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Special Action or Decisions Taken Re: Reporting

CAT A/63/44 (2008)

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II. SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

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21. At its thirty-eighth session in May 2007, the Committee adopted a new procedure on a trial basis which includes the preparation and adoption of a list of issues to be transmitted to States parties prior to the submission of a State party's periodic report. The State party's replies to the list of issues would constitute the State party's report under article 19 of the Convention. The Committee is of the view that this procedure could assist States parties in preparing focused reports. The lists of issues prior to reporting could guide the preparation and content of the report, and the procedure would facilitate reporting by States parties and strengthen their capacity to fulfil their reporting obligations in a timely and effective manner.

22. The Committee has decided to initiate this procedure in relation to periodic reports that are due in 2009 and 2010. It will not be applied to States parties' reporting obligations where initial reports are concerned or to periodic reports for which a previous report has already been submitted and is awaiting consideration by the Committee. On 15 May 2007, the Committee met with States parties and introduced and discussed the new procedure. The Committee adopted lists of issues for States parties whose reports are due in 2009, at its thirty-ninth session in November 2007. The lists of issues were transmitted to the respective States parties on 28 February 2008, with a request that replies be submitted by 30 June 2009, should the State party wish to avail itself of this new procedure.

23. In addition, the Committee requested information from the 11 States parties eligible for this procedure as to their intention of availing themselves of the new procedure. This information was requested to allow the Committee to plan its meeting requirement to ensure the timely consideration of these reports. As of 16 May 2008, the Czech Republic, Ecuador, Greece, Kuwait, Monaco and Turkey had officially confirmed that they would avail themselves of the new procedure. In addition, Bosnia and Herzegovina, Cambodia and Peru had informally notified the Committee that they too would avail themselves of the new procedure.

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B. Optional reporting procedure

33. At its thirty-eighth session, in May 2007 (see A/62/44, para. 23), the Committee adopted a new procedure on a trial basis which includes the preparation and adoption of a list of issues to be transmitted to States parties prior to the submission of a State party's periodic report and the State party's replies to this list of issues would constitute the State party's report under article 19 of the Convention. The Committee was of the view that this procedure would assist States parties in preparing focused reports, would guide the preparation and content of the reports, would facilitate reporting by States parties and would strengthen their capacity to fulfil their reporting obligations in a timely and effective manner. However, this new procedure requires that these reports are considered within the shortest possible period of time after being received by the Committee otherwise the added value of the procedure will be defeated as new lists of issues would have to be adopted and transmitted by the Committee to States parties to update the information they provided.

34. At its forty-second session, in May 2009 (see A/64/44, para. 27), the Committee decided to continue, on a regular basis, with this procedure. As at 14 May 2010 and since the adoption of this new reporting procedure, the Committee has adopted and transmitted to States parties lists of issues prior to reporting for reports due in 2009, 2010 and 2011; in total, 39 such lists have been transmitted.

35. For reports due in 2009, the Committee adopted, and transmitted in 2008, lists of issues prior to reporting with regard to 11 States parties: Bosnia and Herzegovina, Cambodia, Czech Republic, Democratic Republic of the Congo, Ecuador, Greece, Kuwait, Monaco, Peru, South Africa and Turkey. Out of these States parties, nine have formally or informally accepted this new reporting procedure (Bosnia and Herzegovina, Cambodia, Czech Republic, Ecuador, Greece, Kuwait, Monaco, Peru and Turkey) and six have submitted their report under this procedure (Bosnia and Herzegovina, Cambodia, Ecuador, Kuwait, Monaco and Turkey). These reports have already been scheduled for the two coming sessions of the Committee, in November 2010 and May 2011, considering that they must be examined within the shortest possible period of time after their receipt.

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