UNITED
NATIONS

HRI

International
Human Rights
Instruments

Distr.
GENERAL

HRI/GEN/3/Rev.2
28 May 2005

Original: ENGLISH

COMPILATION OF RULES OF PROCEDURE ADOPTED BY HUMAN RIGHTS TREATY BODIES

Note by the Secretariat

In resolution 55/90, the General Assembly requested the Secretary-General to compile the rules of procedure of the human rights treaty bodies. This document was prepared pursuant to that request. It contains a compilation of the rules of procedure adopted, respectively, by the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, and the Committee on the Rights of the Child.

GE.05-41551 (E) 020605

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Chapter I

RULES OF PROCEDURE OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*

Provisional rules of procedure adopted by the Committee at its third session (1989)

* This chapter is taken from document E/C.12/1990/4/Rev.1 and embodies amendments adopted by the Committee at its fourth (1990) and eighth (1993) sessions.

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PART ONE. GENERAL RULES

I. SESSIONS

Duration and venue of the sessions

Rule 1

The Committee on Economic, Social and Cultural Rights (hereinafter referred to as "the Committee") shall meet annually for a period of up to three weeks, or as may be decided by the Economic and Social Council (hereinafter referred to as "the Council") taking into account the number of reports to be examined by the Committee. Sessions of the Committee shall be held at Geneva or wherever the Council so decides.

Dates of sessions

Rule 2

Sessions of the Committee shall be convened at dates decided by the Council in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General").

Notification of the opening date of sessions

Rule 3

The Secretary-General shall notify the members of the Committee of the date of the first meeting of each session. Such notifications shall be sent at least six weeks in advance of the session.

II. AGENDA

Provisional agenda for the sessions

Rule 4

The provisional agenda of each session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Council in fulfilment of its responsibilities under the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant");

(c) Any item proposed by the Chairperson of the Committee;

(d) Any item proposed by a State party to the Covenant;

(e) Any item proposed by a member of the Committee;

(f) Any item proposed by the Secretary-General.

Adoption of the agenda

Rule 5

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 14 of these rules.

Revision of the agenda

Rule 6

During a session, the Committee may revise the agenda and may, as appropriate, add, delete or defer items.

Transmission of the provisional agenda and basic documents

Rule 7

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible.

Organization of work

Rule 8

At the beginning of each session the Committee shall consider appropriate organizational matters, including the schedule of its meetings and the possibility of holding a general discussion on the measures adopted and the progress made in achieving the observance of the rights recognized in the Covenant.

III. MEMBERS OF THE COMMITTEE

Members

Rule 9

Members of the Committee shall be the 18 experts elected by the Council in accordance with paragraphs (b) and (c) of its resolution 1985/17.

Term of office

Rule 10

The term of office of members elected to the Committee shall begin on 1 January following their election and expire on 31 December following the election of members that are to succeed them as members of the Committee.

Declaration of casual vacancies

Rule 11

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairperson of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairperson shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by the member in writing directly to the Chairperson or the Secretary-General and action shall be taken to declare the seat vacant only after such notification has been received.

Filling of casual vacancies

Rule 12

1. When a vacancy is declared in accordance with rule 11 of these rules and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General shall notify each of the States parties of the regional group to which the vacant seat in the Committee is allocated in accordance with paragraph (b) of Council resolution 1985/17. Those States parties may within two months submit nominations in accordance with the relevant provisions of paragraphs (b) and (c) of the same resolution.

2. The Secretary-General shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the Council. The Council shall hold the election to fill the vacancy in the Committee in accordance with the procedure established in paragraph (c) of its resolution 1985/17. The election shall take place at the session of the Council following the deadline for the submission of nominations for the vacant seat.

3. A member of the Committee elected to fill the vacancy declared in accordance with rule 11 of these rules shall hold office for the remainder of the term of the member who vacated the seat on the Committee.

Solemn declaration

Rule 13

Before assuming his duties, each member of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly undertake to discharge my duties as a member of the Committee on Economic, Social and Cultural Rights impartially and conscientiously."

IV. OFFICERS

Elections

Rule 14

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur, with due regard for equitable geographical representation.

Term of office

Rule 15

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he or she ceases to be a member of the Committee.

Position of the Chairperson in relation to the Committee

Rule 16

The Chairperson shall perform the functions conferred upon him by the rules of procedure and the decisions of the Committee. In the exercise of those functions, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 17

If during a session the Chairperson is unable to be present at a meeting or any part thereof, he or she shall designate one of the Vice-Chairpersons to act in his or her place.

Powers and duties of the Acting Chairperson

Rule 18

A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 19

If any of the officers of the Committee ceases to serve or declares inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his or her predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 20

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee shall be provided by the Secretary-General.

2. The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions, bearing in mind the need to give adequate publicity to its work.

Statements

Rule 21

The Secretary-General or his representative shall attend all meetings of the Committee and, subject to rule 33 of these rules, may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Keeping the members informed

Rule 22

The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 23

Before any proposal which involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 24

Arabic, English, French, Russian and Spanish shall be the official languages of the Committee and English, French, Russian and Spanish shall be the working languages of the Committee.

Interpretation

Rule 25

1. Statements made in an official language shall be interpreted into the other official languages.

2. A speaker may make a statement in a language other than an official language if he provides for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Languages of records

Rule 26

Summary records of the meetings of the Committee shall be drawn up and distributed in English, French and Spanish.

Languages of formal decisions and official documents

Rule 27

All formal decisions of the Committee to be submitted to the Council shall be made available in the official languages of the Council. All other official documents of the Committee shall be issued in the working languages and any of them may, if the Council so decides, be issued in all the official languages of the Council.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 28

The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise.

Issue of communiqués concerning private meetings

Rule 29

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

VIII. RECORDS

Summary records of the proceedings and corrections to them

Rule 30

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the Council at the same time as the report of the Committee.

2. Summary records are subject to correction to be submitted by participants in the meetings to the Secretariat in the language in which the summary record is issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 31

Reports, formal decisions and all other official documents of the Committee shall be documents of general distribution unless the Committee decides otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 32

Twelve members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 33

The Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He or she shall rule on points of order and shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Time limit for statements

Rule 34

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairperson shall call him or her to order without delay.

List of speakers

Rule 35

During the course of a debate, the Chairperson may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairperson may, however, accord the right of reply to any member or representative if a statement delivered after the list is declared closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Points of order

Rule 36

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided upon by the Chairperson in accordance with the rules of procedure. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Suspension or adjournment of meetings

Rule 37

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Adjournment of debate

Rule 38

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Closure of debate

Rule 39

1. When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

2. A member may at any time move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Order of motions

Rule 40

Subject to rule 36 of these rules, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Submission of proposals

Rule 41

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a subsequent day.

Decisions on competence

Rule 42

Subject to rule 40 of these rules, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of motions

Rule 43

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Reconsideration of proposals

Rule 44

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and two speakers opposing the motion, after which it shall immediately be put to the vote.

XI. VOTING

Voting rights

Rule 45

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 46

Decisions of the Committee shall be made by a majority of the members present. However, the Committee shall endeavour to work on the basis of the principle of consensus.

Equally divided votes

Rule 47

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

Method of voting

Rule 48

1. Subject to rule 53 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson.

2. The vote of each member participating in a roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 49

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

Division of proposals

Rule 50

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 51

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 52

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motion requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

XII. ELECTIONS

Methods of elections

Rule 53

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 54

1. When only one elective place is to be filled, and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a candidate is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted and so on until a candidate is elected.

Conduct of elections when two or more elective places are to be filled

Rule 55

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining the required majority is less than the number of members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and to a number no more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots and to a number not more than twice the places remaining to be filled. The following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. SUBSIDIARY BODIES

Ad hoc subsidiary bodies

Rule 56

1. Subject to rule 24, paragraph 2, of the rules of procedure of the Economic and Social Council, the Committee may set up ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.

2. Each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

XIV. REPORT OF THE COMMITTEE

Annual report

Rule 57

1. The Committee shall submit to the Council an annual report on its activities, which shall contain, inter alia, the concluding observations of the Committee relating to each State party's report. A list of State parties to the Covenant shall be annexed to the report of the Committee together with an indication of the status of submission of reports by States parties.

2. The Committee shall also include in its report suggestions and recommendations of a general nature referred to under rule 64 of these rules of procedure.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS FROM STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Submission of reports

Rule 58

1. In accordance with article 16 of the Covenant, the States parties shall submit to the Council for consideration by the Committee reports on the measures which they have adopted and progress made in achieving the observance of the rights recognized in the Covenant.

2. In accordance with article 17 of the Covenant and Council resolution 1988/4, the States parties shall submit their initial reports within two years of the entry into force of the Covenant for the State party concerned and thereafter periodic reports at five-year intervals.

Non-submission of reports

Rule 59

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rule 58 of these rules. In such cases the Committee may recommend to the Council to transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such reports.

2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rule 58 of these rules, the Committee shall so state in the annual report which it submits to the Council.

Form and content of reports

Rule 60

1. Upon approval of the Council, the Committee may inform the States parties, through the Secretary-General, of its wishes regarding the form and contents of the reports to be submitted under article 16 of the Covenant and the programme established by Council resolution 1988/4.

2. The general guidelines for reports by the States parties may, when necessary, be considered by the Committee with a view to making suggestions for their improvement.

Consideration of reports

Rule 61

1. The Committee shall consider the reports submitted by States parties to the Covenant in accordance with the programme established by Council resolution 1988/4.

2. The Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General.

3. Reports of the States parties scheduled for consideration by the Committee shall be made available to the members of the Committee at least six weeks before the opening of the session of the Committee. Any reports by States parties received by the Secretary-General for processing less than 12 weeks before the opening of the session shall be made available to the Committee at its session in the following year.

Attendance by States parties at examination of reports

Rule 62

1. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined. Such representatives should be able to make statements on the reports submitted by their States and reply to questions which may be put to them by the members of the Committee.

2. The Secretary-General shall notify the States parties as early as possible of the opening date and duration of the session of the Committee at which their respective reports are scheduled for consideration. For the meetings referred to in the preceding paragraph, representatives of the States parties concerned shall be specially invited to attend.

3. Once a State party has agreed to the scheduling of its report for consideration by the Committee, the Committee will proceed with the examination of that report at the time scheduled, even in the absence of a representative of the State party.

Request for additional information

Rule 63

1. When considering a report submitted by a State party under article 16 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under existing guidelines.

2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request the State concerned to furnish the additional information which is required, indicating the manner as well as the time within which the said information should be submitted.

Suggestions and recommendations

Rule 64

The Committee shall make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and of the reports submitted by the specialized agencies in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may also make suggestions for the consideration by the Council with reference to articles 19 and 23 of the Covenant.

General comments

Rule 65

The Committee may prepare general comments based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations.

XVI. REPORTS FROM SPECIALIZED AGENCIES UNDER ARTICLE 18 OF THE COVENANT

Submission of reports

Rule 66

In accordance with the provisions of article 18 of the Covenant and the arrangements made by the Council thereunder, the specialized agencies are called upon to submit reports on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Consideration of reports

Rule 67

The Committee is entrusted with the task of considering the reports of the specialized agencies, submitted to the Council in accordance with article 18 of the Covenant and the programme established under Council resolution 1988 (LX).

Participation of specialized agencies

Rule 68

The specialized agencies concerned shall be invited to designate representatives to participate at the meetings of the Committee. Such representatives may make statements on matters falling within the scope of the activities of their respective organizations in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies.

XVII. OTHER SOURCES OF INFORMATION

Submission of information, documentation and written statements

Rule 69

1. Non-governmental organizations in consultative status with the Council may submit to the Committee written statements that might contribute to full and universal recognition and realization of the rights contained in the Covenant.

2. In addition to the receipt of written information, a short period of time will be made available at the beginning of each session of the Committee's pre-sessional working group to provide NGOs with an opportunity to submit relevant oral information to the members of the working group.

3. Furthermore, the Committee will set aside part of the first afternoon at each of its sessions to enable it to receive oral information provided by NGOs. Such information should: (a) focus specifically on the provisions of the Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable, and (d) not be abusive. The relevant meeting will be open and will be provided with interpretation services, but will not be covered by summary records.

4. The Committee may recommend to the Council to invite United Nations bodies concerned and regional intergovernmental organizations to submit to it information, documentation and written statements, as appropriate, relevant to its activities under the Covenant.

PART THREE. INTERPRETATION AND AMENDMENTS

XVIII. INTERPRETATION AND AMENDMENTS

Headings

Rule 70

The headings of these rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

Amendments

Rule 71

These rules of procedure may be amended by a decision of the Committee, subject to approval of the Council.

Approval of and modification by the Council

Rule 72

These rules of procedure are subject to the approval by the Council and shall remain in force insofar as they are not superseded or modified by decisions of the Council.

Chapter II

RULES OF PROCEDURE OF THE HUMAN RIGHTS COMMITTEE*

* This chapter is taken from document CCPR/C/3/Rev.7. Provisional rules of procedure were initially adopted by the Committee at its first and second sessions and subsequently amended at its third, seventh and thirty-sixth sessions. At its 918th meeting, on 26 July 1989, the Committee decided to make its rules of procedure definitive, eliminating the term "provisional" from the title. The rules of procedure were subsequently amended at the forty-seventh, forty-ninth, fiftieth, and fifty-ninth sessions. The current version of the rules was adopted at the Committee's 1924th meeting during its seventy-first session in March 2001.

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PART ONE. GENERAL RULES

I. SESSIONS

Sessions

Rule 1

The Human Rights Committee (hereinafter referred to as "the Committee") shall hold sessions as may be required for the satisfactory performance of its functions in accordance with the International Covenant on Civil and Political Rights (hereinafter referred to as "the Covenant").

Dates of sessions

Rule 2

1. The Committee shall normally hold three regular sessions each year.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Special sessions

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairperson may convene special sessions in consultation with the other officers of the Committee. The Chairperson of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Covenant.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairperson in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Notification of opening date of sessions

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notification shall be sent, in the case of a regular session, at least six weeks in advance and, in the case of a special session, at least 18 days in advance.

Place of sessions

Rule 5

Sessions of the Committee shall normally be held at United Nations Headquarters or at the United Nations Office at Geneva. Another place for a session may be designated by the Committee in consultation with the Secretary-General.

II. AGENDA

Provisional agenda for regular sessions

Rule 6

The provisional agenda for each regular session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee, in conformity with the relevant provisions of the Covenant and of the Optional Protocol to the International Covenant on Civil and Political Rights (hereinafter referred to as "the Protocol"), and shall include:

(a) Any item the inclusion of which has been ordered by the Committee at a previous session;

(b) Any item proposed by the Chairperson of the Committee;

(c) Any item proposed by a State party to the Covenant;

(d) Any item proposed by a member of the Committee;

(e) Any item proposed by the Secretary-General relating to functions of the Secretary-General under the Covenant, the Protocol or these rules.

Provisional agenda for special sessions

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for consideration at that special session.

Adoption of agenda

Rule 8

The first item on the provisional agenda for any session shall be the adoption of the agenda, except for the election of officers when required under rule 17 of these rules.

Revision of agenda

Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items; only urgent and important items may be added to the agenda.

Transmission of the provisional agenda and basic documents

Rule 10

The provisional agenda and the basic documents relating to each item appearing thereon shall be transmitted to the members of the Committee by the Secretary-General, who shall endeavour to have the documents transmitted to the members at least six weeks prior to the opening of the session.

III. MEMBERS OF THE COMMITTEE

Members

Rule 11

The members of the Committee shall be the 18 persons elected in accordance with articles 28 to 34 of the Covenant.

Beginning of term of office

Rule 12

The term of office of the members of the Committee elected at the first election shall begin on 1 January 1977. The term of office of members of the Committee elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members of the Committee whom they replace.

Vacancies

Rule 13

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out the functions of member for any reason other than absence of a temporary character, the Chairperson of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairperson shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by that member in writing directly to the Chairperson or to the Secretary-General and action shall be taken to declare the seat of that member vacant only after such notification has been received.

Rule 14

A vacancy declared in accordance with rule 13 of these rules shall be dealt with in accordance with article 34 of the Covenant.

Rule 15

Any member of the Committee elected to fill a vacancy declared in accordance with article 33 of the Covenant shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Solemn declaration

Rule 16

Before assuming duties as a member, each member of the Committee shall give the following solemn undertaking in open Committee:

> "I solemnly undertake to discharge my duties as a member of the Human Rights Committee impartially and conscientiously."

IV. OFFICERS

Elections

Rule 17

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur.

Term of office

Rule 18

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office after ceasing to be a member of the Committee.

Position of the Chairperson

Rule 19

The Chairperson shall perform the functions conferred upon the Chairperson by the Covenant, the rules of procedure and the decisions of the Committee. In the exercise of those functions, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 20

If during a session the Chairperson is unable to be present at a meeting or any part thereof, the Chairperson shall designate one of the Vice-Chairpersons to act as Chairperson.

Rights and duties of the Acting Chairpersons

Rule 21

A Vice-Chairperson acting as Chairperson shall have the same rights and duties as the Chairperson.

Replacement of officers

Rule 22

If any of the officers of the Committee ceases to serve or declares to be unable to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of the predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 23

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the secretariat") shall be provided by the Secretary-General.

2. The Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Covenant.

Statements

Rule 24

The Secretary-General or a representative of the Secretary-General shall attend all meetings of the Committee. Subject to rule 38 of these rules, the Secretary-General or the representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Servicing of meetings

Rule 25

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Keeping the members informed

Rule 26

The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 27

Before any proposal which involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 28

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and Arabic, English, French, Russian and Spanish the working languages of the Committee.

Interpretation

Rule 29

Interpretation shall be provided by the Secretariat of the United Nations. Speeches made in any of the working languages shall be interpreted into the other working languages. Speeches made in an official language shall be interpreted into the working languages.

Interpretation from an unofficial language

Rule 30

Any speaker addressing the Committee and using a language other than one of the official languages shall normally provide for interpretation into one of the working languages. Interpretation into the other working languages may be based on the interpretation given in the first working language.

Languages of summary records

Rule 31

Summary records of the meetings of the Committee shall be drawn up in the working languages.

Languages of formal decisions and official documents

Rule 32

All formal decisions of the Committee shall be made available in the official languages. All other official documents of the Committee shall be issued in the working languages and any of them may, if the Committee so decides, be issued in all the official languages.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 33

The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise or it appears from the relevant provisions of the Covenant or the Protocol that the meeting should be held in private. The adoption of concluding observations under article 40 shall take place in closed meetings.

Issue of communiqués concerning private meetings

Rule 34

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General.

VIII. RECORDS

Correction of provisional summary records

Rule 35

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Committee and to any others participating in the meeting. All such participants may, within three working days after receipt of the provisional record of the meeting, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be settled by the Chairperson of the Committee or the chairperson of the subsidiary body to which the record relates or, in the case of continued disagreement, by decision of the Committee or of the subsidiary body.

Distribution of summary records

Rule 36

1. The summary records of public meetings of the Committee in their final form shall be documents of general distribution unless, in exceptional circumstances, the Committee decides otherwise.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such circumstances as the Committee may decide.

IX. CONDUCT OF BUSINESS

Quorum

Rule 37

Twelve members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 38

The Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. The Chairperson shall rule on points of order and shall have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if that speaker's remarks are not relevant to the subject under discussion.

Points of order

Rule 39

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided by the Chairperson in accordance with the rules of procedure. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Adjournment of the debate

Rule 40

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Time limit for statements

Rule 41

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairperson shall call that speaker to order without delay.

Closure of debate

Rule 42

When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Permission to speak on the closure of the debate

Rule 43

A member may at any time move the closure of the debate on the item under discussion, regardless of whether any other member or representative has signified a wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Suspension or adjournment of meetings

Rule 44

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Order of motions

Rule 45

Subject to rule 39 of these rules, the following motions shall have precedence, in the following order, over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) For the closure of the debate on the item under discussion.

Submission of proposals

Rule 46

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on the following day.

Decisions on competence

Rule 47

Subject to rule 45 of these rules, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of proposals

Rule 48

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by another member.

Reconsideration of proposals

Rule 49

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and two speakers opposing the motion, after which it shall immediately be put to the vote.

X. VOTING

Voting rights

Rule 50

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 51*

Except as otherwise provided in the Covenant or elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present.

Method of voting

Rule 52

Subject to rule 58 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson.

Roll-call votes

Rule 53

The vote of each member participating in a roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 54

After the voting has commenced, it shall not be interrupted unless a member raises a point of order in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

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* The Committee decided, at its first session, that in a footnote to rule 51 of the provisional rules of procedure attention should be drawn to the following:

1. The members of the Committee generally expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting, provided that the Covenant and the rules of procedure were observed and that such attempts did not unduly delay the work of the Committee.

2. Bearing in mind paragraph 1 above, the Chairperson at any meeting may, and at the request of any member shall, put the proposal to a vote.

Division of proposals

Rule 55

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 56

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 57

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Methods of elections

Rule 58

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 59

1. When only one person or member is to be elected and no candidate obtains the required majority in the first ballot, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a person or member is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third unrestricted ballot, and the following three ballots shall be unrestricted, and so on until a person or member is elected.

Conduct of elections when two or more elective places are to be filled

Rule 60

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining the required majority in the first ballot shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, whose number shall not be more than twice the number of places remaining to be filled; however, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, whose number shall not be more than twice the number of places remaining to be filled; the following three ballots shall be unrestricted, and so on until all the places have been filled.

Equally divided votes

Rule 61

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

XI. SUBSIDIARY BODIES

Ad hoc subsidiary bodies

Rule 62

1. The Committee may, taking into account the provisions of the Covenant and the Protocol, set up such subcommittees and other ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.

2. Subject to the provisions of the Covenant and the Protocol and unless the Committee decides otherwise, each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

XII. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 63

As prescribed in article 45 of the Covenant, the Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities, including a summary of its activities under the Protocol as prescribed in article 6 thereof.

XIII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of reports and other official documents of the Committee

Rule 64

1. Without prejudice to the provisions of rule 36 of these rules of procedure and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents of general distribution unless the Committee decides otherwise.

2. All reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 41 and 42 of the Covenant and to the Protocol shall be distributed by the secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

3. Reports and additional information submitted by States parties pursuant to article 40 of the Covenant shall be documents of general distribution. The same applies to other information provided by a State party unless the State party concerned requests otherwise.

XIV. AMENDMENTS

Amendments

Rule 65

These rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Covenant and the Protocol.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS FROM STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Submission of reports

Rule 66

1. The States parties to the Covenant shall submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

2. Requests for submission of a report under article 40, paragraph 1 (b), of the Covenant may be made in accordance with the periodicity decided by the Committee or at any other time the Committee may deem appropriate. In the case of an exceptional situation when the Committee is not in session, a request may be made through the Chairperson, acting in consultation with the members of the Committee.

3. Whenever the Committee requests States parties to submit reports under article 40, paragraph 1 (b), of the Covenant, it shall determine the dates by which such reports shall be submitted.

4. The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and content of the reports to be submitted under article 40 of the Covenant.

Exchange of information with specialized agencies

Rule 67

1. The Secretary-General may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports of States members of those agencies as may fall within their field of competence.

2. The Committee may invite the specialized agencies to which the Secretary-General has transmitted parts of the reports to submit comments on those parts within such time limits as it may specify.

Attendance by States parties during the examination of reports

Rule 68

1. The Committee shall, through the Secretary-General, notify the States parties as early as possible of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties may be present at the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to that representative by the Committee and make statements on reports already submitted by the State party concerned, and may also submit additional information from that State party.

2. If a State party has submitted a report under article 40, paragraph 1, of the Covenant, but fails to send any representative, in accordance with rule 68, paragraph 1, of these rules to the session at which it has been notified that its report will be examined, the Committee may, at its discretion, take one of the following courses:

(a) Notify the State party through the Secretary-General that at a specified session it intends to examine the report in accordance with rule 68, paragraph 2, and thereafter act in accordance with rule 71, paragraph 3, of these rules; or

(b) Proceed at the session originally specified to examine the report and thereafter make and submit to the State party its provisional concluding observations and determine the date on which the report shall be examined under rule 68 or the date on which a new periodic report shall be submitted under rule 66 of these rules.

3. Where the Committee acts under this rule, it shall so state in the annual report submitted under article 45 of the Covenant provided that, where it acts under paragraph 2 (b) above, the report shall not include the text of the provisional concluding observations.

Non-submission of reports

Rule 69

1. At each session the Secretary-General shall notify the Committee of all cases of non-submission of reports or additional information requested under rules 66 and 71 of these rules. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under rules 66 and 71 of these rules, the Committee shall so state in the annual report which it submits to the General Assembly of the United Nations through the Economic and Social Council.

Rule 70

1. In cases where the Committee has been notified under rule 69, paragraph 1, of the failure of a State to submit under rule 66, paragraph 3, of these rules, any report under article 40, paragraph 1 (a) or (b), of the Covenant and has sent reminders to the State party, the Committee may, at its discretion, notify the State party through the Secretary-General that it intends, on a date or at a session specified in the notification, to examine in a private session the measures taken by the State party to give effect to the rights recognized in the Covenant and to proceed by adopting provisional concluding observations which will be submitted to the State party.

2. Where the Committee acts under paragraph 1 of this rule, it shall transmit to the State party, well in advance of the date or session specified, information in its possession which it considers appropriate as to the matters to be examined.

3. Taking into account any comments that may have been provided by the State party in response to the Committee's provisional concluding observations, the Committee may proceed to the adoption of final concluding observations, which shall be communicated to the State party, in accordance with rule 71, paragraph 3, of these rules, and made public.

4. Where the Committee acts under this rule, it shall proceed in accordance with rule 68, paragraph 3, and may set a date when it proceeds to act under rule 68, paragraph 1, of these rules.

Consideration of reports

Rule 71

1. When considering a report submitted by a State party under article 40 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under rule 66 of these rules.

2. If a report of a State party under article 40 of the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish the additional information which is required, indicating by what date the said information should be submitted.

3. On the basis of its examination of any report or information supplied by a State party, the Committee may make appropriate concluding observations which shall be communicated to the State party, together with notification of the date by which the next report under article 40 of the Covenant shall be submitted.

4. No member of the Committee shall participate in the examination of State party reports or the discussion and adoption of concluding observations if they involve the State party in respect of which he or she was elected to the Committee.

5. The Committee may request the State party to give priority to such aspects of its concluding observations as it may specify.

Consideration of replies by State party

Rule 72

Where the Committee has specified, under rule 71, paragraph 5, of these rules, that priority should be given to certain aspects of its concluding observations on a State party's report, it shall establish a procedure for considering replies by the State party on those aspects and deciding what consequent action, including the date set for the next periodic report, may be appropriate.

Communication of general comments

Rule 73

The Committee shall communicate, through the Secretary-General, to States parties the general comments it has adopted under article 40, paragraph 4, of the Covenant.

XVI. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 41 OF THE COVENANT

Submission and contents of communications

Rule 74

1. A communication under article 41 of the Covenant may be referred to the Committee by either State party concerned by notice given in accordance with paragraph 1 (b) of that article.

2. The notice referred to in paragraph 1 of this rule shall contain or be accompanied by information regarding:

(a) Steps taken to seek adjustment of the matter in accordance with article 41, paragraphs 1 (a) and (b), of the Covenant, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;

(b) Steps taken to exhaust domestic remedies;

(c) Any other procedure of international investigation or settlement resorted to by the States parties concerned.

Permanent register

Rule 75

The Secretary-General shall maintain a permanent register of all communications received by the Committee under article 41 of the Covenant.

Transmittal of communications

Rule 76

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 74 of these rules and shall transmit to them as soon as possible copies of the notice and relevant information.

Examination of communications

Rule 77

1. The Committee shall examine communications under article 41 of the Covenant at closed meetings.

2. The Committee may, after consultation with the States parties concerned, issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

Rule 78

A communication shall not be considered by the Committee unless:

(a) Both States parties concerned have made declarations under article 41, paragraph 1, of the Covenant that are applicable to the communication;

(b) The time limit prescribed in article 41, paragraph 1 (b), of the Covenant has expired;

(c) The Committee has ascertained that all available domestic remedies have been invoked and exhausted in the matter in conformity with the generally recognized principles of international law, or that the application of the remedies is unreasonably prolonged.

Rule 79

Subject to the provisions of rule 78 of these rules, the Committee shall proceed to make its good offices available to the States parties concerned with a view to a friendly resolution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the Covenant.

Rule 80

Request for additional information

The Committee may, through the Secretary-General, request the States parties concerned, or either of them, to submit additional information or observations orally or in writing. The Committee shall indicate a time limit for the submission of such written information or observations.

Attendance by States parties during the examination of communications and submission of information

Rule 81

1. The States parties concerned shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

2. The Committee shall, through the Secretary-General, notify the States parties concerned as early as possible of the opening date, duration and place of the session at which the matter will be examined.

3. The procedure for making oral and/or written submissions shall be decided by the Committee, after consultation with the States parties concerned.

Adoption of report

Rule 82

1. Within 12 months after the date on which the Committee received the notice referred to in rule 74 of these rules, the Committee shall adopt a report in accordance with article 41, paragraph 1 (h), of the Covenant.

2. The provisions of paragraph 1 of rule 81 of these rules shall not apply to the deliberations of the Committee concerning the adoption of the report.

3. The Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.

Conciliation Commission

Rule 83

If a matter referred to the Committee in accordance with article 41 of the Covenant is not resolved to the satisfaction of the States parties concerned, the Committee may, with their prior consent, proceed to apply the procedure prescribed in article 42 of the Covenant.

XVII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER THE OPTIONAL PROTOCOL

A. Transmission of communications to the Committee

Transmission of communications to the Committee

Rule 84

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications which are or appear to be submitted for consideration by the Committee under article 1 of the Optional Protocol.

2. The Secretary-General, when necessary, may request clarification from the author of a communication as to whether the author wishes to have the communication submitted to the Committee for consideration under the Optional Protocol. In case there is still doubt as to the wish of the author, the Committee shall be seized of the communication.

3. No communication shall be received by the Committee or included in a list under rule 85 if it concerns a State which is not a party to the Optional Protocol.

Rule 85

1. The Secretary-General shall prepare lists of the communications submitted to the Committee in accordance with rule 84 above, with a brief summary of their contents, and shall circulate such lists to the members of the Committee at regular intervals. The Secretary-General shall also maintain a permanent register of all such communications.

2. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon request by that member.

Rule 86

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of the Optional Protocol to his communication, in particular regarding:

(a) The name, address, age and occupation of the author and the verification of the author's identity;

(b) The name of the State party against which the communication is directed;

(c) The object of the communication;

(d) The provision or provisions of the Covenant alleged to have been violated;

(e) The facts of the claim;

(f) Steps taken by the author to exhaust domestic remedies;

(g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time limit to the author of the communication with a view to avoiding undue delays in the procedure under the Optional Protocol.

3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 85, paragraph 1, of these rules.

Rule 87

For each registered communication the Secretary-General shall as soon as possible prepare and circulate to the members of the Committee a summary of the relevant information obtained.

B. General provisions regarding the consideration of communications by the Committee or its subsidiary bodies

Consideration of communications by the Committee or its subsidiary bodies

Rule 88

Meetings of the Committee or its subsidiary bodies during which communications under the Optional Protocol will be examined shall be closed. Meetings during which the Committee may consider general issues such as procedures for the application of the Optional Protocol may be public if the Committee so decides.

Rule 89

The Committee may issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

Rule 90

1. A member shall not take part in the examination of a communication by the Committee:

(a) If the State party in respect of which he or she was elected to the Committee is a party to the case;

(b) If the member has any personal interest in the case; or

(c) If the member has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee.

Rule 91

If, for any reason, a member considers that he or she should not take part or continue to take part in the examination of a communication, the member shall inform the Chairperson of his or her withdrawal.

Rule 92

The Committee may, prior to forwarding its Views on the communication to the State party concerned, inform that State of its Views as to whether interim measures may be desirable to avoid irreparable damage to the victim of the alleged violation. In doing so, the Committee shall inform the State party concerned that such expression of its Views on interim measures does not imply a determination on the merits of the communication.

C. Procedure to determine admissibility

Determination of admissibility

Rule 93

1. The Committee shall decide as soon as possible and in accordance with the following rules whether the communication is admissible or is inadmissible under the Optional Protocol.

2. A working group established under rule 95, paragraph 1, of these rules may also declare a communication admissible when it is composed of five members and all the members so decide.

Rule 94

1. Communications shall be dealt with in the order in which they are received by the secretariat, unless the Committee or a working group established under rule 95, paragraph 1, of these rules decides otherwise.

2. Two or more communications may be dealt with jointly if deemed appropriate by the Committee or a working group established under rule 95, paragraph 1, of these rules.

Rule 95

1. The Committee may establish one or more working groups to make recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down in articles 1, 2, 3 and 5, paragraph 2, of the Optional Protocol.

2. The rules of procedure of the Committee shall apply as far as possible to the meetings of the working group.

3. The Committee may designate special rapporteurs from among its members to assist in the handling of communications.

Rule 96

With a view to reaching a decision on the admissibility of a communication, the Committee, or a working group established under rule 95, paragraph 1, of these rules shall ascertain:

(a) That the communication is not anonymous and that it emanates from an individual, or individuals, subject to the jurisdiction of a State party to the Optional Protocol;

(b) That the individual claims, in a manner sufficiently substantiated, to be a victim of a violation by that State party of any of the rights set forth in the Covenant. Normally, the communication should be submitted by the individual personally or by that individual's representative; a communication submitted on behalf of an alleged victim may, however, be accepted when it appears that the individual in question is unable to submit the communication personally;

(c) That the communication does not constitute an abuse of the right of submission;

(d) That the communication is not incompatible with the provisions of the Covenant;

(e) That the same matter is not being examined under another procedure of international investigation or settlement;

(f) That the individual has exhausted all available domestic remedies.

Rule 97

1. As soon as possible after the communication has been received, the Committee, a working group established under rule 95, paragraph 1, of these rules or a special rapporteur designated under rule 95, paragraph 3, shall request the State party concerned to submit a written reply to the communication.

2. Within six months the State party concerned shall submit to the Committee written explanations or statements that shall relate both to the communication's admissibility and its merits as well as to any remedy that may have been provided in the matter, unless the Committee, working group or special rapporteur has decided, because of the exceptional nature of the case, to request a written reply that relates only to the question of admissibility. A State party that has been requested to submit a written reply that relates only to the question of admissibility is not precluded thereby from submitting, within six months of the request, a written reply that shall relate both to the communication's admissibility and its merits.

3. A State party that has received a request for a written reply under paragraph 1 both on admissibility and on the merits of the communication may apply in writing, within two months, for the communication to be rejected as inadmissible, setting out the grounds for such inadmissibility. Submission of such an application shall not extend the period of six months given to the State party to submit its written reply to the communication, unless the Committee, a working group established under rule 95, paragraph 1, of these rules or a special rapporteur designated under rule 95, paragraph 3, decides to extend the time for submission of the reply, because of the special circumstances of the case, until the Committee has ruled on the question of admissibility.

4. The Committee, a working group established under rule 95, paragraph 1, of these rules or a special rapporteur designated under rule 95, paragraph 3, may request the State party or the author of the communication to submit, within specified time limits, additional written information or observations relevant to the question of admissibility of the communication or its merits.

5. A request addressed to a State party under paragraph 1 of this rule shall include a statement of the fact that such a request does not imply that any decision has been reached on the question of admissibility.

6. Within fixed time limits, each party may be afforded an opportunity to comment on submissions made by the other party pursuant to this rule.

Rule 98

1. Where the Committee decides that a communication is inadmissible under the Optional Protocol it shall as soon as possible communicate its decision, through the Secretary-General, to the author of the communication and, where the communication has been transmitted to a State party concerned, to that State party.

2. If the Committee has declared a communication inadmissible under article 5, paragraph 2, of the Optional Protocol, this decision may be reviewed at a later date by the Committee upon a written request by or on behalf of the individual concerned containing information to the effect that the reasons for inadmissibility referred to in article 5, paragraph 2, no longer apply.

D. Procedure for the consideration of communications on the merits

Consideration of communications on the merits

Rule 99

1. In those cases in which the issue of admissibility is decided before receiving the State party's reply on the merits, if the Committee or a working group established under rule 95, paragraph 1, of these rules decides that the communication is admissible, that decision and all other relevant information shall be submitted, through the Secretary-General, to the State party concerned. The author of the communication shall also be informed, through the Secretary-General, of the decision.

2. Within six months, the State party concerned shall submit to the Committee written explanations or statements clarifying the matter under consideration and the remedy, if any, that may have been taken by that State party.

3. Any explanations or statements submitted by a State party pursuant to this rule shall be communicated, through the Secretary-General, to the author of the communication, who may submit any additional written information or observations within fixed time limits.

4. Upon consideration of the merits, the Committee may review a decision that a communication is admissible in the light of any explanations or statements submitted by the State party pursuant to this rule.

Rule 100

1. In those cases in which the parties have submitted information relating both to the questions of admissibility and the merits, or in which a decision on admissibility has already been taken and the parties have submitted information on the merits, the Committee shall consider the communication in the light of all written information made available to it by the individual and the State party concerned and shall formulate its Views thereon. Prior thereto, the Committee may refer the communication to a working group established under rule 95, paragraph 1, of these rules or to a special rapporteur designated under rule 95, paragraph 3, to make recommendations to the Committee.

2. The Committee shall not decide on the merits of the communication without having considered the applicability of all the admissibility grounds referred to in the Optional Protocol.

3. The Views of the Committee shall be communicated to the individual and to the State party concerned.

Rule 101

1. The Committee shall designate a Special Rapporteur for follow-up on Views adopted under article 5, paragraph 4, of the Optional Protocol, for the purpose of ascertaining the measures taken by States parties to give effect to the Committee's Views.

2. The Special Rapporteur may make such contacts and take such action as appropriate for the due performance of the follow-up mandate. The Special Rapporteur shall make such recommendations for further action by the Committee as may be necessary.

3. The Special Rapporteur shall regularly report to the Committee on follow-up activities.

4. The Committee shall include information on follow-up activities in its annual report.

E. Rules concerning confidentiality

Confidentiality

Rule 102

1. Communications under the Optional Protocol shall be examined by the Committee and a working group established pursuant to rule 95, paragraph 1, of these rules in closed session. Oral deliberations and summary records shall remain confidential.

2. All working documents issued for the Committee, the Working Group established pursuant to rule 95, paragraph 1, or the Special Rapporteur designated pursuant to rule 95, paragraph 3, by the secretariat, including summaries of communications prepared prior to registration, the list of summaries of communications and all drafts prepared for the Committee, its Working Group established pursuant to rule 95, paragraph 1, or the Special Rapporteur designated pursuant to rule 95, paragraph 3, shall remain confidential, unless the Committee decides otherwise.

3. Paragraph 1 above shall not affect the right of the author of a communication or the State party concerned to make public any submissions or information bearing on the proceedings. However, the Committee, the Working Group established pursuant to rule 95, paragraph 1, or the Special Rapporteur designated pursuant to rule 95, paragraph 3, may, as deemed appropriate, request the author of a communication or the State party concerned to keep confidential the whole or part of any such submissions or information.

4. When a decision has been taken on the confidentiality pursuant to paragraph 3 above, the Committee, the Working Group established pursuant to rule 95, paragraph 1, or the Special Rapporteur designated pursuant to rule 95, paragraph 3, may decide that all or part of the submissions and other information, such as the identity of the author, may remain confidential after the Committee's decision on inadmissibility, the merits or discontinuance has been adopted.

5. Subject to paragraph 4 above, the Committee's decisions on inadmissibility, the merits and discontinuance shall be made public. The decisions of the Committee or the Special Rapporteur designated pursuant to rule 95, paragraph 3, under rule 92 of these rules shall be made public. No advance copies of any decision by the Committee shall be issued.

6. The secretariat is responsible for the distribution of the Committee's final decisions. It shall not be responsible for the reproduction and the distribution of submissions concerning communications.

Rule 103

Information furnished by the parties within the framework of follow-up to the Committee's Views is not subject to confidentiality, unless the Committee decides otherwise. Decisions of the Committee relating to follow-up activities are equally not subject to confidentiality, unless the Committee decides otherwise.

F. Individual opinions

Individual opinions

Rule 104

Any member of the Committee who has participated in a decision may request that his or her individual opinion be appended to the Committee's Views or decision.

Chapter III

RULES OF PROCEDURE OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION*

* This chapter is taken from the document CERD/C/35/Rev.3.

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Introduction

1. At its first and second sessions, the Committee on the Elimination of Racial Discrimination adopted 78 provisional rules of procedure based on texts prepared by the Secretary-General.[1]

2. At its fourth session, the Committee, by decision 1 (IV), amended rule 36 (previously provisional rule 35).[2]

3. At its fifth session, the Committee, by decision 1 (V), adopted rule 64 (previously provisional rule 64 A).[3]

4. At the same session, the Committee, by decision 2 (V), adopted rule 67 (previously provisional rule 66 A).[4]

5. At its seventh session, the Committee, by decision 2 (VII), amended rule 13.[5]

6. At the same session, the Committee, by decision 1 (VII), amended rule 58 (previously provisional rule 56).[6]

7. At its seventeenth session, the Committee, by decision 1 (XVII), amended rule 34.[7]

8. At the same session, the Committee, by decision 2 (XVII), amended rule 35 (previously provisional rule 62).[8]

9. At its 977th meeting, held in March 1993, the Committee on the Elimination of Racial Discrimination amended its rules of procedure with respect to its working methods under article 14 of the Convention. A new paragraph 3 was added to rule 87 and a new sentence was added to rule 92, paragraph 1.[9]

10. At its twenty-seventh session, the Committee adopted rules 80 to 93, with the exception of subparagraph (a) and the second part of subparagraph (b) of rule 91 which were adopted at the twenty-eighth session (previously provisional rules 79 to 92).[10]

11. At the same session, the Committee adopted paragraphs 1 to 4 of rule 94 (previously provisional rule 93).[11]

12. At its twenty-eighth session, the Committee adopted subparagraph (a) and the second part of subparagraph (b) of rule 91 and paragraphs 5 and 6 of rule 94 which had been left pending at its twenty-seventh session.[12]

13. At the same session, the Committee adopted rules 95 to 97 (previously provisional rules 94 to 96).[13]

14. At its twenty-ninth session, the Committee decided to delete the word “provisional” in its rules of procedure.[14]

15. At the same session, the Committee amended rules 27 and 28.[15]

16. At the same session, the Committee adopted rule 98.[16]

17. At the same session, the Committee also took the following decisions:

(a) To include a new part three entitled "Interpretation and amendments" at the end of its rules of procedure, incorporating under this new part provisional rule 63 which became rule 99, and

(b) To incorporate titles to the rules of procedure as well as a table of contents.[17]

Notes

[1] *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27* (A/8027), annex II.

[2] Ibid., *Twenty-sixth Session, Supplement No. 18* (A/8418), chap. VII, sect. B.

[3] Ibid., *Twenty-seventh Session, Supplement No. 18* (A/8718), chap. IX, sect. A.

[4] Ibid.

[5] Ibid., *Twenty-eighth Session, Supplement No. 18* (A/9018), chap. X, sect. A.

[6] Ibid.

[7] Ibid., *Thirty-third Session, Supplement No. 18* (A/33/18), chap. X, sect. A.

[8] Ibid.

[9] Ibid., *Forty-eighth Session, Supplement No. 18* (A/48/18), annex V.

[10] Ibid., *Thirty-eighth Session, Supplement No. 18* (A/38/18), annex III.

[11] Ibid.

[12] Ibid.

[13] Ibid.

[14] Ibid., *Thirty-ninth Session, Supplement No. 18* (A/39/18), chap. III.

[15] Ibid.

[16] Ibid.

[17] Ibid.

Explanatory note

Attention is drawn to rule 98, which provides that the headings of the rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

PART ONE. GENERAL RULES

I. SESSIONS

Regular sessions

Rule 1

The Committee on the Elimination of Racial Discrimination (hereinafter referred to as "the Committee"), established under the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as "the Convention"), shall hold two regular sessions each year.

Dates of sessions

Rule 2

Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Special sessions

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairman may convene special sessions of the Committee in consultation with the other officers of the Committee. The Chairman of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairman in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Notification of opening date of sessions

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notifications shall be sent, in the case of regular sessions, at least 30 days in advance, and in the case of a special session, at least l8 days in advance, of the first meeting.

Place of sessions

Rule 5

Sessions of the Committee shall normally be held at the Headquarters of the United Nations. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations on the subject.

II. AGENDA

Provisional agenda for regular sessions

Rule 6

The provisional agenda of each regular session shall be prepared by the Secretary-General in consultation with the Chairman of the Committee, in conformity with the relevant provisions of articles 9, 11, 12, 13, 14 and 15 of the Convention, and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Chairman of the Committee;

(c) Any item proposed by a State party to the Convention;

(d) Any item proposed by a member of the Committee;

(e) Any item proposed by the Secretary-General.

Provisional agenda for special sessions

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for its consideration at that special session.

Adoption of the agenda

Rule 8

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 15.

Revision of the agenda

Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, add, defer or delete items.

Transmission of the provisional agenda and basic documents

Rule 10

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible. The provisional agenda of a special session shall be transmitted to the members of the Committee by the Secretary-General simultaneously with the notification of the meeting under rule 4.

III. MEMBERS OF THE COMMITTEE

Members

Rule 11

Members of the Committee shall be the 18 experts designated in accordance with article 8 of the Convention.

Beginning of term of office

Rule 12

The members of the Committee elected at the first election shall begin their term of office on the date of the first meeting of the Committee. In the case of members of the Committee elected at subsequent elections, their term of office shall begin on the day following the date of the expiration of the term of office of the members of the Committee whom they replace.

Filling of casual vacancies

Rule 13

1. When a casual vacancy occurs in the Committee the Secretary-General shall immediately request the State party whose expert has ceased to function as a member of the Committee to appoint another expert from among its nationals within two months to serve for the remainder of his predecessor's term. The name of the expert so appointed shall be submitted by the Secretary-General to the Committee for approval by secret ballot.

2. After the approval of the expert by the Committee, the Secretary-General shall notify the States parties to the Convention of the name of the member of the Committee filling a casual vacancy.

3. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General and the Committee shall act in accordance with the provisions of paragraphs 1 and 2 of the present rule only after receiving, from the member concerned, written notification of his decision to cease to function as a member of the Committee.

Solemn declaration

Rule 14

Upon assuming his duties, each member of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Elections

Rule 15

The Committee shall elect from among its own members a Chairman, three Vice-Chairmen and a Rapporteur.

Term of office

Rule 16

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he ceases to be a member of the Committee.

Position of Chairman in relation to the Committee

Rule 17

In exercising his functions as Chairman, the Chairman shall remain under the authority of the Committee.

Acting Chairman

Rule l8

If the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place.

Powers and duties of the Acting Chairman

Rule 19

A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Replacement of officers

Rule 20

If any of the officers of the Committee ceases or declares his inability to function as a member of the Committee or, for any reason, is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 21

The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the Secretariat") shall be provided by the Secretary-General.

Statements

Rule 22

The Secretary-General or his representative shall be present, at all meetings of the Committee. He or his representative may, subject to rule 37, make either oral or written statements to the meetings of the Committee or its subsidiary bodies.

Servicing of meetings

Rule 23

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Keeping the members informed

Rule 24

The Secretary-General shall be responsible for keeping the members of the Committee informed of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 25

Before any proposal which involves expenditures is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to its members, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairman to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee or by a subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 26

Chinese, English, French, Russian and Spanish shall be the official languages and English, French, Russian and Spanish the working languages of the Committee.

Interpretation from an official language

Rule 27

Speeches made in any of the official languages shall be interpreted into the other official languages.

Interpretation from an unofficial language

Rule 28

Any person appearing before the Committee, may make a speech in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation in the first official language.

Languages of records

Rule 29

Summary records of meetings of the Committee shall be drawn up in the working languages.

Languages of formal decisions and official documents

Rule 30

All formal decisions of the Committee shall be made available in the official languages. All official documents of the Committee shall be issued in the working languages, and any of them may be issued in the other official language upon the decision of the Committee.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 31

The meetings of the Committee and its subsidiary bodies shall be held in public, unless the Committee decides otherwise, or it appears from the relevant provisions of the Convention that the meeting should be held in private.

Issue of communiqués concerning private meetings

Rule 32

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General.

VIII. RECORDS

Correction of provisional summary records

Rule 33

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Committee, and to any others participating in the meetings. All such participants may, within three working days of the receipt of the provisional records of the meetings, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be decided by the Chairman of the Committee or the Chairman of the subsidiary body to which the record relates or, in case of continued disagreement, by decision of the Committee or of the subsidiary body.

Distribution of summary records

Rule 34

1. The summary records of public meetings in their final form shall be documents for general distribution.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 35

1. Without prejudice to the provisions of rule 34 of these rules of procedure and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution, unless the Committee decides otherwise.

2. Reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 11, 12 and 13 and article 14 of the Convention shall be distributed by the Secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

3. Reports and additional information submitted by States parties under article 9 of the Convention shall be documents for general distribution, unless the State party concerned requests otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 36

A majority of the members of the Committee shall constitute a quorum. The presence of two thirds of the members of the Committee is, however, required for a decision to be taken.

Powers of the Chairman

Rule 37

In addition to exercising the powers conferred upon him by the Convention and elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Committee, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have control of the proceedings of the Committee and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He shall rule on points of order. He may also propose the adjournment or the closure of the debate or the adjournment or the suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Points of order

Rule 38

During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chairman in accordance with the rules of procedure. Any appeal against the ruling of the Chairman shall immediately be put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting. A member raising a point of order may not speak on the substance of the matter under discussion.

Time limit for statements

Rule 39

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a member or representative exceeds his allotted time, the Chairman shall call him to order without delay.

List of speakers

Rule 40

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairman may, however, accord the right of reply to any member or representative if a speech delivered after he has declared the list closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shal1 have the same effect as closure by the consent of the Committee.

Suspension or adjournment of meetings

Rule 41

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Adjournment of debate

Rule 42

During the discussion of any matter, a member may move the adjournment of the debate on the item under dissuasion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Closure of debate

Rule 43

A member may, at any time, move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Order of motions

Rule 44

Subject to rule 38, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) For the closure of the debate on the item under discussion.

Submission of proposals

Rule 45

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a following day.

Decisions on competence

Rule 46

Subject to rule 44, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of motions

Rule 47

A motion may be withdrawn by the member who proposed it at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Reconsiderations of proposals

Rule 48

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee, by a two-thirds majority of its members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and to two speakers opposing the motion, after which it shall be immediately put to the vote.

XI. VOTING

Voting rights

Rule 49

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 50

Except as otherwise provided in the Convention and elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present and voting. For the purpose of these rules, "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Equally divided votes

Rule 51

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Method of voting

Rule 52

Subject to rule 58, the Committee normally shall vote by show of hands, except that any member may request a roll-call, which shall he taken in the English alphabetical order of the names of the members of the Committee.

Roll-call votes

Rule 53

The vote of each member participating in any roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 54

After the voting has commenced, there shall be no interruption of the voting except on a point, of order of a member in connection with the actual conduct of the voting. Brief statements by members consisting solely in explanations of their votes may be permitted by the Chairman before the voting has commenced or after the voting has been completed.

Division of proposals

Rule 55

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 56

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 57

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals, however, shall be considered as previous questions and shall be put to the vote before them.

XII. ELECTIONS

Method of elections

Rule 58

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of elections to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 59

When only one person or member is to be elected and, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the Chairman shall decide between the candidates by drawing lots. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two thirds of the votes cast, provided that, after the third inconclusive ballot, votes may be cast for any eligible member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtain the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a person or member is elected.

Conduct of elections when two or more elective places are to be filled

Rule 60

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtain the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. SUBSIDIARY BODIES

Establishment of subsidiary bodies

Rule 61

1. The Committee may, in accordance with the provisions of the Convention and subject to the provisions of Rule 25, set up such subcommittees and other ad hoc subsidiary bodies as it deems necessary and define their composition and mandates.

2. Each subsidiary body shall elect its own officers and adopt its own rules of procedure.

XIV. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 62

The Committee shall report annually through the Secretary-General to the General Assembly, as provided in the Convention.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS AND INFORMATION FROM STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Form and contents of reports

Rule 63

The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and contents of the periodic reports required to be submitted under article 9 of the Convention.

Attendance by States parties at examination of reports

Rule 64

The Committee shall, through the Secretary-General, notify the States parties (as early as possible) of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties may be present at the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to him by the Committee and make statements on reports already submitted by his State, and may also submit additional information from his State.

Request for additional information

Rule 65

1. If the Committee decides to request an additional report or further information from a State party under the provisions of article 9, paragraph 1, of the Convention, it may indicate the manner as well as the time within which such additional report or further information shall be supplied and shall transmit its decision to the Secretary-General for communication, within two weeks, to the State party concerned.

2. In order to further the implementation of the above paragraph, the Committee shall appoint a coordinator for a period of two years. In fulfilling his/her tasks, the coordinator shall cooperate with country rapporteurs.*

Non-receipt of reports

Rule 66

1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report, or additional information.

2. If even after the reminder, referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly.

Suggestions and general recommendations

Rule 67

1. When considering a report submitted by a State party under article 9, the Committee shall first determine whether the report provides the information referred to in the relevant communications of the Committee.

2. If a report of the State party to the Convention, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish additional information.

3. If, on the basis of its examination of the reports and information supplied by the State party, the Committee determines that some of the obligations of that State under the Convention have not been discharged, it may make suggestions and general recommendations in accordance with article 9, paragraph 2, of the Convention.

Transmission of suggestions and general recommendations

Rule 68

1. Suggestions and general recommendations made by the Committee based on the examination of the reports and information received from States parties under article 9, paragraph 2, of the Convention shall be communicated by the Committee through the Secretary-General to the States parties for their comments.

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* This new paragraph to Rule 65 was adopted by the Committee on the Elimination of Racial Discrimination at its sixty-fourth session (23 February-12 March 2004).

2. The Committee may, where necessary, indicate a time limit within which comments from States parties are to be received.

3. Suggestions and general recommendations of the Committee, referred to in paragraph 1, shall be reported to the General Assembly, together with comments, if any, from States parties.

XVI. COMMUNICATIONS FROM STATES PARTIES UNDER ARTICLE 11 OF THE CONVENTION

Method of dealing with communications from States parties

Rule 69

1. When a matter is brought to the attention of the Committee by a State party in accordance with article 11, paragraph 1, of the Convention, the Committee shall examine it at a private meeting and shall then transmit it to the State party concerned through the Secretary-General. The Committee in examining the communications shall not consider its substance. Any action at this stage by the Committee in respect of the communication shall in no way be construed as an expression of its views on the substance of the communication.

2. If the Committee is not in session, the Chairman shall bring the matter to the attention of its members by transmitting copies of the communication and requesting their consent to transmit such communication on behalf of the Committee, to the State party concerned in compliance with article 11, paragraph 1. The Chairman shall also specify a time limit of three weeks for their replies.

3. Upon receipt of the consent of the majority of the members, or, if within the specified time limit no replies are received, the Chairman shall transmit the communication to the State party concerned, through the Secretary-General, without delay.

4. In the event of any replies being received which represent the views of the majority of the Committee, the Chairman, while acting in accordance with such replies, shall bear in mind the requirement of urgency in transmitting the communication to the State party concerned on behalf of the Committee.

5. The Committee, or the Chairman on behalf of the Committee, shall remind the receiving State that the time limit for submission of its written explanations or statement under the Convention is three months.

6. When the Committee receives the explanations or statements of the receiving State, the procedure laid down above shall be followed with respect to the transmission of those explanations or statements to the State party submitting the initial communication.

Request for information

Rule 70

The Committee may call upon the States parties concerned to supply information relevant to the application of article 11 of the Convention. The Committee may indicate the manner as well as the time within which such information shall be supplied.

Notification to the States parties concerned

Rule 71

If any matter is submitted for consideration by the Committee under paragraph 2 of article 11 of the Convention, the Chairman, through the Secretary-General, shall inform the States parties concerned of the forthcoming consideration of this matter not later than 30 days in advance of the first meeting of the Committee, in the case of a regular session, and at least 18 days in advance of the first meeting of the Committee, in the case of a special session.

XVII. ESTABLISHMENT AND FUNCTIONS OF THE AD HOC CONCILIATION COMMISSION UNDER ARTICLES 12 AND 13 OF THE CONVENTION

Consultations on the composition of the Commission

Rule 72

After the Committee has obtained and collated all the information it thinks necessary as regards a dispute that has arisen under article 11, paragraph 2, of the Convention, the Chairman shall notify the States parties to the dispute and undertake consultations with them concerning the composition of the Ad Hoc Conciliation Commission (hereinafter referred to as "the Commission"), in accordance with article 12 of the Convention.

Appointment of members of the Commission

Rule 73

Upon receiving the unanimous consent of the States parties to the dispute regarding the composition of the Commission, the Chairman shall proceed to the appointment of the members of the Commission and shall inform the States parties to the dispute of the composition of the Commission.

Rule 74

1. If within three months of the Chairman's notification as provided in rule 72 above, the States parties to the dispute fail to reach agreement on all or part of the composition of the Commission, the Chairman shall then bring the situation to the attention of the Committee which shall proceed according to article 12, paragraph 1 (b), of the Convention at its next session.

2. Upon the completion of the election, the Chairman shall inform the States parties to the dispute of the composition of the Commission.

Solemn declaration by members of the Commission

Rule 75

Upon assuming his duties, each member of the Commission shall make the following solemn declaration at the first meeting of the Commission:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the ad hoc Conciliation Commission honourably, faithfully, impartially and conscientiously."

Filling of vacancies in the Commission

Rule 76

Whenever a vacancy arises in the Commission, the Chairman of the Committee shall fill the vacancy as soon as possible in accordance with procedures laid down in rules 72 to 74. He shall proceed with filling such vacancy upon receipt of a report from the Commission or upon a notification by the Secretary-General.

Transmission of information to members of the Commission

Rule 77

The information obtained and collated by the Committee shall be made available by its Chairman, through the Secretary-General to the members of the Commission at the time of notifying the members of the Commission of the date of the first meeting of the Commission.

Report of the Commission

Rule 78

1. The Chairman of the Committee shall communicate the report of the Commission referred to in article 13 of the Convention as soon as possible after its receipt to each of the States parties to the dispute and to the members of the Committee.

2. The States parties to the dispute, shall, within three months after the receipt of the Commission's report, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission. The Chairman shall transmit the information received from the States parties to the dispute to the members of the Committee.

3. After the expiry of the time limit provided for in the preceding paragraph, the Chairman of the Committee shall communicate the report of the Commission and any declaration of States parties concerned to the other States parties to the Convention.

Keeping members of the Committee informed

Rule 79

The Chairman of the Committee shall keep the members of the Committee informed of his actions under rules 73 to 78.

XVIII. PROCEDURE FOR CONSIDERING COMMUNICATIONS FROM INDIVIDUALS OR GROUPS OF INDIVIDUALS UNDER ARTICLE 14 OF THE CONVENTION

A. General provisions

Competence of the Committee

Rule 80

1. The Committee shall be competent to receive and consider communications and exercise the functions provided, for in article 14 of the Convention only when at least 10 States parties are bound by declarations recognizing the competence of the Committee in conformity with paragraph 1 thereof.

2. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him by States parties recognizing the competence of the Committee.

3. Consideration of communications pending before the Committee shall not be affected by the withdrawal of a declaration made under article 14 of the Convention.

4. The Secretary-General shall inform the other States parties of the name, composition and functions of any national legal body which has been established or indicated by a State party, in conformity with paragraph 3 of article 14.

National bodies

Rule 81

The Secretary-General shall keep the Committee informed of the name, composition and functions of any national legal body established or indicated under paragraph 2 of article 14 as competent to receive and consider petitions from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

Certified copies of registers of petitions

Rule 82

1. The Secretary-General shall keep the Committee informed of the contents of all certified copies of the register of petitions filed with him in accordance with paragraph 4 of article 14.

2. The Secretary-General may request clarifications from the States parties concerning the certified copies or the registers of petitions emanating from the national legal bodies responsible for such registers.

3. The contents of the certified copies of the registers of petitions transmitted to the Secretary-General shall not be publicly disclosed.

Record of communications received by the Secretary-General

Rule 83

1. The Secretary-General shall keep a record of all communications which are or appear to be submitted to the Committee by individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention and who are subject to the jurisdiction of a State party bound by a declaration under article 14.

2. The Secretary-General may, if he deems it necessary, request clarification of the author of a communication as to his wish to have his communication submitted to the Committee for consideration under article 14. In case of doubt as to the wish of the author, the Committee shall be seized of the communication.

3. No communication shall be received by the Committee or included in a list under rule 85 below if it concerns a State party which has not made a declaration as provided for in paragraph 1 of article 14.

Information to be contained in a communication

Rule 84

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of article 14 to his communication, in particular:

(a) The name, address, age and occupation of the author and the verification of his identity;

(b) The name(s) of the State party or States parties against which the communication is directed;

(c) The object of the communication;

(d) The provision or provisions of the Convention alleged to have been violated;

(e) The facts of the claim;

(f) Steps taken by the author to exhaust domestic remedies, including pertinent documents;

(g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time limit to the author of the communication with a view to avoiding undue delays in the procedure.

3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 85, paragraph 1, below.

5. The Secretary-General shall inform the author of a communication of the procedure that will be followed and that the text of his communication shall be transmitted confidentially to the State party concerned in accordance with paragraph 6 (a) of article 14.

Transmission of communications to the Committee

Rule 85

1. The Secretary-General shall summarize each communication thus received and shall place the summaries, individually or in composite lists of communications, before the Committee at its next regular session, together with the relevant certified copies of the registers of petitions kept by the national legal body of the country concerned and filed with the Secretary-General in compliance with paragraph 4 of article 14.

2. The Secretary-General shall draw the attention of the Committee to those cases for which certified copies of the registers of petitions have not been received.

3. The contents of replies to requests for clarification and relevant subsequent submissions from either the author of the communication or the State party concerned shall be placed before the Committee in a suitable form.

4. An original case file shall be kept for each summarized communication. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon request.

B. Procedure for determining admissibility of communications

Method of dealing with communications

Rule 86

1. In accordance with the following rules, the Committee shall decide as soon as possible whether or not a communication is admissible in conformity with article 14 of the Convention.

2. The Committee shall, unless it decides otherwise, deal with communications in the order in which they have been placed before it by the Secretariat. The Committee may, if it deems appropriate, decide to consider jointly two or more communications.

Establishment of a working group

Rule 87

1. The Committee may, in accordance with rule 6l, set up a Working Group to meet shortly before its sessions, or at any other convenient time to be decided by the Committee in consultation with the Secretary-General, for the purpose of making recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications laid down in article 14 of the Convention and assisting the Committee in any manner which the Committee may decide.

2. The Working Group shall not comprise more than five members of the Committee. The Working Group shall elect its own officers, develop its own working methods, and apply as far as possible the rules of procedure of the Committee to its meetings.

3. The Committee may designate a special rapporteur from among its members to assist it in the handling of new communications.

Meetings

Rule 88

Meetings of the Committee or its Working Group during which communications under article 14 of the Convention will be examined shall be closed. Meetings during which the Committee may consider general issues such as procedures for the application of article 14 may be public if the Committee so decides.

Inability of a member to take part in the examination of a communication

Rule 89

1. A member of the Committee shall not take part in the examination of a communication by the Committee or its Working Group:

(a) If he has any personal interest in the case; or

(b) If he has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Withdrawal of a member

Rule 90

If, for any reason, a member considers that he should not take part or continue to take part in the examination of a communication, he shall inform the Chairman of his withdrawal.

Conditions for admissibility of communications

Rule 91

With a view to reaching a decision on the admissibility of a communication, the Committee or its Working Group shall ascertain:

(a) That the communication is not anonymous and that it emanates from an individual or group of individuals subject to the jurisdiction of a State party recognizing the competence of the Committee under article 14 of the Convention;

(b) That the individual claims to be a victim of a violation by the State party concerned of any of the rights set forth in the Convention. As a general rule, the communication should be submitted by the individual himself or by his relatives or designated representatives; the Committee may, however, in exceptional cases accept to consider a communication submitted by others on behalf of an alleged victim when it appears that the victim is unable to submit the communication himself, and the author of the communication justifies his acting on the victim's behalf;

(c) That the communication is compatible with the provisions of the Convention;

(d) That the communication is not an abuse of the right to submit a communication in conformity with article 14;

(e) That the individual has exhausted all available domestic remedies, including, when applicable, those mentioned in paragraph 2 of article 14. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(f) That the communication is, except in the case of duly verified exceptional circumstances, submitted within six months after all available domestic remedies have been exhausted, including, when applicable, those indicated in paragraph 2 of article 14.

Additional information, clarifications and observations

Rule 92

1. The Committee or the Working Group established under rule 87 may request, through the Secretary-General, the State party concerned or the author of the communication to submit additional written information or clarifications relevant to the question of admissibility of the communication. A request for information my also emanate from a special rapporteur designated under rule 87, paragraph 3.

2. Such requests shall contain a statement to the effect that the request does not imply that a decision has been reached on the question of admissibility of the communication by the Committee.

3. A communication may not be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations as provided in paragraph 1 of this rule, including information relating to the exhaustion of domestic remedies.

4. The Committee or the Working Group may adopt a questionnaire for requesting such additional information or clarifications.

5. The Committee or the Working Group shall indicate a deadline for the submission of such additional information or clarification.

6. If the deadline is not kept by the State party concerned or the author of a communication, the Committee or the Working Group may decide to consider the admissibility of the communication in the light of available information.

7. If the State party concerned disputes the contention of the author of a communication that all available domestic remedies have been exhausted, the State party is required to give details of the effective remedies available to the alleged victim in the particular circumstances of the case.

Inadmissible communications

Rule 93

1. When the Committee decides that a communication is inadmissible, or its consideration is suspended or discontinued, the Committee shall transmit its decisions as soon as possible, through the Secretary-General, to the petitioner and to the State party concerned.

2. A decision taken by the Committee, in conformity with paragraph 7 (a) of article 14, that a communication is inadmissible, may be reviewed at a later date by the Committee upon a written request by the petitioner concerned. Such written request shall contain documentary evidence to the effect that the reasons for inadmissibility referred to in paragraph 7 (a) of article 14 are no longer applicable.

C. Consideration of communications on their merits

Method of dealing with admissible communications

Rule 94

1. After it has been decided that a communication is admissible in conformity with article 14, the Committee shall transmit, confidentially, through the Secretary-General, the text of the communication and other relevant information to the State party concerned without revealing the identity of the individual unless he has given his express consent. The Committee shall also inform, through the Secretary-General, the petitioner of the communication of its decision.

2. The State party concerned shall submit within three months to the Committee written explanations or statements clarifying the case under consideration and the remedy, if any, that may have been taken by that State party. The Committee may indicate, if it deems it necessary, the type of information it wishes to receive from the State party concerned.

3. In the course of its consideration, the Committee may inform the State party of its views on the desirability, because of urgency, of taking interim measures to avoid possible irreparable damage to the person or persons who claim to be victim(s) of the alleged violation. In doing so, the Committee shall inform the State party concerned that such expression of its views on interim measures does not prejudge either its final opinion on the merits of the communication or its eventual suggestions and recommendation.

4. Any explanations or statements submitted by a State party pursuant to this rule may be transmitted, through the Secretary-General, to the petitioner of the communication who may submit any additional written information or observations within such time limit as the Committee shall decide.

5. The Committee may invite the presence of the petitioner or his representative and the presence of representatives of the State party concerned in order to provide additional information or to answer questions on the merits of the communication.

6. The Committee may revoke its decision that a communication is admissible in the light of any explanations or statements submitted by the State party. However, before the Committee considers revoking that decision, the explanations or statements concerned must be transmitted to the petitioner so that he may submit additional information or observations within the time limit set by the Committee.

7. The Committee may, in appropriate cases and with the consent of the parties concerned, decide to deal jointly with the question of admissibility and the merits of a communication.

Opinion of the Committee on admissible communications and the Committee's suggestions and recommendations

Rule 95

1. Admissible communications shall be considered by the Committee in the light of all information made available to it by the petitioner and the State party concerned. The Committee may refer the communication to the Working Group in order to be assisted in this task.

2. The Committee or the working group set up by it to consider a communication may at any time, in the course of the examination, obtain through the intermediary or the Secretary-Genera1 any documentation that may assist in the disposal of the case from United Nations bodies or the specialized agencies.

3. After consideration of an admissible communication, the Committee shall formulate its opinion thereon. The opinion of the Committee shall be forwarded, through the Secretary-General, to the petitioner and to the State party concerned, together with any suggestions and recommendations the Committee may wish to make.

4. Any member of the Committee may request that a summary of his individual opinion be appended to the opinion of the Committee when it is forwarded to the petitioner and to the State party concerned.

5. The State party concerned shall be invited to inform the Committee in due course of the action it takes in conformity with the Committee's suggestions and recommendations.

Summaries in the Committee's annual report

Rule 96

The Committee shall include in its annual report a summary of the communications examined and, where appropriate a summary of the explanations and statements of the States parties concerned and of its own suggestions and recommendations.

Press communiqués

Rule 97

The Committee may also issue communiqués, through the Secretary-General, for the use of information media and the general public regarding the activities of the Committee under article 14 of the Convention.

PART THREE. INTERPRETATION AND AMENDMENTS

XIX. INTERPRETATION AND AMENDMENTS

Headings

Rule 98

The headings of these rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

Amendments

Rule 99

These rules of procedure may be amended by a decision of the Committee.

Annex

Decision 2 (VI). Cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO)[a]

Without prejudice to such decisions as the Committee on the Elimination of Racial Discrimination may take in the future regarding the possibility of participation in its meetings by representatives of the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization under certain circumstances, the Committee decides that:

1. The Committee authorizes the Secretary-General of the United Nations to invite representatives of ILO and of UNESCO to attend the meetings of the Committee. The Committee shall decide at any private meeting it holds whether the observers of ILO and UNESCO may attend the private meeting in question.

2. In accordance with rules 34, paragraph 1, and 35 of its rules of procedure, the Committee authorizes the Secretary-General to make the records of its public meetings and the texts of its reports, formal decisions and other official documents available to the ILO Committee of Experts and the UNESCO Executive Board's Committee on Conventions and Recommendations in Education.

3. Written statements submitted by ILO and UNESCO, providing information on the application of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and the Convention and Recommendation against Discrimination in Education, I960, in the territories mentioned in paragraph 2 (a) of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination shall be transmitted by the Secretary-General of the United Nations to the Committee on the Elimination of Racial Discrimination, in accordance with paragraph 4 of article 15 of the International Convention on the Elimination of All Forms of Racial discrimination and paragraph 3 (b) of the "Statement of the responsibilities of the Committee under article 15 of the Convention", adopted by the Committee on the Elimination of Racial Discrimination on 29 January 1970.

4. Written statements submitted by ILO and UNESCO, providing information on the application of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and the Convention and Recommendation against Discrimination in Education, 1960, in territories other than those mentioned in the preceding paragraph shall be distributed by the Secretary-General of the United Nations to the members of the Committee on the Elimination of Racial Discrimination.

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[a] Adopted by the Committee at its 115th meeting (sixth session) on 21 August 1972.

Chapter IV

RULES OF PROCEDURE OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN*

* This chapter is taken from the document A/56/38 (SUPP).

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PART ONE. GENERAL RULES

I. SESSIONS

Sessions

Rule 1

The Committee on the Elimination of Discrimination against Women (hereinafter referred to as "the Committee") shall hold such sessions as may be required for the effective performance of its functions in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as "the Convention").

Regular sessions

Rule 2

1. The Committee shall hold such regular sessions each year as shall be authorized by the States parties to the Convention.

2. Regular sessions of the Committee shall be convened on dates decided upon by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences and meetings approved by the General Assembly.

Special sessions

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee or at the request of a State party to the Convention. The Chairperson of the Committee may also convene special sessions:

(a) At the request of a majority of members of the Committee;

(b) At the request of a State party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairperson in consultation with the Secretary-General and with the Committee.

Pre-sessional working group

Rule 4

1. A pre-sessional working group, which shall consist of no more than five members of the Committee designated by the Chairperson in consultation with the Committee at a regular session, and reflecting equitable geographical representation, shall normally be convened prior to each regular session.

2. The pre-sessional working group shall formulate a list of issues and questions on substantive issues arising from reports submitted by States parties in accordance with article 18 of the Convention and submit that list of issues and questions to the States parties concerned.

Place of sessions

Rule 5

Sessions of the Committee shall normally be held at the Headquarters or the other offices of the United Nations. Another venue for a session may be proposed by the Committee in consultation with the Secretary-General.

Notification of opening date of sessions

Rule 6

The Secretary-General shall notify members of the Committee of the date, duration and place of the first meeting of each session. Such notification shall be sent, in the case of a regular session, at least six weeks in advance.

II. AGENDA

Provisional agenda

Rule 7

The provisional agenda for each regular or special session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee, in conformity with the relevant provisions of the Convention, and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Chairperson of the Committee;

(c) Any item proposed by a member of the Committee;

(d) Any item proposed by a State party to the Convention;

(e) Any item proposed by the Secretary-General relating to her or his functions under the Convention or the present rules of procedure.

Transmission of the provisional agenda

Rule 8

The provisional agenda and the basic documents relating to each item thereof, the report of the pre-sessional working group, the reports of States parties submitted under article 18 of the Convention and the responses by States parties to issues raised by the pre-sessional

working group shall be prepared in all of the official languages of the United Nations by the Secretary-General, who shall endeavour to have the documents transmitted to members of the Committee at least six weeks prior to the opening of the session.

Adoption of the agenda

Rule 9

The first item on the provisional agenda for any session shall be the adoption of the agenda.

Revision of the agenda

Rule 10

During a session, the Committee may amend the agenda and may, as appropriate, delete or defer items by the decision of a majority of the members present and voting. Additional items of an urgent nature may be included in the agenda by a majority of the members.

III. MEMBERS OF THE COMMITTEE

Members of the Committee

Rule 11

Members of the Committee may not be represented by alternates.

Term of office

Rule 12

The term of office of members begins:

(a) On the 1st day of January of the year after their election by the meeting of States parties and shall end on the 31st day of December four years later;

(b) On the date of the approval by the Committee, if appointed to fill a casual vacancy, and shall end on the date of expiration of the term of office of the member or members being replaced.

Casual vacancies

Rule 13

1. A casual vacancy may occur through death, the inability of a Committee member to perform her or his function as a member of the Committee or the resignation of a member of the Committee. The Chairperson shall immediately notify the Secretary-General who shall inform the State party of the member so that action may be taken in accordance with article 17, paragraph 7, of the Convention.

2. Notification of the resignation of a member of the Committee shall be in writing to the Chairperson or to the Secretary-General, and action shall be taken in accordance with article 17, paragraph 7, of the Convention only after such notification has been received.

3. A member who is unable to attend meetings of the Committee shall inform the Secretary-General as early as possible and, if this inability is likely to be extended, the member should resign.

4. When a member of the Committee is consistently unable to carry out her or his functions for any cause other than absence of a temporary nature, the Chairperson shall draw the above rule to her or his attention.

5. Where a member of the Committee has rule 13, paragraph 4, drawn to her or his attention and does not resign in accordance with that rule, the Chairperson shall notify the Secretary-General who shall then inform the State party of the member to enable action to be taken in accordance with article 17, paragraph 7, of the Convention.

Filling casual vacancies

Rule 14

1. When a casual vacancy within article 17, paragraph 7, of the Convention occurs in the Committee, the Secretary-General shall immediately request the State party that had nominated that member to appoint, within a period of two months, another expert from among its nationals to serve for the remainder of the predecessor's term.

2. The name and curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the Committee for approval. Upon approval of the expert by the Committee, the Secretary-General shall notify the States parties of the name of the member of the Committee filling the casual vacancy.

Solemn declaration

Rule 15

Upon assuming their duties, members of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly declare that I shall perform my duties and exercise powers as a member of the Committee on the Elimination of Discrimination against Women honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Election of officers of the Committee

Rule 16

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur with due regard to equitable geographical representation.

Term of office

Rule 17

The officers of the Committee shall be elected for a term of two years and be eligible for re-election provided that the principle of rotation is upheld. None of them, however, may hold office if she or he ceases to be a member of the Committee.

Functions of the Chairperson

Rule 18

1. The Chairperson shall perform the functions conferred upon her or him by these rules of procedure and the decisions of the Committee.

2. In the exercise of those functions the Chairperson shall remain under the authority of the Committee.

3. The Chairperson shall represent the Committee at United Nations meetings in which the Committee is officially invited to participate. If the Chairperson is unable to represent the Committee at such a meeting, she or he may designate another officer of the Committee or, if no officer is available, another member of the Committee, to attend on her or his behalf.

Absence of the Chairperson at meetings of the Committee

Rule 19

1. If the Chairperson is unable to be present at a meeting or any part thereof, she or he shall designate one of the Vice-Chairpersons to act in her or his place.

2. In the absence of such a designation, the Vice-Chairperson to preside shall be chosen according to the names of the Vice-Chairpersons as they appear in English alphabetical order.

3. A Vice-Chairperson acting as a Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 20

If any of the officers of the Committee ceases to serve or declares her or his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer from the same region shall be elected for the unexpired term of her or his predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 21

1. At the request or by decision of the Committee and approval by the General Assembly:

(a) The secretariat of the Committee and of such subsidiary bodies established by the Committee ("the Secretariat") shall be provided by the Secretary-General;

(b) The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions under the Convention;

(c) The Secretary-General shall be responsible for all necessary arrangements for meetings of the Committee and its subsidiary bodies.

2. The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions that may be brought before it for consideration or of any other developments that may be of relevance to the Committee.

Statements

Rule 22

The Secretary-General or her or his representative shall be present at all meetings of the Committee and may make oral or written statements at such meetings or at meetings of its subsidiary bodies.

Financial implications

Rule 23

Before any proposal that involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Official languages

Rule 24

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee.

Interpretation

Rule 25

1. Statements made in an official language shall be interpreted into the other official languages.

2. Any speaker addressing the Committee in a language other than one of the official languages shall normally provide for interpretation into one of the official languages. Interpretation into the other official languages by interpreters of the Secretariat shall be based upon the interpretation given in the first official language.

Language of documents

Rule 26

1. All official documents of the Committee shall be issued in the official languages of the United Nations.

2. All formal decisions of the Committee shall be made available in the official languages of the United Nations.

VII. RECORDS

Records

Rule 27

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the members.

2. Summary records are subject to correction, to be submitted to the Secretariat by participants in the meetings in the language in which the summary record is issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued after the conclusion of the relevant session.

3. The summary records of public meetings shall be documents for general distribution unless in exceptional circumstances the Committee decides otherwise.

4. Sound recordings of meetings of the Committee shall be made and kept in accordance with the usual practice of the United Nations.

VIII. CONDUCT OF BUSINESS

Public and private meetings

Rule 28

1. The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise.

2. Meetings at which concluding comments on reports of States parties are discussed, as well as meetings of the pre-sessional working group and other working groups, shall be closed unless the Committee decides otherwise.

3. No person or body shall, without the permission of the Committee, film or otherwise record the proceedings of the Committee. The Committee shall, if necessary, and before giving such permission, seek the consent of any State party reporting to the Committee under article 18 of the Convention to the filming or other recording of the proceedings in which it is engaged.

Quorum

Rule 29

Twelve members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 30

1. The Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of the present rules, accord the right to speak, put questions to the vote and announce decisions.

2. The Chairperson, subject to the present rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings.

3. The Chairperson may, in the course of the discussion of an item, including the examination of reports submitted under article 18 of the Convention, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers.

4. The Chairperson shall rule on points of order. She or he shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if her or his remarks are not relevant to the subject under discussion.

5. During the course of the debate, the Chairperson may announce the list of speakers and, with the consent of the Committee, declare the list closed.

IX. VOTING

Adoption of decisions

Rule 31

1. The Committee shall endeavour to reach its decisions by consensus.

2. If and when all efforts to reach consensus have been exhausted, decisions of the Committee shall be taken by a simple majority of the members present and voting.

Voting rights

Rule 32

1. Each member of the Committee shall have one vote.

2. For the purpose of these rules, "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Equally divided votes

Rule 33

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as having been rejected.

Method of voting

Rule 34

1. Subject to rule 39 of the present rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson.

2. The vote of each member participating in a roll-call shall be inserted in the record.

Conduct during voting and explanation of vote

Rule 35

After voting has commenced, it shall not be interrupted unless a member raises a point of order in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of vote may be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

Division of proposals

Rule 36

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal that have been approved shall then be put to the vote as a whole; if all operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 37

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Order of voting on proposals

Rule 38

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before those proposals.

Method of election

Rule 39

An election shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

Conduct of elections for filling one elective place

Rule 40

1. When only one elective place is to be filled and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the largest number of votes.

2. If in the second ballot the votes are equally divided, and a majority is required, the Chairperson shall decide between the candidates by drawing lots. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two thirds of the votes cast provided that, after the third inconclusive ballot, votes may be cast for any eligible member.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a member is elected.

X. SUBSIDIARY BODIES

Subsidiary bodies

Rule 41

1. The Committee may set up ad hoc subsidiary bodies and will define their composition and mandates.

2. Each subsidiary body shall elect its own officers and will, mutatis mutandis, apply the present rules of procedure.

XI. ANNUAL REPORT OF THE COMMITTEE

Annual report of the Committee

Rule 42

1. As provided in article 21, paragraph 1, of the Convention, the Committee shall submit to the General Assembly, through the Economic and Social Council, an annual report on its activities which shall contain, inter alia, the concluding comments of the Committee relating to the report of each State party, and information relating to its mandate under the Optional Protocol to the Convention.

2. The Committee shall also include in its report suggestions and general recommendations, together with any comments received from States parties.

XII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS

Distribution of reports and other official documents

Rule 43

1. Reports, formal decisions, pre-sessional documents and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution unless the Committee decides otherwise.

2. Reports and additional information submitted by States parties under article 18 of the Convention shall be documents for general distribution.

XIII. PARTICIPATION OF SPECIALIZED AGENCIES AND BODIES OF THE UNITED NATIONS AND OF INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Participation of specialized agencies and bodies of the United Nations and of intergovernmental and non-governmental organizations

Rule 44

The Secretary-General shall notify each specialized agency and United Nations body as early as possible of the opening date, duration, place and agenda of each session of the Committee and of the pre-sessional working group.

Specialized agencies

Rule 45

1. In accordance with article 22 of the Convention, the Committee may invite specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities. Any such reports shall be issued as pre-sessional documents.

2. Specialized agencies shall be entitled to be represented at meetings of the Committee or of the pre-sessional working group when the implementation of such provisions of the Convention as fall within the scope of their activities is being considered. The Committee may permit representatives of the specialized agencies to make oral or written statements to the Committee or to the pre-sessional working group, and to provide information appropriate and relevant to the Committee's activities under the Convention.

Intergovernmental organizations and United Nations bodies

Rule 46

Representatives of intergovernmental organizations and United Nations bodies may be invited by the Committee to make oral or written statements and provide information or documentation in areas relevant to the Committee's activities under the Convention, to meetings of the Committee or to its pre-sessional working group.

Non-governmental organizations

Rule 47

Representatives of non-governmental organizations may be invited by the Committee to make oral or written statements and to provide information or documentation relevant to the Committee's activities under the Convention to meetings of the Committee or to its pre-sessional working group.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XIV. REPORTS OF STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Submission of reports under article 18 of the Convention

Rule 48

1. The Committee shall examine the progress made in the implementation of the Convention through the consideration of reports of States parties submitted to the Secretary-General on legislative, judicial, administrative and other measures.

2. In order to assist States parties in their reporting tasks, the Committee shall issue general guidelines for the preparation of initial reports and of periodic reports, taking into account the consolidated guidelines, common to all the human rights treaty bodies, for the first part of initial and periodic reports of States parties.

3. Taking into account the consolidated guidelines relating to the reports required under United Nations human rights treaties, the Committee may formulate general guidelines as to the form and content of the initial and periodic reports of States parties required under article 18 of the Convention and shall, through the Secretary-General, inform the States parties of the Committee's wishes regarding the form and content of such reports.

4. A State party reporting at a session of the Committee may provide additional information prior to the consideration of the report by the Committee, provided that such information reaches the Secretary-General no later than four months prior to the opening date of the session at which the report of the State party is to be considered.

5. The Committee may request a State party to submit a report on an exceptional basis. Such reports shall be limited to those areas on which the State party has been requested to focus its attention. Except when the Committee requests otherwise, such reports shall not be submitted in substitution for an initial or periodic report. The Committee shall determine the session at which an exceptional report shall be considered.

Failure to submit or late submission of reports

Rule 49

1. At each session of the Committee, the Secretary-General shall notify the Committee of all cases of non-submission of reports and additional information under rules 48 and 50 of the present rules. In such cases, the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or the additional information.

2. If, after the reminder referred to in paragraph 1 of the present rule, the State party does not submit the report or the additional information sought, the Committee may include a reference to this effect in its annual report to the General Assembly.

3. The Committee may allow States parties to submit a combined report comprising no more than two overdue reports.

Request for additional information

Rule 50

1. When considering reports submitted by a State party under article 18 of the Convention, the Committee, and in particular its pre-sessional working group, shall first satisfy itself that, in accordance with the Committee's guidelines, the report provides sufficient information.

2. If, in the opinion of the Committee, or of the pre-sessional working group, a report of a State party does not contain sufficient information, it may request the State concerned to furnish such additional information as required, indicating the time limit within which the information should be submitted.

3. The questions or comments forwarded by the pre-sessional working group to the State party whose report is under consideration and the response of the State party thereto shall, in accordance with the present rule, be circulated to members of the Committee prior to the session at which the report is to be examined.

Examination of reports

Rule 51

1. At each session, the Committee, based on the list of reports awaiting consideration, shall decide which reports of States parties it will consider at its subsequent session, bearing in mind the duration of the subsequent session and the criteria of date of submission and geographical balance.

2. The Committee, through the Secretary-General, shall notify the States parties as early as possible of the opening date, duration and place of the session at which their respective reports will be examined. The States parties shall be requested to confirm in writing, within a specified time, their willingness to have their reports examined.

3. The Committee at each session shall also establish and circulate to the States parties concerned a reserve list of reports for consideration at its subsequent session in the event that a State party invited in accordance with the present rule is unable to present its report. In such case, the State party chosen from the reserve list shall be invited by the Committee, through the Secretary-General, to present its report without delay.

4. Representatives of the States parties shall be invited to attend the meetings of the Committee at which their reports are to be examined.

5. If a State party fails to respond to an invitation to have a representative attend the meeting of the Committee at which its report is being examined, consideration of the report

shall be rescheduled for another session. If, at such a subsequent session, the State party, after due notification, fails to have a representative present, the Committee may proceed with the examination of the report in the absence of the representative of the State party.

Suggestions and general recommendations

Rule 52

1. In accordance with article 21, paragraph 1, of the Convention, and on the basis of its examination of reports and information received from States parties, the Committee may make general recommendations addressed to States parties.

2. The Committee may make suggestions addressed to bodies other than States parties arising out of its consideration of reports of States parties.

Concluding comments

Rule 53

1. The Committee may, after consideration of the report of a State party, make concluding comments on the report with a view to assisting the State party in implementing its obligations under the Convention. The Committee may include guidance on the issues on which the next periodic report of the State party should be focused.

2. The Committee shall adopt the concluding comments before the closure of the session at which the report of the State party was considered.

Working methods for examining reports

Rule 54

The Committee shall establish working groups to consider and suggest ways and means of expediting its work and of implementing its obligations under article 21 of the Convention.

XV. GENERAL DISCUSSION

General discussion

Rule 55

In order to enhance understanding of the content and implications of the articles of the Convention or to assist in the elaboration of general recommendations, the Committee may devote one or more meetings of its regular sessions to a general discussion of specific articles of or themes relating to the Convention.

PART THREE. RULES OF PROCEDURE FOR THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

XVI. PROCEDURES FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER THE OPTIONAL PROTOCOL

Transmission of communications to the Committee

Rule 56

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications that are, or appear to be, submitted for consideration by the Committee under article 2 of the Optional Protocol.

2. The Secretary-General may request clarification from the author or authors of a communication as to whether she, he or they wish to have the communication submitted to the Committee for consideration under the Optional Protocol. Where there is doubt as to the wish of the author or authors, the Secretary-General will bring the communication to the attention of the Committee.

3. No communication shall be received by the Committee if it:

(a) Concerns a State that is not a party to the Protocol;

(b) Is not in writing;

(c) Is anonymous.

List and register of communications

Rule 57

1. The Secretary-General shall maintain a permanent register of all communications submitted for consideration by the Committee under article 2 of the Optional Protocol.

2. The Secretary-General shall prepare lists of the communications submitted to the Committee, together with a brief summary of their contents.

Request for clarification or additional information

Rule 58

1. The Secretary-General may request clarification from the author of a communication, including:

(a) The name, address, date of birth and occupation of the victim and verification of the victim's identity;

(b) The name of the State party against which the communication is directed;

(c) The objective of the communication;

(d) The facts of the claim;

(e) Steps taken by the author and/or victim to exhaust domestic remedies;

(f) The extent to which the same matter is being or has been examined under another procedure of international investigation or settlement;

(g) The provision or provisions of the Convention alleged to have been violated.

2. When requesting clarification or information, the Secretary-General shall indicate to the author or authors of the communication a time limit within which such information is to be submitted.

3. The Committee may approve a questionnaire to facilitate requests for clarification or information from the victim and/or author of a communication.

4. A request for clarification or information shall not preclude the inclusion of the communication in the list provided for in rule 57 above.

5. The Secretary-General shall inform the author of a communication of the procedure that will be followed and in particular that, provided that the individual or individuals consent to the disclosure of her identity to the State party concerned, the communication will be brought confidentially to the attention of that State party.

Summary of information

Rule 59

1. A summary of the relevant information obtained with respect to each registered communication shall be prepared and circulated to the members of the Committee by the Secretary-General at the next regular session of the Committee.

2. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon that member's request.

Inability of a member to take part in the examination of a communication

Rule 60

1. A member of the Committee may not take part in the examination of a communication if:

(a) The member has a personal interest in the case;

(b) The member has participated in the making of any decision on the case covered by the communication in any capacity other than under the procedures applicable to this Optional Protocol;

(c) The member is a national of the State party concerned.

2. Any question that may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Withdrawal of a member

Rule 61

If, for any reason, a member considers that she or he should not take part or continue to take part in the examination of a communication, the member shall inform the Chairperson of her or his withdrawal.

Establishment of working groups and designation of rapporteurs

Rule 62

1. The Committee may establish one or more working groups, each comprising no more than five of its members, and may designate one or more rapporteurs to make recommendations to the Committee and to assist it in any manner in which the Committee may decide.

2. In the present part of the rules, reference to a working group or rapporteur is a reference to a working group or rapporteur established under the present rules.

3. The rules of procedure of the Committee shall apply as far as possible to the meetings of its working groups.

Interim measures

Rule 63

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

2. A working group or rapporteur may also request the State party concerned to take such interim measures as the working group or rapporteur considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

3. When a request for interim measures is made by a working group or rapporteur under the present rule, the working group or rapporteur shall forthwith thereafter inform the Committee members of the nature of the request and the communication to which the request relates.

4. Where the Committee, a working group or a rapporteur requests interim measures under this rule, the request shall state that it does not imply a determination of the merits of the communication.

Method of dealing with communications

Rule 64

1. The Committee shall, by a simple majority and in accordance with the following rules, decide whether the communication is admissible or inadmissible under the Optional Protocol.

2. A working group may also declare that a communication is admissible under the Optional Protocol, provided that it is composed of five members and all of the members so decide.

Order of communications

Rule 65

1. Communications shall be dealt with in the order in which they are received by the Secretariat, unless the Committee or a working group decides otherwise.

2. The Committee may decide to consider two or more communications jointly.

Separate consideration of admissibility and merits

Rule 66

The Committee may decide to consider the question of admissibility of a communication and the merits of a communication separately.

Conditions of admissibility of communications

Rule 67

With a view to reaching a decision on the admissibility of a communication, the Committee, or a working group, shall apply the criteria set forth in articles 2, 3 and 4 of the Optional Protocol.

Authors of communications

Rule 68

1. Communications may be submitted by individuals or groups of individuals who claim to be victims of violations of the rights set forth in the Convention, or by their designated representatives, or by others on behalf of an alleged victim where the alleged victim consents.

2. In cases where the author can justify such action, communications may be submitted on behalf of an alleged victim without her consent.

3. Where an author seeks to submit a communication in accordance with paragraph 2 of the present rule, she or he shall provide written reasons justifying such action.

Procedures with regard to communications received

Rule 69

1. As soon as possible after the communication has been received, and provided that the individual or group of individuals consent to the disclosure of their identity to the State party concerned, the Committee, working group or rapporteur shall bring the communication confidentially to the attention of the State party and shall request that State party to submit a written reply to the communication.

2. Any request made in accordance with paragraph 1 of the present rule shall include a statement indicating that such a request does not imply that any decision has been reached on the question of admissibility of the communication.

3. Within six months after receipt of the Committee's request under the present rule, the State party shall submit to the Committee a written explanation or statement that relates to the admissibility of the communication and its merits, as well as to any remedy that may have been provided in the matter.

4. The Committee, working group or rapporteur may request a written explanation or statement that relates only to the admissibility of a communication but, in such cases, the State party may nonetheless submit a written explanation or statement that relates to both the admissibility and the merits of a communication, provided that such written explanation or statement is submitted within six months of the Committee's request.

5. A State party that has received a request for a written reply in accordance with paragraph 1 of the present rule may submit a request in writing that the communication be rejected as inadmissible, setting out the grounds for such inadmissibility, provided that such a request is submitted to the Committee within two months of the request made under paragraph 1.

6. If the State party concerned disputes the contention of the author or authors, in accordance with article 4, paragraph 1, of the Optional Protocol, that all available domestic remedies have been exhausted, the State party shall give details of the remedies available to the alleged victim or victims in the particular circumstances of the case.

7. Submission by the State party of a request in accordance with paragraph 5 of the present rule shall not affect the period of six months given to the State party to submit its written explanation or statement unless the Committee, working group or rapporteur decides to extend the time for submission for such a period as the Committee considers appropriate.

8. The Committee, working group or rapporteur may request the State party or the author of the communication to submit, within fixed time limits, additional written explanations or statements relevant to the issues of the admissibility or merits of a communication.

9. The Committee, working group or rapporteur shall transmit to each party the submissions made by the other party pursuant to the present rule and shall afford each party an opportunity to comment on those submissions within fixed time limits.

Inadmissible communications

Rule 70

1. Where the Committee decides that a communication is inadmissible, it shall, as soon as possible, communicate its decision and the reasons for that decision through the Secretary-General to the author of the communication and to the State party concerned.

2. A decision of the Committee declaring a communication inadmissible may be reviewed by the Committee upon receipt of a written request submitted by or on behalf of the author or authors of the communication, containing information indicating that the reasons for inadmissibility no longer apply.

3. Any member of the Committee who has participated in the decision regarding admissibility may request that a summary of her or his individual opinion be appended to the Committee's decision declaring a communication inadmissible.

Additional procedures whereby admissibility may be considered separately from the merits

Rule 71

1. Where the issue of admissibility is decided by the Committee or a working group before the State party's written explanations or statements on the merits of the communication are received, that decision and all other relevant information shall be submitted through the Secretary-General to the State party concerned. The author of the communication shall, through the Secretary-General, be informed of the decision.

2. The Committee may revoke its decision that a communication is admissible in the light of any explanation or statements submitted by the State party.

Views of the Committee on admissible communications

Rule 72

1. Where the parties have submitted information relating both to the admissibility and to the merits of a communication, or where a decision on admissibility has already been taken and the parties have submitted information on the merits of that communication, the Committee shall consider and shall formulate its views on the communication in the light of all written information made available to it by the author or authors of the communication and the State party concerned, provided that this information has been transmitted to the other party concerned.

2. The Committee or the working group set up by it to consider a communication may, at any time in the course of the examination, obtain through the Secretary-General any documentation from organizations in the United Nations system or other bodies that may assist in the disposal of the communication, provided that the Committee shall afford each party an opportunity to comment on such documentation or information within fixed time limits.

3. The Committee may refer any communication to a working group to make recommendations to the Committee on the merits of the communication.

4. The Committee shall not decide on the merits of the communication without having considered the applicability of all of the admissibility grounds referred to in articles 2, 3 and 4 of the Optional Protocol.

5. The Secretary-General shall transmit the views of the Committee, determined by a simple majority, together with any recommendations, to the author or authors of the communication and to the State party concerned.

6. Any member of the Committee who has participated in the decision may request that a summary of her or his individual opinion be appended to the Committee's views.

Follow-up to the views of the Committee

Rule 73

1. Within six months of the Committee's issuing its views on a communication, the State party concerned shall submit to the Committee a written response, including any information on any action taken in the light of the views and recommendations of the Committee.

2. After the six-month period referred to in paragraph 1 of the present rule, the Committee may invite the State party concerned to submit further information about any measures the State party has taken in response to its views or recommendations.

3. The Committee may request the State party to include information on any action taken in response to its views or recommendations in its subsequent reports under article 18 of the Convention.

4. The Committee shall designate for follow-up on views adopted under article 7 of the Optional Protocol a rapporteur or working group to ascertain the measures taken by States parties to give effect to the Committee's views and recommendations.

5. The rapporteur or working group may make such contacts and take such action as may be appropriate for the due performance of their assigned functions and shall make such recommendations for further action by the Committee as may be necessary.

6. The rapporteur or working group shall report to the Committee on follow-up activities on a regular basis.

7. The Committee shall include information on any follow-up activities in its annual report under article 21 of the Convention.

Confidentiality of communications

Rule 74

1. Communications submitted under the Optional Protocol shall be examined by the Committee, working group or rapporteur in closed meetings.

2. All working documents prepared by the Secretariat for the Committee, working group or rapporteur, including summaries of communications prepared prior to registration and the list of summaries of communications, shall be confidential unless the Committee decides otherwise.

3. The Committee, working group or rapporteur shall not make public any communication, submissions or information relating to a communication prior to the date on which its views are issued.

4. The author or authors of a communication or the individuals who are alleged to be the victim or victims of a violation of the rights set forth in the Convention may request that the names and identifying details of the alleged victim or victims (or any of them) not be published.

5. If the Committee, working group or rapporteur so decides, the name or names and identifying details of the author or authors of a communication or the individuals who are alleged to be the victim or victims of a violation of rights set forth in the Convention shall not be made public by the Committee, the author or the State party concerned.

6. The Committee, working group or rapporteur may request the author of a communication or the State party concerned to keep confidential the whole or part of any submission or information relating to the proceedings.

7. Subject to paragraphs 5 and 6 of the present rule, nothing in this rule shall affect the right of the author or authors or the State party concerned to make public any submission or information bearing on the proceedings.

8. Subject to paragraphs 5 and 6 of the present rule, the Committee's decisions on admissibility, merits and discontinuance shall be made public.

9. The Secretariat shall be responsible for the distribution of the Committee's final decisions to the author or authors and the State party concerned.

10. The Committee shall include in its annual report under article 21 of the Convention a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States parties concerned, and of its own suggestions and recommendations.

11. Unless the Committee decides otherwise, information furnished by the parties in follow-up to the Committee's views and recommendations under paragraphs 4 and 5 of article 7 of the Optional Protocol shall not be confidential. Unless the Committee decides otherwise, decisions of the Committee with regard to follow-up activities shall not be confidential.

Communiqués

Rule 75

The Committee may issue communiqués regarding its activities under articles 1 to 7 of the Optional Protocol, through the Secretary-General, for the use of the information media and the general public.

XVII. PROCEEDINGS UNDER THE INQUIRY PROCEDURE OF THE OPTIONAL PROTOCOL

Applicability

Rule 76

Rules 77 to 90 of the present rules shall not be applied to a State party that, in accordance with article 10, paragraph 1, of the Optional Protocol, declared at the time of ratification or accession to the Optional Protocol that it does not recognize the competence of the Committee as provided for in article 8 thereof, unless that State party has subsequently withdrawn its declaration in accordance with article 10, paragraph 2, of the Optional Protocol.

Transmission of information to the Committee

Rule 77

In accordance with the present rules, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

Register of information

Rule 78

The Secretary-General shall maintain a permanent register of information brought to the attention of the Committee in accordance with rule 77 of the present rules and shall make the information available to any member of the Committee upon request.

Summary of information

Rule 79

The Secretary-General, when necessary, shall prepare and circulate to members of the Committee a brief summary of the information submitted in accordance with rule 77 of the present rules.

Confidentiality

Rule 80

1. Except in compliance with the obligations of the Committee under article 12 of the Optional Protocol, all documents and proceedings of the Committee relating to the conduct of the inquiry under article 8 of the Optional Protocol shall be confidential.

2. Before including a summary of the activities undertaken under articles 8 or 9 of the Optional Protocol in the annual report prepared in accordance with article 21 of the Convention and article 12 of the Optional Protocol, the Committee may consult with the State party concerned with respect to the summary.

Meetings related to proceedings under article 8

Rule 81

Meetings of the Committee during which inquiries under article 8 of the Optional Protocol are considered shall be closed.

Preliminary consideration of information by the Committee

Rule 82

1. The Committee may, through the Secretary-General, ascertain the reliability of the information and/or the sources of the information brought to its attention under article 8 of the Optional Protocol and may obtain additional relevant information substantiating the facts of the situation.

2. The Committee shall determine whether the information received contains reliable information indicating grave or systematic violations of rights set forth in the Convention by the State party concerned.

3. The Committee may request a working group to assist it in carrying out its duties under the present rule.

Examination of information

Rule 83

1. If the Committee is satisfied that the information received is reliable and indicates grave or systematic violations of rights set forth in the Convention by the State party concerned, the Committee shall invite the State party, through the Secretary-General, to submit observations with regard to that information within fixed time limits.

2. The Committee shall take into account any observations that may have been submitted by the State party concerned, as well as any other relevant information.

3. The Committee may decide to obtain additional information from the following:

(a) Representatives of the State party concerned;

(b) Governmental organizations;

(c) Non-governmental organizations;

(d) Individuals.

4. The Committee shall decide the form and manner in which such additional information will be obtained.

5. The Committee may, through the Secretary-General, request any relevant documentation from the United Nations system.

Establishment of an inquiry

Rule 84

1. Taking into account any observations that may have been submitted by the State party concerned, as well as other reliable information, the Committee may designate one or more of its members to conduct an inquiry and to make a report within a fixed time limit.

2. An inquiry shall be conducted confidentially and in accordance with any modalities determined by the Committee.

3. Taking into account the Convention, the Optional Protocol and the present rules of procedure, the members designated by the Committee to conduct the inquiry shall determine their own methods of work.

4. During the period of the inquiry, the Committee may defer the consideration of any report that the State party concerned may have submitted pursuant to article 18 of the Convention.

Cooperation of the State party concerned

Rule 85

1. The Committee shall seek the cooperation of the State party concerned at all stages of an inquiry.

2. The Committee may request the State party concerned to nominate a representative to meet with the member or members designated by the Committee.

3. The Committee may request the State party concerned to provide the member or members designated by the Committee with any information that they or the State party may consider relates to the inquiry.

Visits

Rule 86

1. Where the Committee deems it warranted, the inquiry may include a visit to the territory of the State party concerned.

2. Where the Committee decides, as a part of its inquiry, that there should be a visit to the State party concerned, it shall, through the Secretary-General, request the consent of the State party to such a visit.

3. The Committee shall inform the State party concerned of its wishes regarding the timing of the visit and the facilities required to allow those members designated by the Committee to conduct the inquiry to carry out their task.

Hearings

Rule 87

1. With the consent of the State party concerned, visits may include hearings to enable the designated members of the Committee to determine facts or issues relevant to the inquiry.

2. The conditions and guarantees concerning any hearings held in accordance with paragraph 1 of the present rule shall be established by the designated members of the Committee visiting the State party in connection with an inquiry, and the State party concerned.

3. Any person appearing before the designated members of the Committee for the purpose of giving testimony shall make a solemn declaration as to the veracity of her or his testimony and the confidentiality of the procedure.

4. The Committee shall inform the State party that it shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of participating in any hearings in connection with an inquiry or with meeting the designated members of the Committee conducting the inquiry.

Assistance during an inquiry

Rule 88

1. In addition to the staff and facilities that shall be provided by the Secretary-General in connection with an inquiry, including during a visit to the State party concerned, the designated members of the Committee may, through the Secretary-General, invite interpreters and/or such persons with special competence in the fields covered by the Convention as are deemed necessary by the Committee to provide assistance at all stages of the inquiry.

2. Where such interpreters or other persons of special competence are not bound by the oath of allegiance to the United Nations, they shall be required to declare solemnly that they will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.

Transmission of findings, comments or suggestions

Rule 89

1. After examining the findings of the designated members submitted in accordance within rule 84 of the present rules, the Committee shall transmit the findings, through the Secretary-General, to the State party concerned, together with any comments and recommendations.

2. The State party concerned shall submit its observations on the findings, comments and recommendations to the Committee, through the Secretary-General, within six months of their receipt.

Follow-up action by the State party

Rule 90

1. The Committee may, through the Secretary-General, invite a State party that has been the subject of an inquiry to include, in its report under article 18 of the Convention, details of any measures taken in response to the Committee's findings, comments and recommendations.

2. The Committee may, after the end of the period of six months referred to in paragraph 2 of rule 89 above, invite the State party concerned, through the Secretary-General, to inform it of any measures taken in response to an inquiry.

Obligations under article 11 of the Optional Protocol

Rule 91

1. The Committee shall bring to the attention of the States parties concerned their obligation under article 11 of the Optional Protocol to take appropriate steps to ensure that individuals under their jurisdiction are not subjected to ill-treatment or intimidation as a consequence of communicating with the Committee under the Optional Protocol.

2. Where the Committee receives reliable information that a State party has breached its obligations under article 11, it may invite the State party concerned to submit written explanations or statements clarifying the matter and describing any action it is taking to ensure that its obligations under article 11 are fulfilled.

PART FOUR. INTERPRETATIVE RULES

XVIII. INTERPRETATION AND AMENDMENTS

Headings

Rule 92

For the purpose of the interpretation of the present rules, the headings, which were inserted for reference purposes only, shall be disregarded.

Amendments

Rule 93

The present rules may be amended by a decision of the Committee taken by a two-thirds majority of the members present and voting, and at least twenty-four (24) hours after the proposal for the amendment has been circulated, provided that the amendment is not inconsistent with the provisions of the Convention.

Suspension

Rule 94

Any of the present rules may be suspended by a decision of the Committee taken by a two-thirds majority of the members present and voting, provided such suspension is not inconsistent with the provisions of the Convention and is restricted to the circumstances of the particular situation requiring the suspension.

Chapter V

RULES OF PROCEDURE OF THE COMMITTEE AGAINST TORTURE*

* This chapter is taken from the document CAT/C/3/Rev.4. The rules of procedure contained herein were adopted by the Committee at its first and second sessions and amended at its thirteenth, fifteenth and twenty-eighth sessions.

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PART ONE. GENERAL RULES

I. SESSIONS

Meetings of the Committee

Rule 1

The Committee against Torture (hereinafter referred to as "the Committee") shall hold meetings as may be required for the satisfactory performance of its functions in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention").

Regular sessions

Rule 2

1. The Committee shall normally hold two regular sessions each year.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Special sessions

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairman may convene special sessions of the Committee in consultation with the other officers of the Committee. The Chairman of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairman in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Place of sessions

Rule 4

Sessions of the Committee shall normally be held at the United Nations Office at Geneva. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations.

Notification of opening date of sessions

Rule 5

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notifications shall be sent, in the case of regular sessions, at least six weeks in advance, and in the case of a special session, at least three weeks in advance, of the first meeting.

II. AGENDA

Provisional agenda for regular sessions

Rule 6

The provisional agenda of each regular session shall be prepared by the Secretary-General in consultation with the Chairman of the Committee, in conformity with the relevant provisions of the Convention, and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Chairman of the Committee;

(c) Any item proposed by a State party to the Convention;

(d) Any item proposed by a member of the Committee;

(e) Any item proposed by the Secretary-General relating to his functions under the Convention or these Rules.

Provisional agenda for special sessions

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for consideration at that special session.

Adoption of the agenda

Rule 8

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 15.

Revision of the agenda

Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items; only urgent and important items may be added to the agenda.

Transmission of the provisional agenda and basic documents

Rule 10

The provisional agenda and basic documents relating to each item appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible. The provisional agenda of a special session shall be transmitted to the members of the Committee by the Secretary-General simultaneously with the notification of the meeting under rule 5.

III. MEMBERS OF THE COMMITTEE

Members

Rule 11

Members of the Committee shall be the 10 experts elected in accordance with article 17 of the Convention.

Beginning of term of office

Rule 12

1. The term of office of the members of the Committee elected at the first election shall begin on 1 January 1988. The term of office of members elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members whom they replace.

2. The Chairperson, members of the Bureau and rapporteurs may continue performing the duties assigned to them until one day before the first meeting of the Committee, composed of its new members, at which it elects its officers.

Filling of casual vacancies

Rule 13

1. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the Secretary-General shall immediately declare the seat of that member to be vacant and shall request the State party whose expert has ceased to function as a member of the Committee to appoint another expert from among its nationals within two months, if possible, to serve for the remainder of his predecessor's term.

2. The name and the curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the States parties for their approval. The approval shall be considered given unless half or more of the States parties respond negatively within six weeks after having been informed by the Secretary-General of the proposed appointment to fill the vacancy.

3. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General shall act in accordance with the provisions of paragraphs 1 and 2 of the present rule only after receiving, from the member concerned, written notification of his decision to cease to function as a member of the Committee.

Solemn declaration

Rule 14

Before assuming his duties after his first election, each member of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee against Torture honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Elections

Rule 15

The Committee shall elect from among its members a Chairman, three Vice-Chairmen and a Rapporteur.

Term of office

Rule 16

Subject to the provisions of rule 12 regarding the Chairperson, members of the Bureau and Rapporteurs, the officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he or she ceases to be a member of the Committee.

Position of Chairman in relation to the Committee

Rule 17

1. The Chairman shall perform the functions conferred upon him by the Committee and by these rules of procedure. In exercising his functions as Chairman, the Chairman shall remain under the authority of the Committee.

2. Between sessions, at times when it is not possible or practical to convene a special session of the Committee in accordance with rule 3, the Chairman is authorized to take action to promote compliance with the Convention on the Committee's behalf if he receives information which leads him to believe that it is necessary to do so. The Chairman shall report on the action taken to the Committee at its following session at the latest.

Acting Chairman

Rule 18

1. If during a session the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place.

2. In the event of the absence or temporary disability of the Chairman, one of the Vice-Chairmen shall serve as Chairman, in the order of precedence determined by their seniority as members of the Committee; where they have the same seniority, the order of seniority in age shall be followed.

3. If the Chairman ceases to be a member of the Committee in the period between sessions or is in any of the situations referred to in rule 20, the Acting Chairman shall exercise this function until the beginning of the next ordinary or special session.

Powers and duties of the Acting Chairman

Rule 19

A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Replacement of officers

Rule 20

If any of the officers of the Committee ceases to serve or declares his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 21

1. Subject to the fulfilment of the financial obligations undertaken by States parties in accordance with article 18, paragraph 5, of the Convention, the secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the secretariat") shall be provided by the Secretary-General.

2. Subject to the fulfilment of the requirements referred to in paragraph 1 of the present rule, the Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention.

Statements

Rule 22

The Secretary-General or his representative shall attend all meetings of the Committee. Subject to rule 37 of these rules, he or his representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Servicing of meetings

Rule 23

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Keeping the members informed

Rule 24

The Secretary-General shall be responsible for keeping the members of the Committee informed of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 25

Before any proposal which involves expenditures is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to its members, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairman to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee or by a subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 26

English, French, Russian and Spanish shall be the official and the working languages of the Committee.

Interpretation from a working language

Rule 27

Speeches made in any of the working languages shall be interpreted into the other working languages.

Interpretation from other languages

Rule 28

Any speaker addressing the Committee and using a language other than one of the working languages shall normally provide for interpretation into one of the working languages. Interpretation into the other working languages by interpreters of the Secretariat may be based on the interpretation given in the first working language.

Languages of records

Rule 29

Summary records of meetings of the Committee shall be drawn up in the official languages.

Languages of formal decisions and official documents

Rule 30

All formal decisions and official documents of the Committee shall be issued in the official languages.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 31

The meetings of the Committee and its subsidiary bodies shall be held in public, unless the Committee decides otherwise or it appears from the relevant provisions of the Convention that the meeting should be held in private.

Issue of communiqués concerning private meetings

Rule 32

At the close of each private meeting, the Committee or its subsidiary body may issue a communiqué, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

VIII. RECORDS

Correction of summary records

Rule 33

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed as soon as possible to the members of the Committee and to any others participating in the meetings. All such participants may, within three working days of the receipt of the records of the meetings, submit corrections to the Secretariat in the languages in which the records have been issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued after the end of the session concerned. Any disagreement concerning such corrections shall be decided by the Chairman of the Committee or the Chairman of the subsidiary body to which the record relates or, in case of continued disagreement, by decision of the Committee or of the subsidiary body.

Distribution of summary records

Rule 34

1. The summary records of public meetings shall be documents for general distribution.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 35

1. Without prejudice to the provisions of rule 34 of these rules of procedure and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution, unless the Committee decides otherwise.

2. Reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 20, 21 and 22 of the Convention shall be distributed by the secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

3. Reports and additional information submitted by States parties under article 19 of the Convention shall be documents for general distribution, unless the State party concerned requests otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 36

Six members of the Committee shall constitute a quorum.

Powers of the Chairman

Rule 37

The Chairman shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He shall rule on points of order. He shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Points of order

Rule 38

During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chairman in accordance with the rules of procedure. Any appeal against the ruling of the Chairman shall immediately be put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present. A member raising a point of order may not speak on the substance of the matter under discussion.

Time limit on statements

Rule 39

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairman shall call him to order without delay.

List of speakers

Rule 40

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairman may, however, accord the right of reply to any member or representative if a speech delivered after he has declared the list closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Suspension or adjournment of meetings

Rule 41

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Adjournment of debate

Rule 42

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Closure of debate

Rule 43

A member may, at any time, move the closure of the debate on the item under discussion, whether or not any other member has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Order of motions

Rule 44

Subject to rule 38, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) For the closure of the debate on the item under discussion.

Submission of proposals

Rule 45

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a following day.

Decisions on competence

Rule 46

Subject to rule 44, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of motions

Rule 47

A motion may be withdrawn by the member who proposed it at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Reconsideration of proposals

Rule 48

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and to two speakers opposing the motion, after which it shall be immediately put to the vote.

XI. VOTING

Voting rights

Rule 49

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 50[a]

Decisions of the Committee shall be made by a majority vote of the members present.

Equally divided votes

Rule 51

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Method of voting

Rule 52

Subject to rule 58 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairman.

Roll-call votes

Rule 53

The vote of each member participating in any roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 54

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairman before the voting has commenced or after the voting has been completed.

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[a] The Committee decided, at its first session, that in a footnote to rule 50 of the rules of procedure attention should be drawn to the following:

1. The members of the Committee generally expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting, provided that the Convention and the rules of procedure were observed and that such attempts did not unduly delay the work of the Committee.

2. Bearing in mind paragraph 1 above, the Chairman at any meeting may, and at the request of any member shall, put the proposal to a vote.

Division of proposals

Rule 55

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 56

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 57

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

XII. ELECTIONS

Method of elections

Rule 58

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of elections to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 59

1. When only one person or member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a person or member is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted, and so on until a person or member is elected.

Conduct of elections when two or more elective places are to be filled

Rule 60

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidates. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. SUBSIDIARY BODIES

Establishment of subsidiary bodies

Rule 61

1. The Committee may, in accordance with the provisions of the Convention and subject to the provisions of rule 25, set up ad hoc subsidiary bodies as it deems necessary and define their composition and mandates.

2. Each subsidiary body shall elect its own officers and adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

3. The Committee may also appoint one or more of its members as Rapporteurs to perform such duties as mandated by the Committee.

XIV. INFORMATION AND DOCUMENTATION

Submission of information, documentation and written statements

Rule 62

1. The Committee may invite specialized agencies, United Nations bodies concerned, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council to submit to it information, documentation and written statements, as appropriate, relevant to the Committee's activities under the Convention.

2. The Committee shall determine the form and the manner in which such information, documentation and written statements may be made available to members of the Committee.

XV. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 63

The Committee shall submit an annual report on its activities under the Convention to the States parties and to the General Assembly of the United Nations.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XVI. REPORTS FROM STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Submission of reports

Rule 64

1. The States parties shall submit to the Committee, through the Secretary-General, reports on the measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State party concerned. Thereafter the States parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. In appropriate cases the Committee may consider the information contained in a recent report as covering information that should have been included in overdue reports.

3. The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and contents as well as the methodology for consideration of the reports to be submitted under article 19 of the Convention, and issue guidelines to that effect.

Non-submission of reports

Rule 65

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rules 64 and 67 of these rules. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such report or reports.

2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rules 64 and 67 of these rules, the Committee shall so state in the annual report which it submits to the States parties and to the General Assembly of the United Nations.

3. In appropriate cases the Committee may notify the defaulting State party through the Secretary-General that it intends, on a date specified in the notification, to examine the measures taken by the State party to protect or give effect to the rights recognized in the Convention, and make such general comments as it deems appropriate in the circumstances.

Attendance by States parties at examination of reports

Rule 66

1. The Committee shall, through the Secretary-General, notify the States parties, as early as possible, of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties shall be invited to attend the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to him/her by the Committee and make statements on reports already submitted by his/her State, and may also submit additional information from his/her State.

2. If a State party has submitted a report under article 19, paragraph (1), of the Convention but fails to send a representative, in accordance with paragraph 1 of this rule, to the session at which it has been notified that its report will be examined, the Committee may, at its discretion, take one of the following courses:

(a) Notify the State party through the Secretary-General that, at a specified session, it intends to examine the report in accordance with rule 66, paragraph (2), and thereafter act in accordance with rule 68; or

(b) Proceed at the session originally specified to examine the report and thereafter make and submit to the State party its provisional concluding observations. The Committee will determine the date on which the report shall be examined under rule 66, or the date on which a new periodic report shall be submitted under rule 67.

Request for additional reports

Rule 67

1. When considering a report submitted by a State party under article 19 of the Convention, the Committee shall first determine whether the report provides all the information required under rule 64 of these rules.

2. If a report of a State party to the Convention, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish an additional report, indicating by what date the said report should be submitted.

Conclusions and recommendations by the Committee

Rule 68

1. After its consideration of each report, the Committee, in accordance with article 19, paragraph 3, of the Convention, may make such general comments, conclusions or recommendations on the report as it may consider appropriate and shall forward these, through the Secretary-General, to the State party concerned, which in reply may submit to the Committee any comment that it considers appropriate. The Committee may, in particular, indicate whether, on the basis of its examination of the reports and information supplied by the State party, it appears that some of the obligations of that State under the Convention have not been discharged and may, as appropriate, appoint one or more rapporteurs to follow up with its compliance of the Committee's conclusions and recommendations.

2. The Committee may, where necessary, indicate a time limit within which observations from States parties are to be received.

3. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 1 of this rule, together with any observations thereon received from the State party concerned, in its annual report made in accordance with article 24 of the Convention. If so requested by the State party concerned, the Committee may also include a copy of the report submitted under article 19, paragraph 1, of the Convention.

XVII. PROCEEDINGS UNDER ARTICLE 20 OF THE CONVENTION

Transmission of information to the Committee

Rule 69

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, information which is, or appears to be, submitted for the Committee's consideration under article 20, paragraph 1, of the Convention.

2. No information shall be received by the Committee if it concerns a State party which, in accordance with article 28, paragraph 1, of the Convention, declared at the time of ratification of or accession to the Convention that it did not recognize the competence of the Committee provided for in article 20, unless that State has subsequently withdrawn its reservation in accordance with article 28, paragraph 2, of the Convention.

Register of information submitted

Rule 70

The Secretary-General shall maintain a permanent register of information brought to the attention of the Committee in accordance with rule 69 above and shall make the information available to any member of the Committee upon request.

Summary of the information

Rule 71

The Secretary-General, when necessary, shall prepare and circulate to the members of the Committee a brief summary of the information submitted in accordance with rule 69 above.

Confidentiality of documents and proceedings

Rule 72

All documents and proceedings of the Committee relating to its functions under article 20 of the Convention shall be confidential, until such time when the Committee decides, in accordance with the provisions of article 20, paragraph 5, of the Convention, to make them public.

Meetings

Rule 73

1. Meetings of the Committee concerning its proceedings under article 20 of the Convention shall be closed.

2. Meetings during which the Committee considers general issues, such as procedures for the application of article 20 of the Convention, shall be public, unless the Committee decides otherwise.

Issue of communiqués concerning closed meetings

Rule 74

The Committee may decide to issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding its activities under article 20 of the Convention.

Preliminary consideration of information by the Committee

Rule 75

1. The Committee, when necessary, may ascertain, through the Secretary-General, the reliability of the information and/or of the sources of the information brought to its attention under article 20 of the Convention or obtain additional relevant information substantiating the facts of the situation.

2. The Committee shall determine whether it appears to it that the information received contains well-founded indications that torture, as defined in article 1 of the Convention, is being systematically practised in the territory of the State party concerned.

Examination of the information

Rule 76

1. If it appears to the Committee that the information received is reliable and contains well-founded indications that torture is being systematically practised in the territory of a State party, the Committee shall invite the State party concerned, through the Secretary-General, to cooperate in its examination of the information and, to this end, to submit observations with regard to that information.

2. The Committee shall indicate a time limit for the submission of observations by the State party concerned, with a view to avoiding undue delay in its proceedings.

3. In examining the information received, the Committee shall take into account any observations which may have been submitted by the State party concerned, as well as any other relevant information available to it.

4. The Committee may decide, if it deems it appropriate, to obtain from the representatives of the State party concerned, governmental and non-governmental organizations, as well as individuals, additional information or answers to questions relating to the information under examination.

5. The Committee shall decide, on its initiative and on the basis of its rules of procedure, the form and manner in which such additional information may be obtained.

Documentation from United Nations bodies and specialized agencies

Rule 77

The Committee may at any time obtain, through the Secretary-General, any relevant documentation from United Nations bodies or specialized agencies that may assist it in the examination of the information received under article 20 of the Convention.

Establishment of an inquiry

Rule 78

1. The Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to it within a time limit which may be set by the Committee.

2. When the Committee decides to make an inquiry in accordance with paragraph 1 of this rule, it shall establish the modalities of the inquiry as it deems it appropriate.

3. The members designated by the Committee for the confidential inquiry shall determine their own methods of work in conformity with the provisions of the Convention and the rules of procedure of the Committee.

4. While the confidential inquiry is in progress, the Committee may defer the consideration of any report the State party may have submitted during this period in accordance with article 19, paragraph 1, of the Convention.

Cooperation of the State party concerned

Rule 79

The Committee shall invite the State party concerned, through the Secretary-General, to cooperate with it in the conduct of the inquiry. To this end, the Committee may request the State party concerned:

(a) To designate an accredited representative to meet with the members designated by the Committee;

(b) To provide its designated members with any information that they, or the State party, may consider useful for ascertaining the facts relating to the inquiry;

(c) To indicate any other form of cooperation that the State may wish to extend to the Committee and to its designated members with a view to facilitating the conduct of the inquiry.

Visiting mission

Rule 80

If the Committee deems it necessary to include in its inquiry a visit of one or more of its members to the territory of the State party concerned, it shall request, through the Secretary-General, the agreement of that State party and shall inform the State party of its wishes regarding the timing of the mission and the facilities required to allow the designated members of the Committee to carry out their task.

Hearings in connection with the inquiry

Rule 81

1. The designated members may decide to conduct hearings in connection with the inquiry as they deem it appropriate.

2. The designated members shall establish, in cooperation with the State party concerned, the conditions and guarantees required for conducting such hearings. They shall request the State party to ensure that no obstacles are placed in the way of witnesses and other individuals wishing to meet with the designated members of the Committee and that no retaliatory measure is taken against those individuals or their families.

3. Every person appearing before the designated members for the purpose of giving testimony shall be requested to take an oath or make a solemn declaration concerning the veracity of his/her testimony and the respect for confidentiality of the proceedings.

Assistance during the inquiry

Rule 82

1. In addition to the staff and facilities to be provided by the Secretary-General in connection with the inquiry and/or the visiting mission to the territory of the State party concerned, the designated members may invite, through the Secretary-General, persons with special competence in the medical field or in the treatment of prisoners as well as interpreters to provide assistance at all stages of the inquiry.

2. If the persons providing assistance during the inquiry are not bound by an oath of office to the United Nations, they shall be required to declare solemnly that they will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.

3. The persons referred to in paragraphs 1 and 2 of the present rule shall be entitled to the same facilities, privileges and immunities provided for in respect of the members of the Committee, under article 23 of the Convention.

Transmission of findings, comments or suggestions

Rule 83

1. After examining the findings of its designated members submitted to it in accordance with rule 78, paragraph 1, the Committee shall transmit, through the Secretary-General, these findings to the State party concerned, together with any comments or suggestions that it deems appropriate.

2. The State party concerned shall be invited to inform the Committee within a reasonable delay of the action it takes with regard to the Committee's findings and in response to the Committee's comments or suggestions.

Summary account of the results of the proceedings

Rule 84

1. After all the proceedings of the Committee regarding an inquiry made under article 20 of the Convention have been completed, the Committee may decide, after consultations with the State party concerned, to include a summary account of the results of the proceedings in its annual report made in accordance with article 24 of the Convention.

2. The Committee shall invite the State party concerned, through the Secretary-General, to inform the Committee directly or through its designated representative of its observations concerning the question of a possible publication, and may indicate a time limit within which the observations of the State party should be communicated to the Committee.

3. If it decides to include a summary account of the results of the proceedings relating to an inquiry in its annual report, the Committee shall forward, through the Secretary-General, the text of the summary account to the State party concerned.

XVIII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 21 OF THE CONVENTION

Declarations by States parties

Rule 85

1. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him by States parties recognizing the competence of the Committee, in accordance with article 21 of the Convention.

2. The withdrawal of a declaration made under article 21 of the Convention shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under that article; no further communication by any State party shall be received under that article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party has made a new declaration.

Notification by the States parties concerned

Rule 86

1. A communication under article 21 of the Convention may be referred to the Committee by either State party concerned by notice given in accordance with paragraph 1 (b) of that article.

2. The notice referred to in paragraph 1 of this rule shall contain or be accompanied by information regarding:

(a) Steps taken to seek adjustment of the matter in accordance with article 21, paragraphs 1 (a) and (b), of the Convention, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;

(b) Steps taken to exhaust domestic remedies;

(c) Any other procedure of international investigation or settlement resorted to by the States parties concerned.

Register of communications

Rule 87

The Secretary-General shall maintain a permanent register of all communications received by the Committee under article 21 of the Convention.

Information to the members of the Committee

Rule 88

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 86 of these rules and shall transmit to them as soon as possible copies of the notice and relevant information.

Meetings

Rule 89

The Committee shall examine communications under article 21 of the Convention at closed meetings.

Issue of communiqués concerning closed meetings

Rule 90

The Committee may, after consultation with the States parties concerned, issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee under article 21 of the Convention.

Requirements for the consideration of communications

Rule 91

A communication shall not be considered by the Committee unless:

(a) Both States parties concerned have made declarations under article 21, paragraph 1, of the Convention;

(b) The time limit prescribed in article 21, paragraph 1 (b), of the Convention has expired;

(c) The Committee has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law, or that the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of the Convention.

Good offices

Rule 92

1. Subject to the provisions of rule 91 of these rules, the Committee shall proceed to make its good offices available to the States parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in the Convention.

2. For the purpose indicated in paragraph 1 of this rule, the Committee may, when appropriate, set up an ad hoc conciliation commission.

Request for information

Rule 93

The Committee may, through the Secretary-General, request the States parties concerned or either of them to submit additional information or observations orally or in writing. The Committee shall indicate a time limit for the submission of such written information or observations.

Attendance by the States parties concerned

Rule 94

1. The States parties concerned shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

2. The Committee shall, through the Secretary-General, notify the States parties concerned as early as possible of the opening date, duration and place of the session at which the matter will be examined.

3. The procedure for making oral and/or written submissions shall be decided by the Committee, after consultation with the States parties concerned.

Report of the Committee

Rule 95

1. Within 12 months after the date on which the Committee received the notice referred to in rule 86 of these rules, the Committee shall adopt a report in accordance with article 21, paragraph 1 (h), of the Convention.

2. The provisions of paragraph 1 of rule 94 of these rules shall not apply to the deliberations of the Committee concerning the adoption of the report.

3. The Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.

XIX. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 22 OF THE CONVENTION

A. General provisions

Declarations by States parties

Rule 96

1. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him by States parties recognizing the competence of the Committee, in accordance with article 22 of the Convention.

2. The withdrawal of a declaration made under article 22 of the Convention shall not prejudice the consideration of any matter which is the subject of a complaint already transmitted under that article; no further complaint by or on behalf of an individual shall be received under that article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party has made a new declaration.

Transmission of complaints

Rule 97

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, complaints which are or appear to be submitted for consideration by the Committee under paragraph 1 of article 22 of the Convention.

2. The Secretary-General, when necessary, may request clarification from the complainant of a complaint as to his/her wish to have his/her complaint submitted to the Committee for consideration under article 22 of the Convention. In case there is still doubt as to the wish of the complainant, the Committee shall be seized of the complaint.

Registration of complaints; Rapporteur for new complaints and interim measures

Rule 98

1. Complaints may be registered by the Secretary-General or by decision of the Committee or by the Rapporteur on new complaints and interim measures.

2. No complaint shall be registered by the Secretary-General if:

(a) It concerns a State which has not made the declaration provided for in article 22, paragraph 1, of the Convention; or

(b) It is anonymous; or

(c) It is not submitted in writing by the alleged victim or by close relatives of the alleged victim on his/her behalf or by a representative with appropriate written authorization.

3. The Secretary-General shall prepare lists of the complaints brought to the attention of the Committee in accordance with rule 97 above with a brief summary of their contents, and shall circulate such lists to the members of the Committee at regular intervals. The Secretary-General shall also maintain a permanent register of all such complaints.

4. An original case file shall be kept for each summarized complaint. The full text of any complaint brought to the attention of the Committee shall be made available to any member of the Committee upon his/her request.

Request for clarification or additional information

Rule 99

1. The Secretary-General or the Rapporteur on new complaints and interim measures may request clarification from the complainant concerning the applicability of article 22 of the Convention to his complaint, in particular regarding:

(a) The name, address, age and occupation of the complainant and the verification of his/her identity;

(b) The name of the State party against which the complaint is directed;

(c) The object of the complaint;

(d) The provision or provisions of the Convention alleged to have been violated;

(e) The facts of the claim;

(f) Steps taken by the complainant to exhaust domestic remedies;

(g) Whether the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time limit to the complainant of the complaint with a view to avoiding undue delays in the procedure under article 22 of the Convention. Such time limit may be extended in appropriate circumstances.

3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the complainant.

4. The request for clarification referred to in paragraph 1 (c)-(g) of the present rule shall not preclude the inclusion of the complaint in the list provided for in rule 98, paragraph 3.

5. The Secretary-General shall instruct the complainant on the procedure that will be followed and inform him/her that the text of the complaint shall be transmitted confidentially to the State party concerned in accordance with article 22, paragraph 3, of the Convention.

Summary of the information

Rule 100

For each registered complaint the Secretary-General shall prepare and circulate to the members of the Committee a summary of the relevant information obtained.

Meetings and hearings

Rule 101

1. Meetings of the Committee or its subsidiary bodies during which complaints under article 22 of the Convention will be examined shall be closed.

2. Meetings during which the Committee may consider general issues, such as procedures for the application of article 22 of the Convention, may be public if the Committee so decides.

Issue of communiqués concerning closed meetings

Rule 102

The Committee may issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee under article 22 of the Convention.

Obligatory non-participation of a member in the examination of a complaint

Rule 103

1. A member shall not take part in the examination of a complaint by the Committee or its subsidiary body:

(a) If he/she has any personal interest in the case; or

(b) If he/she has participated in any capacity, other than as a member of the Committee, in the making of any decision; or

(c) If he/she is a national of the State party concerned or is employed by that country.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Optional non-participation of a member in the examination of a complaint

Rule 104

If, for any reason, a member considers that he/she should not take part or continue to take part in the examination of a complaint, he/she shall inform the Chairman of his/her withdrawal.

B. Procedure for determining admissibility of complaints

Method of dealing with complaints

Rule 105

1. In accordance with the following rules, the Committee shall decide by simple majority as soon as practicable whether or not a complaint is admissible under article 22 of the Convention.

2. The Working Group established under rule 106, paragraph 1, may also declare a complaint admissible by majority vote or inadmissible by unanimity.

3. The Committee, the working group established under rule 106, paragraph 1, or the rapporteur(s) designated under rule 106, paragraph 3, shall, unless they decide otherwise, deal with complaints in the order in which they are received by the secretariat.

4. The Committee may, if it deems it appropriate, decide to consider two or more communications jointly.

5. The Committee may, if it deems appropriate, decide to sever consideration of complaints of multiple complainants. Severed complaints may receive a separate registry number.

Establishment of a working group and designation of special rapporteurs for specific complaints

Rule 106

1. The Committee may, in accordance with rule 61, set up a working group to meet shortly before its sessions, or at any other convenient time to be decided by the Committee, in consultation with the Secretary-General, for the purpose of taking decisions on admissibility or inadmissibility and making recommendations to the Committee regarding the merits of complaints, and assisting the Committee in any manner which the Committee may decide.

2. The Working Group shall comprise no less than three and no more than five members of the Committee. The Working Group shall elect its own officers, develop its own working methods, and apply as far as possible the rules of procedure of the Committee to its meetings. The members of the Working Group shall be elected by the Committee every other session.

3. The Working Group may designate rapporteurs from among its members to deal with specific complaints.

Conditions for admissibility of complaints

Rule 107

With a view to reaching a decision on the admissibility of a complaint, the Committee, its Working Group or a rapporteur designated under rules 98 or 106, paragraph 3, shall ascertain:

(a) That the individual claims to be a victim of a violation by the State party concerned of the provisions of the Convention. The complaint should be submitted by the individual himself/herself or by his/her relatives or designated representatives, or by others on behalf of an alleged victim when it appears that the victim is unable personally to submit the complaint, and, when appropriate authorization is submitted to the Committee;

(b) That the complaint is not an abuse of the Committee's process or manifestly unfounded;

(c) That the complaint is not incompatible with the provisions of the Convention;

(d) That the same matter has not been and is not being examined under another procedure of international investigation or settlement;

(e) That the individual has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(f) That the time elapsed since the exhaustion of domestic remedies is not so unreasonably prolonged as to render consideration of the claims unduly difficult by the Committee or the State party.

Interim measures

Rule 108

1. At any time after the receipt of a complaint, the Committee, a working group, or the Rapporteur(s) for new complaints and interim measures may transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of alleged violations.

2. Where the Committee, the Working Group, or Rapporteur(s) request(s) interim measures under this rule, the request shall not imply a determination of the admissibility or the merits of the complaint. The State party shall be so informed upon transmittal.

3. Where a request for interim measures is made by the Working Group or Rapporteur(s) under the present rule, the Working Group or Rapporteur(s) should inform the Committee members of the nature of the request and the complaint to which the request relates at the next regular session of the Committee.

4. The Secretary-General shall maintain a list of such requests for interim measures.

5. The Rapporteur for new complaints and interim measures shall also monitor compliance with the Committee's requests for interim measures.

6. The State party may inform the Committee that the reasons for the interim measures have lapsed or present arguments why the request for interim measures should be lifted.

7. The Rapporteur, the Committee or the Working Group may withdraw the request for interim measures.

Additional information, clarifications and observations

Rule 109

1. As soon as possible after the complaint has been registered, it should be transmitted to the State party, requesting it to submit a written reply within six months.

2. The State party concerned shall include in its written reply explanations or statements that shall relate both to the admissibility and the merits of the complaint as well as to any remedy that may have been provided in the matter, unless the Committee, Working Group or Rapporteur in new complaints and interim measures has decided, because of the exceptional nature of the case, to request a written reply that relates only to the question of admissibility.

3. A State party that has received a request for a written reply under paragraph 1 both on admissibility and on the merits of the complaint may apply in writing, within two months, for the complaint to be rejected as inadmissible, setting out the grounds for such inadmissibility. The Committee or the Rapporteur on new complaints and interim measures may or may not agree to consider admissibility separately from the merits.

4. Following a separate decision on admissibility, the Committee shall fix the deadline for submissions on a case-by-case basis.

5. The Committee or the Working Group established under rule 106 or rapporteur(s) designated under rule 106, paragraph 3, may request, through the Secretary-General, the State party concerned or the complainant to submit additional written information, clarifications or observations relevant to the question of admissibility or merits.

6. The Committee or the Working Group or rapporteur(s) designated under rule 106, paragraph 3, shall indicate a time limit for the submission of additional information or clarification with a view to avoiding undue delay.

7. If the time limit provided is not respected by the State party concerned or the complainant, the Committee or the Working Group may decide to consider the admissibility and/or merits of the complaint in the light of available information.

8. A complaint may not be declared admissible unless the State party concerned has received its text and has been given an opportunity to furnish information or observations as provided in paragraph 1 of this rule.

9. If the State party concerned disputes the contention of the complainant that all available domestic remedies have been exhausted, the State party is required to give details of the effective remedies available to the alleged victim in the particular circumstances of the case and in accordance with the provisions of article 22, paragraph 5 (b), of the Convention.

10. Within such time limit as indicated by the Committee or the Working Group or rapporteur(s) designated under rule 106, paragraph 3, the State party or the complainant may be afforded an opportunity to comment on any submission received from the other party pursuant to a request made under the present rule. Non-receipt of such comments within the established time limit should not generally delay the consideration of the admissibility of the complaint.

Inadmissible complaints

Rule 110

1. Where the Committee or the Working Group decides that a complaint is inadmissible under article 22 of the Convention, or its consideration is suspended or discontinued, the Committee shall as soon as possible transmit its decision, through the Secretary-General, to the complainant and to the State party concerned.

2. If the Committee or the Working Group has declared a complaint inadmissible under article 22, paragraph 5, of the Convention, this decision may be reviewed at a later date by the Committee upon a request from a member of the Committee or a written request by or on behalf of the individual concerned. Such written request shall contain evidence to the effect that the reasons for inadmissibility referred to in article 22, paragraph 5, of the Convention no longer apply.

C. Consideration of the merits

Method of dealing with admissible complaints; oral hearings

Rule 111

1. When the Committee or the Working Group has decided that a complaint is admissible under article 22 of the Convention, before receiving the State party's reply on the merits, the Committee shall transmit to the State party, through the Secretary-General, the text of its

decision together with any submission received from the author of the communication not already transmitted to the State party under rule 109, paragraph 1. The Committee shall also inform the complainant, through the Secretary-General, of its decision.

2. Within the period established by the Committee, the State party concerned shall submit to the Committee written explanations or statements clarifying the case under consideration and the measures, if any, that may have been taken by it. The Committee may indicate, if it deems it necessary, the type of information it wishes to receive from the State party concerned.

3. Any explanations or statements submitted by a State party pursuant to this rule shall be transmitted, through the Secretary-General, to the complainant who may submit any additional written information or observations within such time limit as the Committee shall decide.

4. The Committee may invite the complainant or his/her representative and representatives of the State party concerned to be present at specified closed meetings of the Committee in order to provide further clarifications or to answer questions on the merits of the complaint. Whenever one party is so invited, the other party shall be informed and invited to attend and make appropriate submissions. The non-appearance of a party will not prejudice the consideration of the case.

5. The Committee may revoke its decision that a complaint is admissible in the light of any explanations or statements thereafter submitted by the State party pursuant to this rule. However, before the Committee considers revoking that decision, the explanations or statements concerned must be transmitted to the complainant so that he/she may submit additional information or observations within a time limit set by the Committee.

Findings of the Committee; decisions on the merits

Rule 112

1. In those cases in which the parties have submitted information relating both to the questions of admissibility and the merits, or in which a decision on admissibility has already been taken and the parties have submitted information on the merits, the Committee shall consider the complaint in the light of all information made available to it by or on behalf of the complainant and by the State party concerned and shall formulate its findings thereon. Prior thereto, the Committee may refer the communication to the Working Group or to a case rapporteur designated under rule 106, paragraph 3, to make recommendations to the Committee.

2. The Committee, the Working Group, or the rapporteur may at any time in the course of the examination obtain any document from United Nations bodies, specialized agencies, or other sources that may assist in the consideration of the complaint.

3. The Committee shall not decide on the merits of a complaint without having considered the applicability of all the admissibility grounds referred to in article 22 of the Convention. The findings of the Committee shall be forwarded, through the Secretary-General, to the complainant and to the State party concerned.

4. The Committee's findings on the merits shall be known as "decisions".

5. The State party concerned shall generally be invited to inform the Committee within a specific time period of the action it has taken in conformity with the Committee's decisions.

Individual opinions

Rule 113

Any member of the Committee who has participated in a decision may request that his/her individual opinion be appended to the Committee's decisions.

Follow-up procedure

Rule 114

1. The Committee may designate one or more rapporteur(s) for follow-up on decisions adopted under article 22 of the Convention, for the purpose of ascertaining the measures taken by States parties to give effect to the Committee's findings.

2. The Rapporteur(s) may make such contacts and take such action as appropriate for the due performance of the follow-up mandate and report accordingly to the Committee. The Rapporteur(s) may make such recommendations for further action by the Committee as may be necessary for follow-up.

3. The Rapporteur(s) shall regularly report to the Committee on follow-up activities.

4. The Rapporteur(s), in discharge of the follow-up mandate, may, with the approval of the Committee, engage in necessary visits to the State party concerned.

Summaries in the Committee's annual report and inclusion of texts of final decisions

Rule 115

1. The Committee may decide to include in its annual report a summary of the complaints examined and, where the Committee considers appropriate, a summary of the explanations and statements of the States parties concerned and of the Committee's evaluation thereof.

2. The Committee shall include in its annual report the text of its final decisions, including its views under article 22, paragraph 7, of the Convention, as well as the text of any decision declaring a complaint inadmissible under article 22 of the Convention.

3. The Committee shall include information on follow-up activities in its annual report.

Chapter VI

PROVISIONAL RULES OF PROCEDURE OF THE COMMITTEE ON THE RIGHTS OF THE CHILD*

* This chapter is taken from document CRC/C/4/Rev.1 and was adopted by the Committee at its 22nd meeting (first session) and revised by the Committee at its thirty-third session.

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PART ONE. GENERAL RULES

I. SESSIONS

Meetings of the Committee

Rule 1

The Committee on the Rights of the Child (hereinafter referred to as "the Committee") shall hold meetings as may be required for the effective performance of its functions in accordance with the Convention on the Rights of the Child (hereinafter referred to as "the Convention").

Regular sessions

Rule 2

1. The Committee shall normally hold two regular sessions annually.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Special sessions

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairperson may convene special sessions of the Committee in consultation with the other officers of the Committee. The Chairperson of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairperson, in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Place of sessions

Rule 4

Sessions of the Committee shall normally be held at the Headquarters of the United Nations. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations on the subject.

Notification of opening date of sessions

Rule 5

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notification shall be sent, in the case of regular sessions, at least six weeks in advance and in the case of a special session, at least three weeks in advance of the first meeting.

II. AGENDA

Provisional agenda for regular sessions

Rule 6

The provisional agenda for each regular session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee, in conformity with the relevant provisions of the Convention, and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Chairperson of the Committee;

(c) Any item proposed by a member of the Committee;

(d) Any item proposed by a State party to the Convention;

(e) Any item proposed by the Secretary-General relating to his functions under the Convention or these rules.

Provisional agenda for special sessions

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which were proposed for its consideration at the special session.

Adoption of the agenda

Rule 8

The first item on the provisional agenda for any session shall be the adoption of the agenda, except for the election of the officers when required under rule 16 of these rules.

Revision of the agenda

Rule 9

During a regular session, the Committee may revise the agenda and may as appropriate, add, defer or delete items. Only urgent or important items may be added to the agenda.

Transmission of the provisional agenda and basic documents

Rule 10

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible, and whenever possible simultaneously with the notification of the opening of a session under rule 5.

III. MEMBERS OF THE COMMITTEE

Members

Rule 11

Members of the Committee shall be the 18 independent experts elected in accordance with article 43 of the Convention.

Term of office

Rule 12

The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated.

Beginning of term of office

Rule 13

The members of the Committee elected at the first election shall begin their term of office on 1 March 1991. In the case of members elected at subsequent elections, their term of office shall begin on the day following the date of expiry of the term of office of the members whom they replace.

Filling of casual vacancies

Rule 14

1. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform his or her Committee duties, the Chairperson of the Committee shall notify the Secretary-General who shall then declare the seat of that member to be vacant.

2. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his or her functions for any cause other than absence of a temporary nature, the Chairperson of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

3. Pursuant to paragraphs 1 and 2 of this rule, the Secretary-General shall request the State party which had nominated that member to appoint another expert from among its nationals within two months to serve for the remainder of his or her predecessor's term.

4. The name and the curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the Committee for approval by secret ballot. Upon approval of the expert by the Committee, the Secretary-General shall notify the States parties to the Convention of the name of the member of the Committee filling a casual vacancy.

5. Except in the case of a vacancy arising from a member's death or proven disability, the Secretary-General and the Committee shall act in accordance with the provisions of paragraphs 1, 3 and 4 of this rule only after receiving from the member concerned written notification of his or her decision to cease to function as a member of the Committee.

Solemn declaration

Rule 15

Upon assuming his or her duties, each member of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Elections

Rule 16

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur.

Term of office

Rule 17

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he or she ceases to be a member of the Committee.

Position of the Chairperson in relation to the Committee

Rule 18

The Chairperson shall perform the functions conferred upon him or her by the Convention and by these rules of procedure. In exercising his or her functions, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 19

If the Chairperson is unable to be present at a meeting or any part thereof, he or she shall designate one of the Vice-Chairpersons to act in his or her place. In the absence of such a designation, one of the Vice-Chairpersons will act as Chairperson in his or her place.

Powers and duties of the Acting Chairperson

Rule 20

A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 21

If any of the officers of the Committee ceases, or declares his or her inability to continue serving as an officer of the Committee, a new officer shall be elected for the unexpired term of his or her predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 22

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee under rule 63 shall be provided by the Secretary-General.

2. The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions under the Convention.

Statements

Rule 23

The Secretary-General or his representative shall be present at all sessions of the Committee. Subject to rule 39, the Secretary-General or his representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Servicing of meetings

Rule 24

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Keeping the members informed

Rule 25

The Secretary-General shall be responsible for keeping the members of the Committee informed of any questions which may be brought before it for consideration or of any other developments that may be of relevance to the Committee.

Financial implications of proposals

Rule 26

Before any proposal which involves expenditures is approved by the Committee or by its subsidiary bodies, the Secretary-General shall prepare and circulate to its members, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of the members to this estimate and to invite discussion on it when the proposal is considered by the Committee or by a subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 27

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages and English, French and Spanish the working languages of the Committee.

Interpretation from an official language

Rule 28

Statements made in any of the official languages shall be interpreted into the other official languages.

Interpretation from an unofficial language

Rule 29

Any person addressing the Committee and using a language other than one of the official languages shall provide for interpretation into and from one of the working languages. Interpretation into the other official languages by interpreters of the secretariat shall be based upon the interpretation given in the first working language.

Languages of records

Rule 30

Summary records of the meetings of the Committee shall be drawn up in the working languages and any of them may be issued in the other official languages upon decision of the Committee.

Languages of decisions and official documents

Rule 31

All decisions of the Committee shall be made available in the official languages. All official documents of the Committee shall be issued in the working languages and any of them may be issued in the other official languages upon decision of the Committee.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 32

The meetings of the Committee and its subsidiary bodies shall be held in public, unless the Committee decides otherwise.

Issue of communiqués concerning private meetings

Rule 33

At the close of each private meeting, the Committee or its subsidiary bodies may issue a communiqué, through the Secretary-General, for the use of the information media and the general public.

Participation in meetings

Rule 34

1. In conformity with article 45, subparagraph (a), of the Convention, representatives of the specialized agencies, the United Nations Children's Fund and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the

Convention as fall within the scope of their mandate. Representatives of the specialized agencies, the United Nations Children's Fund and other United Nations organs may participate in private meetings of the Committee or its subsidiary bodies, when invited by the Committee to do so.

2. Representatives of other competent bodies concerned, which are not included among those in paragraph 1 of this rule, may participate in public or private meetings of the Committee or its subsidiary bodies, when invited by the Committee to do so.

VIII. RECORDS

Correction of summary records

Rule 35

Summary records of the public and private meetings of the Committee shall be prepared by the secretariat. They shall be distributed as soon as possible to the members of the Committee and to any other participants in the meetings. All such participants may, within three working days of the receipt of such records, submit corrections to the secretariat in the languages in which the records have been issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued at the end of the session concerned. Any disagreement concerning such corrections shall be decided upon by the Chairperson of the Committee or, in the case of continued disagreement, by decision of the Committee.

Distribution of summary records

Rule 36

1. The summary records of public meetings shall be documents for general distribution.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 37

1. Without prejudice to the provisions of rule 36 and subject to paragraphs 2 and 3 of this rule, reports, decisions and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution, unless the Committee decides otherwise.

2. Reports and information furnished to the Committee by the specialized agencies, the United Nations Children's Fund, or other United Nations organs and competent bodies pursuant to article 45, subparagraph (a), of the Convention and to rule 70 shall be distributed by the secretariat to all members of the Committee and, if so decided by the Committee, to members of

its subsidiary bodies, States parties concerned and other participants at the meetings. Such reports and information shall normally be made available to the Committee in the language in which they have been submitted, unless otherwise decided by the Committee or the Chairperson.

3. Reports and additional information submitted by States parties pursuant to article 44 of the Convention and to rules 66 and 69 shall be documents for general distribution.

X. CONDUCT OF BUSINESS

Quorum

Rule 38

Six members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 39

1. In addition to exercising the powers conferred upon the Chairperson by the Convention and elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions.

2. The Chairperson, subject to these rules, shall have control of the proceedings of the Committee and over the maintenance of order at its meetings.

3. In the course of the discussion of an item, the Chairperson may propose to the Committee a limitation on the time to be allowed to speakers and on the number of times each person may speak on any question, and the closure of the list of speakers.

4. The Chairperson shall rule on points of order.

5. The Chairperson may also propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Points of order

Rule 40

During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chairperson in accordance with these rules of procedure. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present. A member raising a point of order may not speak on the substance of the matter under discussion.

Time limitation

Rule 41

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his or her allotted time, the Chairperson shall call him or her to order without delay.

List of speakers

Rule 42

During the course of a debate, the Chairperson may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairperson may, however, accord the right of reply to any speaker if a speech delivered after he or she has declared the list closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by consent of the Committee.

Suspension or adjournment of meetings

Rule 43

During the discussion of any matter, a member may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Adjournment of debate

Rule 44

During the discussion of any matter, a member may move for the adjournment of the debate on the item under discussion. In addition to the person who proposed the motion, one member may speak in favour and one against the motion, after which the motion shall immediately be put to the vote.

Closure of debate

Rule 45

A member may, at any time, move for the closure of the debate on the item under discussion, whether or not any other member or representative had signified his or her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two members opposing the closure, after which the motion shall immediately be put to the vote.

Order of motions

Rule 46

Subject to rule 40, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Submission of proposals

Rule 47

Unless otherwise decided by the Committee, substantive proposals, amendments and motions submitted by the members shall be introduced in writing and handed to the secretariat and their consideration shall, if so requested by any member, be deferred until the next meeting on a following day.

Decisions on competence

Rule 48

Subject to rule 46, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall immediately be put to the vote before a vote is taken on the proposal in question.

Withdrawal of motions

Rule 49

A motion may be withdrawn by the member who proposed it at any time before voting upon it has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any member.

Reconsideration of proposals

Rule 50

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee, by a two-thirds majority of its members present, so decides. Permission to speak on a motion to reconsider shall be accorded only to two members in favour of and two members in opposition to the motion, after which it shall immediately be put to the vote.

XI. VOTING

Voting rights

Rule 51

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 52[1]

Except as otherwise provided in the Convention and elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present.

Equally divided votes

Rule 53

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Method of voting

Rule 54

Unless otherwise decided by the Committee, and subject to rules 14 and 60, the Committee shall vote by a show of hands. Any member may request a roll-call, which shall be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson.

Roll-call votes

Rule 55

The vote of each member participating in any roll-call shall be inserted in the record.

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[1] The members of the Committee expressed the view that its method of work should normally allow for attempts to reach decisions by consensus before voting, provided that the Convention and the rules of procedure were observed.

Conduct during voting and explanation of votes

Rule 56

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes nay be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

Division of proposals

Rule 57

Parts of a proposal shall be voted upon separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole. If all of the operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 58

1. When an amendment to a proposal is moved, the amendment shall be voted upon first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on, until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 59

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote upon the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote upon the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before those proposals.

XII. ELECTIONS

Method of elections

Rule 60

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of elections to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 61

1. When only one person or member is to be elected and no candidate in the first ballot obtains the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating until a person or member is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidates. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot. The following three ballots shall be unrestricted, and so on, until a person or member is elected.

Conduct of elections when two or more elective places are to be filled

Rule 62

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining the majority required in the first ballot shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places. The voting then shall be restricted to the candidates obtaining the greatest number of votes in the previous ballot and to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible candidates. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtain the greatest number of votes in the third of the unrestricted ballots and to a number not more than twice the places remaining to be filled. The following three ballots shall be unrestricted, and so on, until all the places have been filled.

XIII. SUBSIDIARY BODIES

Establishment of subsidiary bodies

Rule 63

1. The Committee may, in accordance with the provisions of the Convention and subject to the provisions of rule 26 whenever applicable, set up such subcommittees and other ad hoc subsidiary bodies as it deems necessary and define their composition and mandates.

2. Each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing the adoption of such rules, the present rules of procedure shall apply mutatis mutandis.

XIV. REPORTS OF THE COMMITTEE

Reports to the General Assembly

Rule 64

The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years reports on its activities under the Convention and may submit such other reports as it considers appropriate.

Other reports

Rule 65

The Committee, or its subsidiary bodies, may issue for general distribution other reports on its activities. The Committee may also issue reports for general distribution in order to highlight specific problems in the field of the rights of the child.

PART TWO. FUNCTIONS OF THE COMMITTEE

XV. REPORTS AND INFORMATION UNDER ARTICLES 44 AND 45 OF THE CONVENTION

Submission of reports by States parties

Rule 66

1. States parties shall submit reports, through the Secretary-General, pursuant to article 44 of the Convention.

2. States parties shall submit such reports within two years after the entry into force of the Convention for the State party concerned and thereafter they shall submit subsequent reports every five years and such additional reports or information in the intervening period as the Committee may request.

3. The Committee, through the Secretary-General, shall indicate to the States parties the form and contents of reports or information to be supplied to the Committee, in accordance with paragraphs 1 and 2 of this rule.

Non-submission of reports

Rule 67

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports or additional information under article 44 of the Convention and rule 66 of these rules. In such cases, the Committee shall transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such report or additional information and undertake any other efforts in a spirit of dialogue between the State concerned and the Committee.

2. If, even after the reminder and other efforts referred to in paragraph 1 of this rule, the State party does not submit the required report or additional information, the Committee shall consider the situation as it deems necessary and shall include a reference to this effect in its report to the General Assembly.

Attendance by States parties at the examination of reports

Rule 68

The Committee, through the Secretary-General, shall notify the States parties, as early as possible, of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties shall be invited to attend the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek additional information that the State party may authorize its representative to be present at a specified meeting; such representative should be able to answer questions which may be put to him or her by the Committee and make statements on reports already submitted by his or her State, and may also submit further information from his or her State.

Request for additional reports or information

Rule 69

If, in the opinion of the Committee, a report submitted by a State party pursuant to article 44 of the Convention does not contain sufficient information, the Committee may request that State to furnish an additional report or additional information, indicating the time limit within which such additional report or information should be supplied.

Request for other reports or advice

Rule 70

1. The Committee may invite the specialized agencies, the United Nations Children's Fund and other United Nations organs, pursuant to article 45, subparagraph (a), of the Convention, to submit to it reports on the implementation of the Convention in areas falling within the scope of their activities.

2. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies, as it may consider appropriate, to provide it with expert advice, pursuant to article 45, subparagraph (a), of the Convention, on the implementation of the Convention in areas falling within their respective mandates.

3. The Committee may indicate, as appropriate, the time limit within which such reports or advice should be supplied to the Committee.

Suggestions and general recommendations on a State party's report

Rule 71

1. After its consideration of each report of a State party, together with such reports, information or advice, if any, received pursuant to article 44 and article 45, subparagraph (a), of the Convention, the Committee may make such suggestions and general recommendations on the implementation of the Convention by the reporting State as it may consider appropriate.

2. The Committee shall transmit, through the Secretary-General, suggestions and general recommendations it has decided upon to the State party concerned for its comments. The Committee may, where necessary, indicate the time limit within which such comments from States parties are to be received.

3. The Committee shall include in its reports to the General Assembly suggestions and general recommendations together with comments, if any, received from States parties.

Other general recommendations

Rule 72

1. The Committee may make other general recommendations based on information received pursuant to articles 44 and 45 of the Convention.

2. The Committee shall include such other general recommendations in its reports to the General Assembly together with comments, if any, received from States parties.

General comments on the Convention

Rule 73

1. The Committee may prepare general comments based on the articles and provisions of the Convention with a view to promoting its further implementation and assisting States parties in fulfilling their reporting obligations.

2. The Committee shall include such general comments in its reports to the General Assembly.

Transmission of States parties' reports that contain a request or indicate a need for technical advice or assistance

Rule 74

1. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies reports and information received from States parties that contain a request or indicate a need for technical advice or assistance.

2. The reports and information received from States parties in accordance with paragraph 1 of this rule shall be transmitted along with observations and suggestions, if any, of the Committee on these requests or indications.

3. The Committee may request, when it considers it appropriate to do so, information on the technical advice or assistance provided and the progress achieved.

XVI. GENERAL DISCUSSION

General discussion

Rule 75

In order to enhance a deeper understanding of the content and implications of the Convention, the Committee may devote one or more meetings of its regular sessions to a general discussion on one specific article of the Convention or related subject.

XVII. REQUESTS FOR STUDIES

Studies

Rule 76

1. As provided in article 45, subparagraph (c), of the Convention, the Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child.

2. The Committee may also invite the submission of studies from other bodies on topics of relevance to the Committee.

PART THREE. INTERPRETATION AND AMENDMENTS

XVIII. INTERPRETATION AND AMENDMENTS

Headings

Rule 77

For the purpose of the interpretation of these rules, the headings, which were inserted for reference purposes only, shall be disregarded.

Amendments

Rule 78

These rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Convention.

Chapter VII

PROVISIONAL RULES OF PROCEDURE OF THE COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES*

* This chapter is taken from document CMW/C/L.1 and embodies amendments adopted by the Committee at its second (April 2005) session.

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PART ONE. GENERAL RULES

I. SESSIONS

Meetings of the Committee

Rule 1

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Committee") shall hold meetings as may be required for the satisfactory performance of its functions in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Convention").

Regular sessions

Rule 2

1. The Committee shall normally meet annually.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Place of sessions

Rule 3

Sessions of the Committee shall normally be held at the United Nations Office at Geneva. Another venue for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations.

Notification of opening date of sessions

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session as early as possible.

II. AGENDA

Provisional agenda

Rule 5

The provisional agenda of each session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee.

Adoption of the agenda

Rule 6

The first item on the provisional agenda of any session shall be the adoption of the agenda, unless the election of officers is required under Rule 12, in which case the elections shall be the first item on the provisional agenda.

Revision of the agenda

Rule 7

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items.

Transmission of the provisional agenda

Rule 8

The provisional agenda shall be transmitted to the members of the Committee by the Secretariat as early as possible.

III. MEMBERS OF THE COMMITTEE

Beginning of term of office

Rule 9

The term of office of the members of the Committee shall begin on 1 January of the year after the date of their election and, in accordance with article 73, paragraph 5 of the Convention, shall expire on 31 December four years later, except for those members elected at the first election and the first election following the entry into force of the Convention for the forty-first State party who was chosen by lot to serve for two years whose terms shall expire on 31 December two years after their election.

Filling of casual vacancies

Rule 10

1. In accordance with article 72, paragraph 6, of the Convention, if a member of the Committee dies or resigns or declares for any other cause that he or she can no longer perform his or her duties as a member of the Committee, the Secretary-General shall immediately request the State party that nominated the expert to appoint within two months another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.

2. The Committee shall be asked to approve the appointment of the replacement member in writing when the Committee is not in session. The name and curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the Committee for approval. Upon approval of the expert by the Committee, the Secretary-General shall notify the States parties of the name of the member of the Committee filling the casual vacancy.

3. Where the Committee declines to approve the appointment of a replacement under the first paragraph of this rule, the State party that nominated the expert shall be invited to appoint another expert from among its own nationals.

4. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General shall act in accordance with the provisions of paragraph 1 of the present rule only after receiving, from the member concerned, a written declaration of his or her decision to cease to function as a member of the Committee.

Solemn declaration

Rule 11

Before assuming her/his duties after her/his first election, each member of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Election of officers

Rule 12

1. The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur; these officers together shall constitute the Bureau of the Committee, which shall meet regularly.

Conduct of elections

Rule 13

1. Where there is only one candidate for election of one of its officers, the Committee may decide to elect that person by acclamation.

2. Where there are two or more candidates for election as one of its officers, or where the Committee otherwise decides to proceed with a ballot, the person who obtains a simple majority of the votes cast shall be elected.

3. If no single candidate receives a majority of the votes cast, the members of the Committee shall endeavour to reach a consensus before holding a further ballot.

4. Elections shall be held by secret ballot.

Term of office of elected officers

Rule 14

1. In accordance with article 75, paragraph 2, of the Convention, officers shall be elected for a term of two years.

2. No officer of the Committee may hold office if he or she ceases to be a member of the Committee.

Functions of Chairperson

Rule 15

1. The Chairperson shall perform the functions conferred upon her/him by the Committee and by these rules of procedure.

2. In exercising her/his functions as Chairperson, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 16

1. If, during a session, the Chairperson is unable to be present at a meeting or any part thereof, he or she shall designate another member of the Bureau, to act in her or his place.

2. Any member acting as Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 17

If any of the officers of the Committee ceases to serve or declares her/his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of her/his predecessor.

V. SECRETARIAT

Statements

Rule 18

The Secretary-General or her/his representative shall attend all meetings of the Committee and, subject to Rule 24 of the present rules, may make oral or written statements at those meetings.

Financial implications of proposals

Rule 19

Before any proposal which involves expenditures is approved by the Committee, the Secretary-General shall prepare and circulate to its members, as early as possible, a written estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee.

VI. LANGUAGES

Official and working languages

Rule 20

1. Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee.

2. All formal decisions of the Committee shall be issued in the official languages.

VII. RECORDS

Records

Rule 21

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the members in English, French and Spanish.

2. Summary records are subject to correction, to be submitted to the Secretariat by participants in the meetings in the language in which the summary record is issued. Corrections to the record of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned.

3. The summary records of public meetings shall be documents for general distribution unless, in exceptional circumstances, the Committee decides otherwise.

4. Sound recordings of the meetings of the Committee shall be made and kept in accordance with the usual practice of the United Nations.

VIII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 22

The meetings of the Committee shall be held in public, unless the Committee decides otherwise.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 23

Documents of the Committee shall be documents for general distribution, unless the Committee decides otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 24

Six members of the Committee shall constitute a quorum for the adoption of formal decisions. When the number of members of the Committee rises to 14 in accordance with article 72, paragraph 2 (a), of the Convention, 8 members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 25

1. The Chairperson, in accordance with these rules, shall control the proceedings of the Committee and ensure the maintenance of order at its meetings. She or he shall ensure that the Committee proceeds with its work efficiently, including through limiting time allowed to speakers.

2. The Chairperson shall rule immediately on points of order, which may be raised by a member at any time during the discussion. A member raising a point of order may not speak on the substance of the matter under discussion.

3. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

4. The Chairperson may propose to the Committee to adjourn or close the debate, or to suspend or adjourn the meeting.

5. Any member may request that a decision regarding the conduct of the Committee's business be immediately put to the vote.

Adoption of decisions

Rule 26

1. The Committee shall attempt to reach all of its decisions by consensus. If consensus cannot be reached, decisions shall be put to a vote.

2. Bearing in mind paragraph 1 above, the Chairperson at any meeting may, and at the request of any member shall, put the proposal to a vote.

Voting

Rule 27

1. Each member of the Committee shall have one vote.

2. Any proposal or motion put to the vote shall be adopted by the Committee if it has the support of a simple majority of the members present and voting. For the purpose of these rules, "members present and voting" means all members casting an affirmative or negative vote; members who abstain from voting are considered as not voting.

XI. PARTICIPATION OF SPECIALIZED AGENCIES AND OTHER UNITED NATIONS BODIES, INTERGOVERNMENTAL ORGANIZATIONS AND OTHER CONCERNED BODIES

International Labour Office

Rule 28

1. In accordance with article 74, paragraph 2, of the Convention, the Secretary-General of the United Nations shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by States parties concerned and information relevant to the consideration of these reports in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with by the Convention and falling within the sphere of competence of the International Labour Organization. The Committee shall consider in its deliberations such comments and materials as the Office may provide.

2. In accordance with article 74, paragraph 5, of the Convention, the Committee shall invite the International Labour Office to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.

Submission of information, documentation and written statements by other bodies

Rule 29

In accordance with article 74, paragraph 4, of the Convention, the Committee may invite specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies (including national human rights institutions, non-governmental organizations, and other bodies), to submit, for consideration by the Committee, written information on such matters dealt with in the Convention as fall within the scope of their activities.

XII. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 30

1. In accordance with article 74, paragraph 7, of the Convention, the Committee shall submit an annual report on the implementation of the Convention to the General Assembly, containing its considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties.

2. In accordance with article 74, paragraph 8, of the Convention the Secretary-General shall transmit the annual reports of the Committee to the States parties to the present Convention, the Economic and Social Council, the Commission on Human Rights, the Director-General of the International Labour Office and other relevant organizations.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XIII. REPORTS FROM STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

Submission of reports

Rule 31

The Committee may adopt guidelines regarding the form and contents of the reports to be submitted under article 73 of the Convention.

Consideration of reports

Rule 32

1. The Committee shall consider reports, submitted by States parties under article 73 of the Convention, in accordance with the procedure set out in article 74 of the Convention.

2. The Committee may adopt more detailed rules of procedure relating to the submission and consideration of reports submitted by States parties under the Convention.

Rule 33

No member of the Committee shall participate in the examination of State party reports or the discussion and adoption of concluding observations if they involve the State party in respect of which she or he was elected to the Committee.

XIV. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 76 OF THE CONVENTION

Since the procedure under article 76 of the Convention has not yet entered into force, the Committee will consider rules relating to it at a later stage.

XV. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 77 OF THE CONVENTION

Since the procedure under article 77 of the Convention has not yet entered into force, the Committee will consider rules relating to it at a later stage.

PART THREE. RULES RELATING TO INTERPRETATION

XVI. INTERPRETATION

Headings

Rule 34

For the purpose of interpretation of these rules, the headings, which were inserted for reference purposes only, shall be disregarded.

Amendments

Rule 35

The rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Convention.