

Table A How the UN Treaty system works with respect to maternal and neonatal healthcare

The UN has set up eight major human rights conventions/treaties

Treaty	Optional protocol	Committee meetings and review of States Parties	NGO involvement
The International Covenant on Economic, Social and Cultural rights (1976) (CESCR)	An Optional protocol came into force in 1998 which states that the Committee will hear complaints from individuals	Two sessions per year consisting of a three week plenary and one-week before session working group States Parties are to report within 2 years of acceptance and then every 5 years thereafter	Can submit in writing any time prior to consideration of a State Party's report. Before each session working group accepts verbal or written information. The committee sets aside part of the afternoon at each of its sessions to enable NGO's to provide oral information
The International Covenant on Civil and Political Rights (1976) (HRC)	First Optional Protocol (CCPR-OP1) allowing Committee to hear individual complaints The Second Optional Protocol aimed at the abolition of the death penalty (CCPR-OP2-DP)	Meets in Geneva or New York and holds three sessions per year. States Parties must report one year after acceptance and then whenever the committee requests (usually every 4 years)	Invites reports containing country specific information This should be written and submitted in advance of the meeting. The committee also sets aside the first morning meeting of each plenary session to hear briefs from NGO's. They also allow for lunch time briefings
The International Convention on the Elimination of All Forms of Racial Discrimination (1969) (CERD)	Specific declaration made by States, which are provided for in the treaty meaning that there is no need for an optional protocol due to measures being covered in the original treaty	Committee meets in Geneva twice every year consisting of three weeks each. States Parties must report within one year of acceptance and then every 2 years	Accredited National human rights institutions and NGO's are able to attend informal meetings only. The agenda and modality are decided by the committee

<p>The Convention on the Elimination of all forms of Discrimination Against Women (1981) (CEDAW)</p>	<p>Optional Protocol giving the committee power to hear individual complaints and sets up an enquiry procedure</p>	<p>No information on where or how often the committee meets or how often States parties have to report any more than regularly (information obtained from www2.ohchr.org)</p>	<p>Invites NGO's to provide country specific written information at or before the sessions for those States parties whose reports are before them. In addition to this the committee sets aside time (usually at the beginning of the first and second weeks) to provide oral information</p>
<p>The Convention Against Torture and other cruel, inhuman or degrading treatment or punishment (1987) (CAT)</p>	<p>Optional Protocol giving the committee power to hear individual complaints</p>	<p>Meet in Geneva twice per year. Consists of a plenary (three weeks in May and two in November) and a one week before session working group. States parties are obliged to report one year after acceptance and then every four years</p>	<p>Committee invites NGO's to submit country specific written information. NGO's may also brief committee members orally during the session. These meetings are organised outside the formal meetings and are limited to the attendance of Committee members only</p>
<p>The Convention on the Rights of the Child (1990) (CRC)</p>	<p>Optional Protocol on the involvement of children in armed conflict (CRC-OP-AC) Optional Protocol on the sale of children, child prostitution and child pornography (CRC-OP-SC)</p>	<p>Committee holds three sessions a year consisting of a three week plenary and one week before session working group. States parties are obliged to report within two years of acceptance and then every five years</p>	<p>Systematically and strongly encourages NGO's to submit written reports. Based on this the Committee will issue a written invitation to selected NGO's to participate in the before session working group. NGO's (and other professional bodies) may request a private meeting with the Committee</p>
<p>The International Convention on the protection of the Rights of All Migrant Workers and Members of Their Families (1999)</p>	<p>No optional protocol stated on www2.ohchr.org.</p>	<p>Committee holds two sessions a year (normally) and meets in Geneva. States parties are obliged to submit regular reports, initially one year after acceding to the convention and then every five years</p>	<p>Under certain circumstances will consider individual complaints or communications. This occurs once 10 States parties have accepted this procedure in accordance with article 77. Presently 2 have signed</p>

The Convention on the Rights of Persons with Disabilities (2008)	Optional Protocol giving the committee power to hear individual complaints	Committee shall meet in Geneva and normally hold two sessions per year. States Parties are obliged to report within two years of acceptance and then every four years	No information on www2.ohchr.org can be found about its working methods
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Once a treaty is drawn up, each member state has the opportunity to become a signatory. This does not make the treaty legally binding in the member state, but the member state becomes obligated not to act in a way that is deemed contrary to the essence of the negotiated treaty.[1, 2]

The next step in the process of adopting a new or an existing treaty is ratification. At this stage the member state now becomes a State Party and has specific legal obligations, in conjunction with the new treaty. After ratification, the new State Party may declare any reservations it may have towards aspects of a *'multilateral treaty through a unilateral statement'* that *"exclude[s] or...modify[ies] the legal effect of certain provisions of the treaty in their application to that State"* These reservations are not permitted to exclude or modify any part of the international treaty that is fundamental to the essence of the treaty. In addition to reservations that it may make, the State Party can also express what it understands to be the essential or more specific meaning of certain articles or components of articles, within the treaty.

After the three previous steps have been completed, the State Party must comply with the articles and its components, by instituting or modifying domestic law a process termed "Domestication."

To monitor the implementation of treaties, the UN has instituted treaty monitoring bodies or Committees. A Committee is not a judicial body and relies on the good faith of the State Party to uphold and implement the articles in the treaty. Committee members are considered to be human rights experts, expected to act independently, and are elected by States parties.

States Parties are asked to make a report of progress within 1-2 years after ratification then submit periodic reports every 2-5 years. If the State Party has not ratified the treaty, then no report is expected. Table B shows those articles that make up each treaty which support the right to health of pregnant mothers and newborn infants. The culmination of the review of the submitted report will be a collection of "Concluding Observations". (Table C). These praise successes and also call to account the State Party for failures but are not legally binding and are there to guide future improvements. There are also optional protocols which may increase the competence of the Committee by allowing it to hear individual complaints from citizens or organizations.

In addition to the "Concluding Observations", the Committee may also make "General Recommendations/Comments". These are used to clarify to States Parties what is expected from them but, again, are not legally binding. General Comment 14 of the International Covenant on Economic, Social and Cultural Rights (CESCR) contains many recommendations regarding maternal healthcare (Table C).

References

1. Centre for reproductive rights. Bringing Rights to Bear. An advocate's Guide to the Work of the UN Treaty Monitoring Bodies on Reproductive and Sexual Rights. 2002:1-33
2. Bringing Rights to Bear. An analysis of the Work of UN Treaty Monitoring Bodies on Reproductive and Sexual rights. The Center for Reproductive Law and Policy and University of Toronto International Program on Reproductive and Sexual Health Law. 2002:1-292