizing the implications for women and men of any planned action, activity, advice, policies, programs and budgeting in its operations.»

A gender mainstreaming strategy, therefore, involves identifying and addressing experiences, issues, and solutions for women and men in different ways. This has obvious implications for how NHRIs select and then undertake investigations.

Investigations are intended to address human rights violations and eradicate injustices. Therefore, many NHRI investigations will have specific implications for the human rights of women and girls.

When these issues are uncovered, the investigations team must have the knowledge and skills to address them adequately through interviews, evidence assessment, report writing, and framing recommendations.

The following steps describe practical ways NHRCs can mainstream gender in the process of their investigation.

Review Current Practice

NHRC should review all the investigations undertaken and think about how these relate to gender - what it investigates and why. If it has not done so already, the NHRC should develop strategies to engage women, including communicating clearly and unequivocally that it is there to protect women's human rights and wants to hear from women. In addition, the NHRC may need to think about undertaking investigations that specifically address disparities for women and girls.

Apply A Gender Lens

Once the NHRC has decided to investigate a particular issue, the investigation team should assess how and why gender differences are relevant to the subject under investigation. Could the investigation process impact women and men differently? Could it promote gender inequality by not recognizing the structural, historical, and social disadvantages for women? The team should identify where there are opportunities to narrow these inequalities or mitigate the potential harm.

Ensure Women's Visibility

Ensuring women are equitably represented in leadership and investigation roles is an essential first step toward gender mainstreaming. The visibility of women among the leadership and staff of the NHRC gives an initial and powerful message that the organization is inclusive and values women's knowledge, experiences, and expertise.

Include Women in Investigation Design

All phases of the investigative process should be designed with the involvement of women, including external stakeholders where appropriate. This approach can help identify and address barriers to women's engagement with the NHRI and its investigations. For example, women can advise on how best to establish a rapport with victims and witnesses they will interview, providing adequate support and referral mechanisms for victims and witnesses, and identifying any other gender-specific issues that may have been overlooked.

Address Cultural Barriers to Women's Participation

NHRC should identify what cultural, religious, or other barriers exist that impact women's participation. Investigators must think about these from the outset, especially concerning minority or indigenous communities that might be suspicious of an organization associated with the government. In addition, talking with women from diverse communities in the investigation design can be very helpful.

Form Investigations Teams That Reflect the Community

The Paris Principles require an NHRC to reflect the make-up of the society it serves, including in terms of gender and ethnicity. This is especially important for front-line investigations conducted by the NHRI. To the extent possible, women should be represented on all investigation teams. However, it is crucial when investigating an issue that will likely require interviewing women and girls.

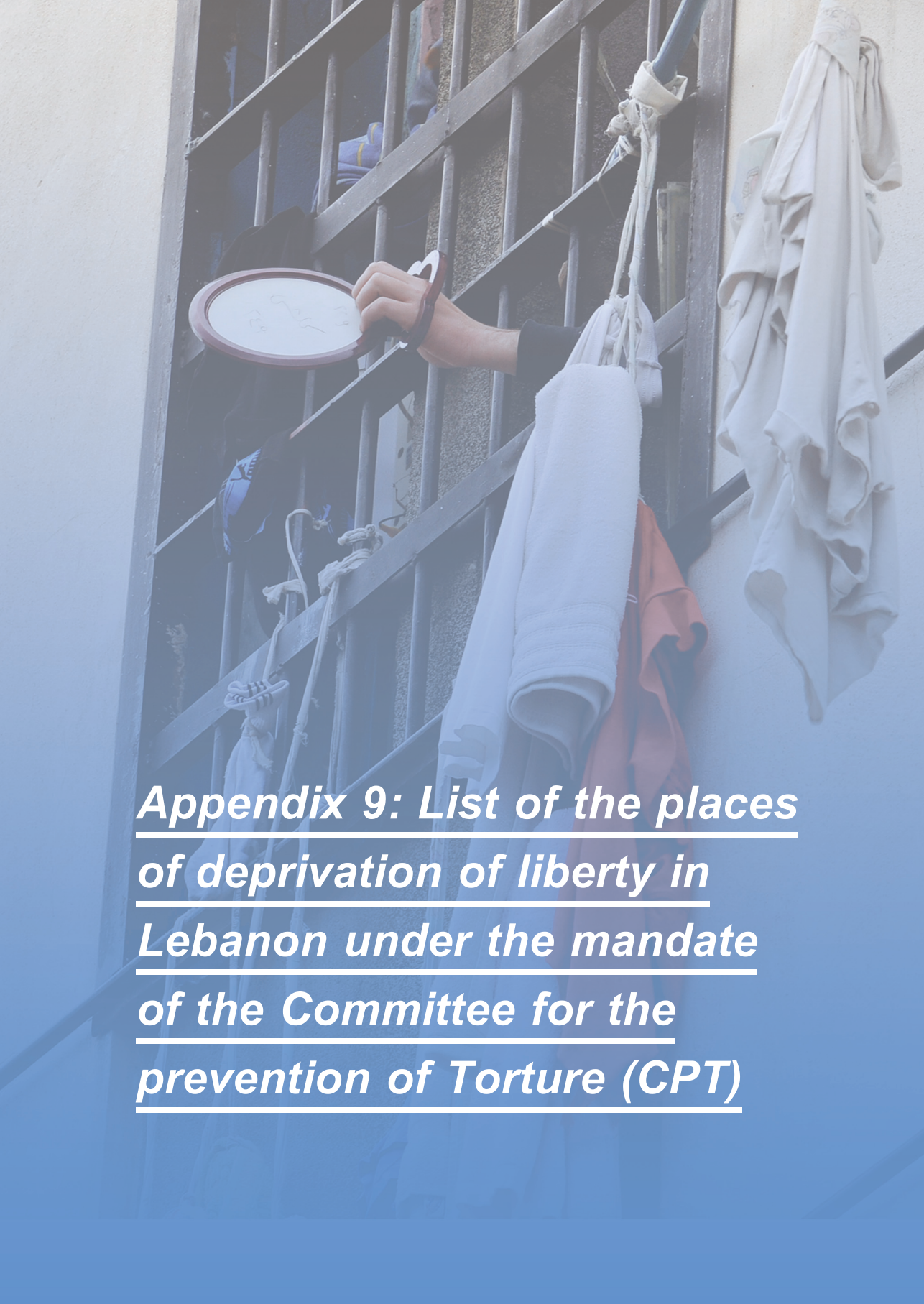
Include Gender in the Investigation Report

It is essential that the investigation report - as with all aspects of the investigation - consider the gender dimensions of the issue. The report should also clarify how gender mainstreaming was undertaken for the investigation. It should use gender-inclusive language throughout, and care should be taken in how women are depicted in any images used. Women's experiences must be given full weight in how the report is written and how the recommendations are framed.

Interviewing Victims of Gender-based Violence

Investigating any aspect of gender-based violence brings a real risk of re-traumatizing victims. This is especially the case when interviewing victims. The key consideration is «first, do no harm.» Best practice approaches to trauma-focused interviewing include:

- Giving more control of the process to the interviewee than would typically be the case in other interviews
- Understanding that compassion and respect are crucial at every stage of the process
- Being aware that trauma can result in memory loss
- Determining what support may need to be available for the interviewee during and after the interview.



**Appendix 9: List of the places
of deprivation of liberty in
Lebanon under the mandate
of the Committee for the
prevention of Torture (CPT)**

Appendix 9: List of the places of deprivation of liberty in Lebanon under the mandate of the Committee for the prevention of Torture (CPT)

- 1- Places of deprivation of liberty under the authority of the Directorate General of Internal Security Forces, Ministry of the Interior.⁽¹⁾ It includes prisons, pretrial detention facilities, police stations, disciplinary centers for minors, temporary detention facilities on border passages, airports, and seaports, and investigation facilities of the ISF Information Department.
- 2- Places of deprivation of liberty under the authority of the General Directorate of the General Security, Ministry of the Interior. It includes temporary detention facilities, refugee detention centers, shelters and safehouses for migrants and survivors of human trafficking, and temporary detention facilities on border passages, airports, and seaports.
- 3- Places of deprivation of liberty under the authority of the General Directorate of State Security, the Presidency of the Council of Ministers, including temporary detention and investigation facilities.
- 4- Places of deprivation of liberty under the authority of the General

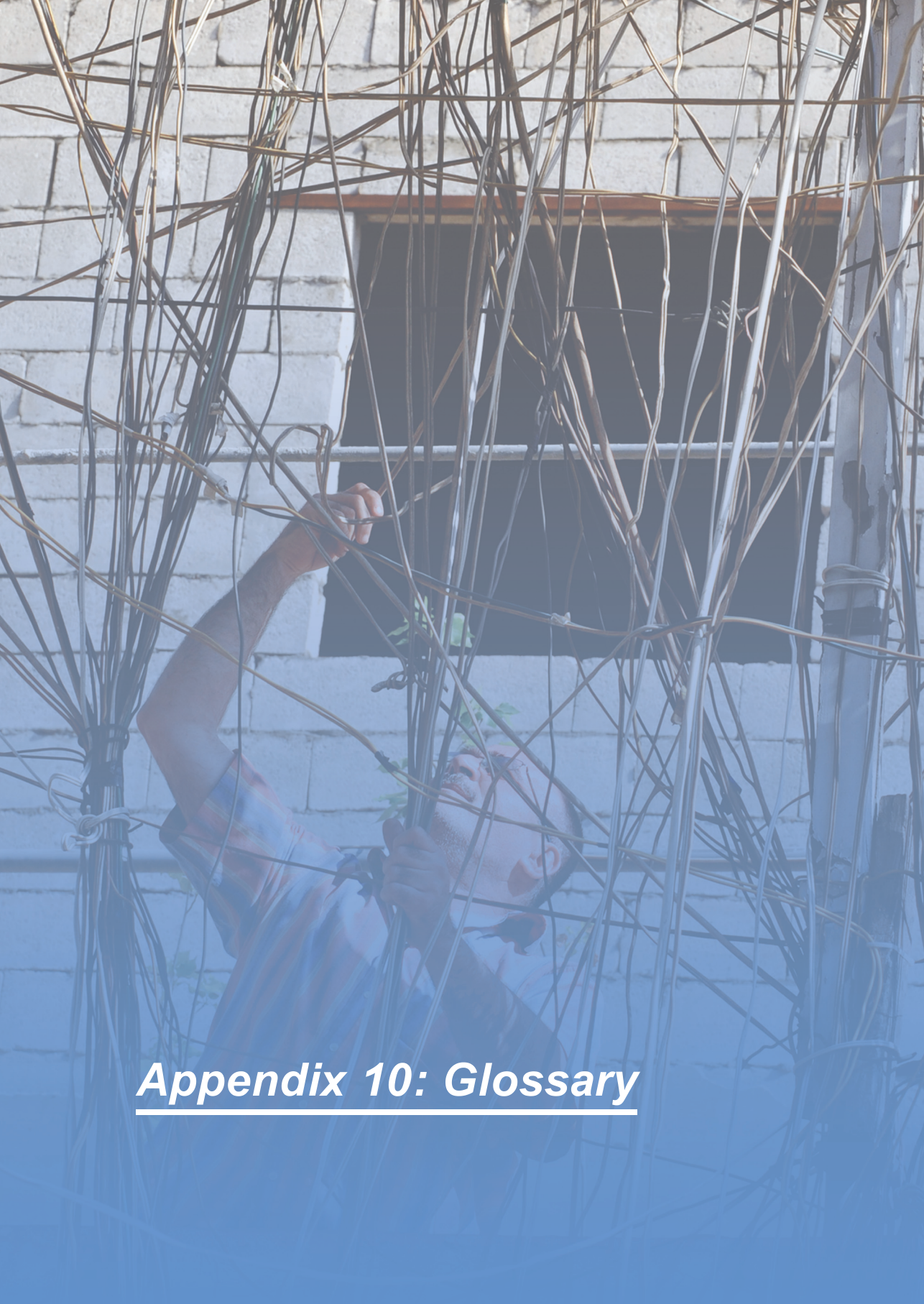
(1) To be transferred to the Ministry of Justice in due course (Cabinet Resolution No. 34, dated 3/7/2012).

- Directorate of Customs, Ministry of Finance, including temporary detention facilities on border passages, airports, and seaports.
- 5- Places of deprivation of liberty under the authority of the Lebanese Army and the Ministry of National Defense. They include prisons and temporary detention centers and facilities including military barracks, military police pretrial detention stations, and investigation facilities of the Military Intelligence.
 - 6- Places of deprivation and or restriction of liberty under the authority of the Parliament Security Force, comprising the parliament police, ISF, and the Lebanese army. They include temporary detention and investigation facilities.
 - 7- Places of deprivation and or restriction of liberty under the authority of governmental and non-governmental organizations, under the supervision or contractual status of the Ministry of Public health. They include Hospitals and Psychiatric Institutions that treat persons with mental health conditions, places of quarantine, elderly centers including dementia patients, drug treatment centers, alcohol treatment centers, and any other treatment centers that include deprivation of restriction or liberty.
 - 8- Places of deprivation and or restriction of liberty under the authority of governmental and non-governmental organizations, under the supervision or contractual status of the Ministry of Social Affairs. They include orphanage centers and associations, boarding schools for persons with disabilities, shelters for gender-based violence survivors, shelters for human trafficking survivors, shelters for LGBTQ survivors of violence, and elderly centers and shelters.
 - 9- Places of deprivation or restriction of liberty under the authority/ jurisdiction of diplomatic missions in Lebanon. They include shelters for migrant domestic workers, gender-based violence survivors, human trafficking survivors, or other shelters established by embassies or

consulates for migrant domestic workers inside or outside embassy premises and territorial jurisdiction.⁽¹⁾

- 10- Places of deprivation and or restriction of liberty under the authority of governmental and non-governmental organizations, under the supervision or contractual status of the Ministry of Education and Higher Education. They include orphanage centers and associations and other types of Boarding Schools.
- 11- Places of deprivation of liberty under the authority of the Ministry of Justice or the authority of other governmental and non-governmental organizations. They include juvenile corrections and rehabilitation centers, disciplinary centers, and all other means of intervention with juvenile and minors facilities.
- 12- Places of deprivation or restriction of liberty under the authority of non-State actors.

(1) Taking into consideration the limitations on accessibility in light of the relevant provisions of international law, and in particular that of the 1961 Vienna Convention on Diplomatic Relations (done at Vienna on 18 April 1961) and the 1963 Vienna Convention on Consular Relations (Done at Vienna on 24 April 1963).



Appendix 10: Glossary

Appendix 10: Glossary

Administrative Detention

Deprivation of liberty decided by the competent administrative authority of a State, whether it is subject to judicial review or not.

Alternatives to Detention

Any legislation, policy, or practice, formal or informal, aimed at preventing the unnecessary detention of persons for reasons relating to their migration status.

Asylum

The grant, by a State, of protection on its territory to persons outside their country of nationality or habitual residence who are fleeing persecution or serious harm or other reasons. Asylum encompasses a variety of elements, including nonrefoulement, permission to remain on the territory of the asylum country, humane standards of treatment, and eventually, a durable solution.

Best interests of the child

A threefold concept: (a) A substantive right: The right of the child to have his or her best interests assessed and taken as a primary consideration... and the guarantee that this right will be implemented whenever a decision is to be made concerning a child... (b) A fundamental, interpretative legal principle: If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen... (c) A rule of procedure: Whenever a decision is to be made that will affect a... child, the

decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned.

Covenant on Civil and Political Rights and its Optional Protocols

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty that commits states parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.

Compliance with the ICCPR is monitored by the United Nations Human Rights Committee, which reviews regular reports of States parties on how the rights are being implemented. States must report one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee normally meets at the UN Office in Geneva, Switzerland, and typically holds three sessions per year.

There are two Optional Protocols to the Covenant. The First Optional Protocol establishes an individual complaints mechanism, allowing individuals to complain to the Human Rights Committee about violations of the Covenant. It has led to creating a complex jurisprudence on the interpretation and implementation of the Covenant.

The Second Optional Protocol abolishes the death penalty; however, countries were permitted to make a reservation allowing for the use of the death penalty for the most severe crimes of a military nature committed during wartime.

Covenant on Economic, Social, and Cultural Rights and its Optional Protocol

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966. It commits its parties to work toward

granting economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labor rights, the right to health, the right to education, and the right to an adequate standard of living. The ICESCR is part of the International Bill of Human Rights. The Covenant is monitored by the UN Committee on Economic, Social, and Cultural Rights. The Optional Protocol to the ICESCR is a side-agreement to the Covenant, which allows its parties to recognize the competence of the Committee on Economic Social and Cultural Rights to consider complaints from individuals.

Convention Relating to the Status of Refugees

The Convention Relating to the Status of Refugees, also known as the 1951 Refugee Convention, is a United Nations multilateral treaty that defines who a refugee is and sets out the rights of individuals granted asylum and the responsibilities of nations that grant asylum. The Convention also sets out which people do not qualify as refugees, such as war criminals. The Convention also provides some visa-free travel for holders of refugee travel documents issued under the convention.

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is a United Nations multilateral treaty governing the protection of migrant workers and families. The Committee on Migrant Workers (CMW) monitors its implementation.

The primary objective of the Convention is to foster respect for migrants' human rights. Migrants are not only workers; they are also human beings. The Convention does not create new rights for migrants. However, it aims at guaranteeing equality of treatment, and the same working conditions, including in case of temporary work, for migrants and nationals. The Convention innovates because it relies on the fundamental notion that all

migrants should have access to a minimum degree of protection. The Convention recognizes that regular migrants have the legitimacy to claim more rights than irregular immigrants. However, it stresses that irregular migrants must see their fundamental human rights respected, like all human beings.

Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its Optional Protocol

The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) is an international human rights treaty under the review of the United Nations that aims to prevent torture and other acts of cruel, inhuman, or degrading treatment or punishment around the world.

The CAT requires member states to take adequate measures to prevent torture in any territory under their jurisdiction and forbids member states to transport people to any country where there is reason to believe they will be tortured.

The Optional Protocol is a treaty that establishes an international inspection system for places of detention. It provides for establishing «a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, to prevent torture and other cruel, inhuman or degrading treatment or punishment.» The obligation to establish National Preventive Mechanisms (NPMs) set out in the Optional Protocol fundamentally changes how torture and ill-treatment are challenged and addressed. It has long been recognized that impartial, independent scrutiny of the treatment of those in detention plays a vital role in achieving this end, and mechanisms for doing so have long existed in various parts of the world and several States.

Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international treaty adopted in 1979 by the United

Nations General Assembly. Part I (Articles 1-6) focuses on non-discrimination, sex stereotypes, and sex trafficking. Part II (Articles 7-9) outlines women's rights in the public sphere, emphasizing political life, representation, and rights to nationality. Part III (Articles 10-14) describes women's economic and social rights, particularly focusing on education, employment, and health. Part III also includes special protections for rural women and their problems. Part IV (Article 15 and 16) outlines women's right to equality in marriage and family life and the right to equality before the law. Part V (Articles 17-22) establishes the Committee on the Elimination of Discrimination against Women and the states parties' reporting procedure. Finally, part VI (Articles 23-30) describes the effects of the CEDAW on other treaties, the commitment of the states parties, and the administration of the Convention.

The Optional Protocol is a side-agreement to the CEDAW, which allows its parties to recognize the competence of the Committee on the Elimination of Discrimination Against Women to consider complaints from individuals.

CRC and its Optional Protocols

The United Nations CRC is an international human rights treaty that sets out children's civil, political, economic, social, health, and cultural rights. The CRC defines a child as any human being under the age of eighteen unless the age of majority is attained earlier under national legislation.

Individuals can appeal to the Committee on the Rights of the Child if they believe that rights, according to the CRC, have been violated. The third possibility for monitoring the implementation of the CRC is inquiries that the Committee on the Rights of the Child can carry out on their own initiative if they have reliable information that leads them to believe that a member state has violated the CRC.

Two optional protocols were adopted on 25 May 2000. The First Optional Protocol restricts the involvement of children in military conflicts, and the Second Optional Protocol prohibits the sale of children, child prostitution, and

child pornography. A third optional protocol relating to communication of complaints was adopted in December 2011.

Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a third-generation human rights instrument. ICERD commits its members to eliminating racial discrimination and promoting understanding among all races. The Convention also requires its parties to criminalize hate speech and criminalize membership in racist organizations.

The Convention also includes an individual complaints mechanism, effectively making it enforceable against its parties. The Convention is monitored by the Committee on the Elimination of Racial Discrimination (CERD).

Convention against Transnational Organized Crime

The United Nations Convention against Transnational Organized Crime (UNTOC, also called the Palermo Convention) is a multilateral treaty against transnational organized crime. The convention was the first international convention to fight transnational organized crime, trafficking of human beings, and terrorism.

UNTOC's three supplementary protocols (the Palermo Protocols) are:

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Protocol against the Smuggling of Migrants by Land, Sea, and Air.

Protocol against the Illicit Manufacturing and Trafficking in Firearms.

All four of these instruments contain elements of the current international law on human trafficking, arms trafficking, and money laundering. The United Nations Office on Drugs and Crime (UNODC) acts as custodian of the UNTOC and its protocols.

The UNTOC is the leading international legal instrument to fight organized crime, but its efficiency depends on each member's ability to implement its framework.

Convention for the Protection of All Persons from Enforced Disappearance

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) is an international human rights instrument of the United Nations and intended to prevent forced disappearance, defined in international law as crimes against humanity.

«Enforced disappearance» is defined in Article 2 of the ICPPED as the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support, or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.

Convention on the Rights of Persons with Disabilities and its Optional Protocol

The Convention on the Rights of Persons with Disabilities (CRPD) is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the CRPD must promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that persons with disabilities enjoy full equality under the law. The CRPD serves as a major catalyst in the global disability rights movement enabling a shift from viewing persons with disabilities as objects of charity, medical treatment, and social protection toward viewing them as full and equal members of society with human rights. The Convention was the first U.N. human rights treaty of the twenty-first century.

The Optional Protocol to the CRPD is a side agreement that allows its parties

to recognize the competence of the Committee on the Rights of Persons with Disabilities to consider complaints from individuals. The first stage is a Committee holding on the complaint's admissibility. The CRPD requires «exhaustion of domestic remedies» (Article 2 of the Optional Protocol). The Committee may also rule a communication inadmissible if it is anonymous or not sufficiently substantiated. For example, an applicant may offer substantiation that resorting to domestic remedies would be unreasonably prolonged or impossible.

Child Abduction

The removal or retention of a child in breach of custody rights attributed to a person, an institution, or any other body, either jointly or alone, under the law of the State in which the child is habitually resident or was habitually resident immediately before the removal or retention.

Crimes Against Humanity

Any of the following acts when committed in time of peace or armed conflict as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collective on political, racial, national, ethnic, cultural, religious, gender (as defined in paragraph 3 of Article 7), or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; enforced disappearance of persons; the crime of apartheid; and, other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Data Protection

The systematic application of a set of institutional, technical, and physical safeguards that preserve the right to privacy with respect to the collection, storage, use, and disclosure of personal data.

Deportation

In international humanitarian law, deportation refers to the forced displacement of civilians, which is prohibited in times of occupation and non-international armed conflict except when required for their security or imperative military reasons.

Deprivation of Liberty

Any form of detention or imprisonment or the placement of a person in a public or private custodial setting, which that person is not permitted to leave at will, by order of any judicial, administrative or other authority.

Deprivation of Nationality

The unilateral act of a State, whether by the decision of administrative authorities or by the operation of law depriving an individual of his or her nationality.

Detention Center (migration)

A specialized facility used for the detention of migrants with the primary purpose of facilitating administrative measures such as identification, processing of a claim, or enforcing a removal order.

Discrimination

Any distinction, exclusion, restriction, or preference which is based on any ground such as race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

Displaced Persons

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, either across an international border or within a State, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters.

Documented Migrant Worker

A migrant worker or members of his or her family authorized to enter, to stay, and to engage in a remunerated activity in the State of employment according to the law of that State and to international agreements to which that State is a party.

Fair Trial

A trial by a court or tribunal complying with judicial authority rules (requiring a competent, independent, and impartial tribunal established by law) and procedural rights (including equality before the courts and the rights of defense, to fair and public hearing, to a prompt trial, to avoid self-incrimination in a criminal case, to have the decisions published, and to avoid double jeopardy).

Gender-based Violence

An umbrella term for any harmful act that is perpetrated against a person's will and is based on socially ascribed (i.e., gender) differences between males and females. It includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, denial of resources, opportunities, or services, forced marriage, and other deprivations of liberty. These acts can occur in public or in private.

Individual complaint

A formal complaint from an individual who claims that her or his rights under one of the treaties have been violated by a State party, which most of the treaty

bodies are competent to consider. The right of the treaty bodies to consider individual complaints must be expressly conceded by the State party concerned in one of three ways:

- (a) By making a declaration under the relevant article of the treaty (this procedure applies to the ICERD, the CAT, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families);
- (b) By ratifying or acceding to the treaty itself (this procedure applies to the International Convention for the Protection of All Persons from Enforced Disappearance; or
- (c) By ratifying or acceding to the relevant optional protocol to a treaty providing for a right of individual complaint (this procedure applies to the two International Covenants, CEDAW, the CRC, and the CRPD).

International Crimes

The most serious crimes of international concern, as referred to in particular in the Statute of the International Criminal Court and over which the Court has a jurisdiction complementary to national criminal jurisdictions. These crimes comprise crimes against humanity, war crimes, aggression, and genocide.

Laissez-passer

A travel document issued in exceptional circumstances by the consular officials to nationals of the country or to nationals of other States to whom the issuing State has assured protection. It may also refer to a travel document issued by an international organization to its civil servants.

National human rights institutions

Many countries have created NHRIs (NHRIs) to promote and protect human rights. Such institutions are increasingly recognized as an essential part of any national human rights protection system, provided their independence from government control can be assured. In addition, a set of international

standards, known as the Paris Principles, has been agreed to gauge the independence and integrity of NHRIs.

Non-governmental organizations

Non-governmental organizations (NGOs) may be involved in promoting human rights, either generally or with a focus on a specific issue. A framework exists for the participation of NGOs in many United Nations human rights mechanisms, such as the granting of consultative status with the Economic and Social Council, which allows them to participate in the Human Rights Council. Both international and national NGOs follow the work of the treaty bodies closely. Most treaty bodies provide them with an opportunity to contribute to the reporting process through the submission, for example, of additional information relating to the implementation of the treaties in a particular country (sometimes referred to as «alternative» or «parallel» reports). However, there are differences in how the treaty bodies treat this information.

International and national NGOs also have an essential role in following up the implementation of the treaty bodies' recommendations in their concluding observations at the national level and fostering national public debate on human rights implementation when the report is drafted and later. NGOs have also contributed to promoting the ratification of the human rights treaties worldwide.

Non-reporting

Despite having freely assumed the legal obligations attached to the human rights treaties that they have ratified, some States fail to submit their reports to the treaty bodies. There may be many reasons why States fail to report, ranging from war and civil strife to limited resources. Technical assistance is available from OHCHR to assist States in meeting their reporting obligations. The treaty bodies have also adopted procedures to ensure that the implementation of the treaties by non-reporting States parties is reviewed if the

latter has not responded to a treaty body's requests for information. In particular, committees are prepared to consider the situation in a country in the absence of a report.

Non-refoulement (principle of)

The prohibition for States to extradite, deport, expel or otherwise return a person to a country where his or her life or freedom would be threatened or where there are substantial grounds for believing that he or she would risk being subjected to torture or other cruel, inhuman and degrading treatment or punishment, or would be in danger of being subjected to enforced disappearance, or of suffering another irreparable harm.

Optional protocol

The term «protocol» is used for an additional legal instrument that complements and adds to a treaty. A protocol may be on any topic relevant to the original treaty and is used either to further address something in the original treaty (Second Optional Protocol to the ICCPR), address a new or emerging concern (the first two optional protocols to the CRC), or add a procedure for the operation and enforcement of the treaty—such as adding an individual complaints procedure (first Optional Protocol to the ICCPR, optional protocols to the CEDAW, to the CAT, to the CRPD, the ICESCR, and the Optional Protocol to the CRC on a communications procedure). A protocol is «optional» because it is not automatically binding on States that have already ratified the original treaty; States must independently ratify or accede to a protocol.

Petitions

A collective term embracing the various procedures for bringing complaints before treaty bodies. Petitions may consist of complaints from individuals alleging violations of a treaty by a State party or from State parties alleging violations of a treaty by another State party (inter-State complaints).

Protection

All activities aimed at obtaining full respect for the individual's rights under the letter and the spirit of the relevant bodies of law (i.e., Human Rights Law, International Humanitarian Law, Refugee law).

Recommendation

A formal recommendation or decision issued by a treaty body. The term has been used inconsistently to describe formal decisions on specific matters or resolutions of a more general nature, such as those resulting from a day of general discussion. Concluding observations contain specific recommendations, and the term «treaty body recommendation» is sometimes used synonymously with «concluding observation.» The Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women also refer to their general comments as «general recommendations.»

Reservation

A reservation is a statement, however phrased or named, made by a State by which it purports to exclude or alter the legal effect of certain provisions of a treaty in their application to that State. A reservation may enable a State to participate in a multilateral treaty in which it would otherwise be unable or unwilling to do so. States can make reservations to a treaty when they sign, ratify, accept, approve or accede to it. When a State makes a reservation upon signing, it must confirm the reservation upon ratification, acceptance, or approval.

Reservations are governed by the Vienna Convention on the Law of Treaties and cannot be contrary to the object and purpose of the treaty. Consequently, when signing, ratifying, accepting, approving, or acceding to a treaty, States may make a reservation unless (a) the reservation is prohibited by the treaty; or (b) the treaty provides that only certain reservations may be made, and these do not include the reservation in question. Other State parties may lodge

objections to a State party's reservations. Reservations may be withdrawn completely or partially by the State party at any time.

Review procedure

A procedure by which a treaty body will consider the situation in a country in the absence of a report from the State party. The procedure is used if a report is long overdue and the State party has not responded to the treaty body's reminders. In many cases, State parties submit their reports to avoid the review procedure; in others, they send a delegation to the treaty body's session and answer questions from the treaty body even though they have not been able to submit a report. The review procedure was first adopted by the Committee on the Elimination of Racial Discrimination in 1991. Other committees use the expression «consideration of the country situation in the absence of a State report.» Some committees forward a list of issues to the State party, even though there is no report. Most committees produce concluding observations at the end of the process, although these may be kept confidential temporarily should the State party wish to submit its report.

Rules of procedure

The formal rules adopted by a treaty body to govern how it undertakes its business. Except for the Committee on Economic, Social, and Cultural Rights, committees are empowered by their respective treaties to adopt their own rules of procedure. These usually cover such matters as the election of officers and the procedures for adopting decisions, especially if no consensus can be reached. Rules of procedure are related to, but distinct from, working methods.

Right to Return

An element of the right to freedom of movement entailing that everyone shall be free to return to one's own country.

Simplified Reporting Procedure

This new optional reporting procedure adopted by the Committee against Torture, the Human Rights Committee, and the Committee on Migrant Workers consists of preparing lists of issues to be transmitted to States parties prior to submitting their respective periodic reports to facilitate the reporting process. The State party's response to this list of issues constitutes its report to one of these three treaty bodies.

Specialized agencies, funds, and programs

The various specialized agencies, funds, and programs of the United Nations system that carry out much of the work of the United Nations, including promoting and protecting human rights. All treaty bodies permit United Nations agencies to provide additional country information in the consideration of a particular State report. Some specialized agencies also provide technical assistance to States, both in the implementation of treaty obligations and in writing reports for the treaty bodies. Some of the United Nations specialized agencies, funds, and programs involved in the human rights treaty system are the Food and Agriculture Organization of the United Nations, the International Labor Organization, the Office for the Coordination of Humanitarian Affairs, the Joint United Nations Program on HIV/AIDS, the United Nations Development Program, the United Nations Educational, Scientific and Cultural Organization, the United Nations Population Fund, the United Nations Human Settlements Program, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Entity for Gender Equality and the Empowerment of Women, and the World Health Organization. United Nations country teams also participate increasingly in the work of human rights treaty bodies.

State party report

The report that each State party to a human rights treaty is required, under the

treaty's provisions, to submit regularly to the treaty body, indicating the measures it has adopted to implement the treaty and the difficulties it has encountered. All treaties require a comprehensive initial report within a fixed time after ratification and, except for the International Convention for the Protection of All Persons from Enforced Disappearance, also subsequent periodic reports at regular intervals.

Sexual Abuse

The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Exploitation

Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.

Sexual Violence

Sexual violence is a form of gender-based violence. It encompasses any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, acts to traffic, or otherwise directed against a person's sexuality using coercion by any person regardless of their relationship to the victim, in any setting. Sexual violence takes multiple forms and includes rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration, and forced nudity.

Treaty, convention, covenant, or instrument

There is no difference legally between a treaty, a convention, or a covenant. All are international legal instruments that, in international law, legally bind those States that choose to accept the obligations contained in them by becoming a party following the final clauses of these instruments.

Treaty body or committee

A committee of independent experts shall be appointed to review the implementation by State parties of an international human rights treaty. The treaties use the term «committee» throughout. However, the committees are widely known as «treaty bodies» because they are created under the treaty provisions they oversee. In many important respects, they are independent of the United Nations system, although they receive support from the United Nations Secretariat and report to the General Assembly. Sometimes also called «treaty-monitoring body.»

Treaty-specific report/document

The common core document is submitted to a treaty body in tandem with a targeted treaty-specific document, focusing on issues related specifically to the treaty concerned. Although often referred to as a «treaty-specific report,» the report to each treaty body, in fact, consists of a common document, which is the same for all committees, and a treaty-specific document for each specific treaty body. The two documents, read together, constitute the State party's report.

Torture

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him [or her] or a third person information or a confession, punishing him [or her] for an act he [or she] or a third person has committed or is suspected of having committed, or intimidating or coercing him [or her] or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.

Trafficking in persons

The recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.

Transitional Justice

The full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses in order to ensure accountability, serve justice, and achieve reconciliation.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. UDHR was adopted and proclaimed by the General Assembly

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among, the peoples of Member States

themselves and among the peoples of territories under their jurisdiction. Article 13 of the UDHR states that everyone has the right to freedom of movement and residence within the borders of each State.

Violence Against Women

Any act of gender-based violence that results in, or is likely to result in,

physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether in public or private life.

War Crimes

International crimes that include, in case of an international armed conflict, a) grave breaches of the Geneva Conventions of 12 August 1949, b) other serious violations of the laws and customs applicable in international armed conflict within the established framework of international law; in the case of an armed conflict not of an international character, a) serious violations of Article 3 common to the four Geneva Conventions of 12 August 1949 committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause, and b) other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, as listed and defined in the Rome Statute of the International Criminal Court.