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CHAPTER I. ORGANIZATIONAL AND OTHER MATTERS

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G. Pre-sessional working group

10. During the period under review, the working group was composed of Mr. El Masry, Mr. Mariño, Mr. Yakovlev and Mr. Yu. The group met from 3 to 7 November 2003, prior to the thirty-first session, and from 26 to 30 April 2004, prior to the thirty-second session. Its agenda was devoted to the consideration of communications under article 22 of the Convention and list of issues to be transmitted to States parties whose periodic reports would be examined at the two sessions. The group reviewed the information brought to its attention and made recommendations to the Committee.

11. At its thirty-second session the Committee decided that, in the future, the lists of issues would be adopted by the Committee on the basis of a draft submitted by the respective country rapporteurs and that the pre-sessional working group would deal exclusively with communications under article 22.

H. Lists of issues

12. The working group which met prior to the thirty-first and thirty-second sessions forwarded to the Committee draft lists of issues to be sent to States whose periodic reports would be considered at the thirty-second and thirty-third sessions, namely, Bulgaria, Chile, Croatia, Czech Republic, Germany, Monaco and New Zealand (thirty-second session), and Argentina, Greece and Canada (thirty-third session).¹ The Committee approved such lists which were subsequently transmitted to the respective States. At the thirty-second session the Committee also decided to transmit a list of issues to Togo, scheduled to be considered at the thirty-third session, in November 2004, in the absence of a report. The initial report of Togo was overdue since 1988. Following its decision, at the thirty-second session, to schedule the fourth periodic report of the United Kingdom for examination at the thirty-third session, the Committee asked the country rapporteurs to prepare a list of issues after the session and transmit it to the State party.

13. In view of the introduction of the list of issues into its working methods, the Committee decided, at its thirty-second session, that its dialogue with delegations from States parties should be structured along the following lines:

(a) The dialogue will start with a presentation by the delegation in which it will: (i) refer to new developments that have occurred in the country since the submission of the report; and (ii) respond to the list of issues. The presentation should not last more than 90 minutes. Although not required to do so, the delegation may, at its discretion, submit the responses also in writing, in which case it should send them to the secretariat two weeks before the dialogue with the Committee.

(b) After the introduction, the rapporteur, co-rapporteur and other members will make their comments and ask additional questions.

(c) The delegation will return the following day to respond to the new questions and/or to provide additional information on the initial list of issues. Committee members can ask other questions and make final remarks.

14. In view of the substantial increase in the amount of information provided by States parties, both oral and written, as a result of the adoption, at their request, of the lists of issues, the Committee requested, at its thirty-second session, to be provided with additional resources in terms of secretariat staff, translation services and meeting time.

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Annex VI

WORKING METHODS OF THE COMMITTEE AGAINST TORTURE WHEN CONSIDERING REPORTS UNDER ARTICLE 19 OF THE CONVENTION

Introduction

1. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in 1984 and entered into force on 26 June 1987. At its first meeting, held in Geneva in April 1988, the Committee adopted its rules of procedure and defined its working methods, in conformity with article 18 of the Convention. The increasing number of ratifications and the practice developed in the performance of its functions has required of the Committee to keep its rules of procedure and working methods under constant review, in order to enhance effectiveness and coordination. The current rules of procedure were last amended in 2002.^a

2. Under article 19 of the Convention each State party must submit to the Committee reports on the measures taken to implement its obligations under the Convention. The initial report must be submitted within one year after the entry into force of the Convention for the State concerned. Thereafter, reports on subsequent developments taking place in connection with the Convention (periodic reports) must be submitted every four years.

Guidelines for reporting by States parties

3. The Committee has adopted reporting guidelines to assist States parties in the preparation of initial and periodic reports.^b The guidelines are kept under review in the light of the Committee's own experience and the efforts of harmonization being conducted by all human rights treaty monitoring bodies.

4. The Committee attaches great importance to the inclusion in State party reports of information related to the de facto implementation of the Convention as well as factors and difficulties affecting such implementation. The Committee also welcomes the involvement of national institutions for the promotion and protection of human rights and non-governmental organizations in the process of consultations leading to the preparation of reports by States parties.

Scheduling reports for examination and lists of issues

5. At each session the Committee selects, among the reports received, those to be examined at its following two sessions. In making the selection the Committee usually follows the chronological order of submission, while giving priority to initial reports over periodic ones. At the same time, the Committee appoints two of its members to act as rapporteurs for each country report. One member can act as rapporteur for more than one report during the same session.

6. At the session prior to the one at which a periodic report will be considered, the Committee draws up a list of issues to be transmitted to the State in question at least two months before the consideration of the report. Such list is prepared, inter alia, on the basis of the information contained in the report, the recommendations addressed by the Committee to the State in the past and information originating from non-governmental sources.

7. The lists of issues are intended to focus the dialogue with the States on matters of particular interest for the Committee. Replies to them are to be provided orally during the consideration of the report. The State party may, at its discretion, submit the responses also in writing for distribution to the Committee members two weeks prior to the date on which the report will be considered by the Committee. Written responses will not be translated. They will be made available to the public by inclusion on the OHCHR web site in the language of submission.

Consideration of reports of States parties

8. The Committee holds two sessions annually, a two-week session in November and a three-week session in May. Five to seven States parties are invited to present their reports at each session.

9. The consideration of a report usually takes the form of a dialogue between the delegation from the reporting State and the Committee. The aim of the dialogue is to enhance the Committee's understanding of the situation in the State party as it pertains to the Convention and to provide advice on how to improve the implementation of the

Convention. Exceptionally, the Committee may consider a report in the absence of representatives of the State party when, after being notified, they fail to appear before the Committee and do not provide strong reasons.^c

10. Two public meetings, an initial half-day morning meeting and another in the afternoon of the following day, are generally devoted to the consideration of a report. The first meeting begins with a presentation by the State party representatives in which they should make an introduction highlighting, *inter alia*, new developments since the submission of the report and respond to the list of issues previously sent by the Committee. Such presentation should not last more than 90 minutes. Afterwards, the country rapporteurs and other Committee members make comments and seek additional information related to issues they consider as requiring further clarification. They can also raise matters that had not been referred to in the initial list of issues.

11. It is the Committee's practice that individual members refrain from participating in any aspect of the consideration of the reports of the States parties of which they are nationals.

12. Press releases in English and French are issued immediately by the United Nations Information Service regarding the meetings at which a State party report is considered. Summary records are also issued during or after the closure of the session, in English or French.

13. The official languages of the Committee being English, French, Russian and Spanish, interpretation from and into these languages is provided during all official meetings. The State party reports and other relevant documents are also made available in these languages. State party reports submitted in Arabic or Chinese are issued as official documents also in the original language. Arabic and Chinese interpretation is made available when State representatives wish to use these languages.

Conclusions and recommendations

14. Following the consideration of each report the Committee proceeds to deliberate in a closed meeting, subsequent to which the country rapporteurs draft conclusions and recommendations. The drafts are then discussed and adopted in plenary, also in closed meeting. The conclusions and recommendations follow a standard format which consists of a brief introduction, followed by sections noting positive aspects, factors and difficulties impeding the implementation of the Convention (if any), subjects of concern to the Committee and recommendations.

15. Once adopted, the conclusions and recommendations are forwarded to the State party concerned and made public. They are also posted on the OHCHR web site. Finally, they are included in the annual report that the Committee submits to the General Assembly annually.

16. The State party may submit any comment it considers appropriate in reply to the conclusions and recommendations. If the State so requests, the Committee can make such comments public by issuing them as an official document.

Follow-up to conclusions and recommendations

17. The Committee may identify some of its recommendations regarding whose implementation it would like to receive information from the State party.^d The Committee has appointed a rapporteur to follow up on the State party's compliance with these requests.

Strategies to encourage reporting by States parties

18. Twice a year the Committee issues a list of overdue reports. Such a list is also included in the Committee's annual report to the General Assembly. The Committee may also send to a State party a reminder concerning the submission of its report(s). Furthermore, the Committee has appointed two of its members to maintain contacts with representatives of non-reporting States in order to encourage the preparation and submission of reports.

19. Under rule 65 of its rules of procedure the Committee may, in appropriate cases, notify the defaulting State that it intends, on a date specified in the notification, to examine the measures taken by the State to protect or give effect to the rights recognized in the Convention and make such general comments as it deems appropriate in the circumstances.

Interaction with specialized agencies and bodies of the United Nations and non-governmental organizations in the examination of reports

20. Under rule 62 of its rules of procedure, the Committee invites United Nations specialized agencies and bodies, regional intergovernmental organizations and non-governmental organizations to submit information relevant to the Committee's activities under the Convention.

21. The Committee attaches particular importance to information obtained from specialized agencies and non-governmental organizations, as such information is often the result of a close monitoring of the situation carried out inside the country. Furthermore, those agencies and organizations can play an important role in the context of implementation of the Committee's recommendations at the national level.

22. The information submitted in writing by NGOs is brought to the attention of the State concerned unless the authors object. This practice allows the State party to be better prepared to respond to questions that may be posed by the Committee on the basis of such information and facilitates the dialogue. If the NGO does not wish the information it submitted to be transmitted to the State party concerned, the Committee cannot take it into consideration during its dialogue with that State.

23. Non-governmental organizations may also ask to brief Committee members orally during the session. Such briefings, devoted to one country at a time, are limited to the attendance of Committee members only.

Other matters

Cooperation with other United Nations human rights bodies

24. The Committee interacts with other human rights treaty bodies, particularly on matters related to methods of work, through the participation at the inter-committee meetings and meeting of persons chairing the human rights treaty bodies. It also maintains regular contacts, directly and through the Secretariat, with the other United Nations bodies and mechanisms dealing specifically with torture, i.e. the Special Rapporteur on torture of the Commission on Human Rights and the Board of Trustees of the Voluntary Fund for Victims of Torture. The purpose of such contacts is to exchange information, coordinate activities and avoid duplication.

Statements and general comments adopted by the Committee

25. The Committee adopts statements to draw attention to and highlight the importance of major developments and issues that bear upon the implementation of the Convention and to clarify its position with respect to such issues. The Committee may issue a statement independently or jointly with other United Nations bodies, as it deems appropriate. Joint statements are usually issued on the occasion of the United Nations International Day in Support of Victims of Torture.

26. The Committee may also adopt general comments on specific provisions of the Convention or issues related to their implementation. Thus, a general comment was adopted in 1997 on the implementation of article 3 in connection with article 22 of the Convention.^e

ⁱ The lists of issues can be consulted on the web site of the Office of the High Commissioner for Human Rights, *www.unhchr.org*.

^a CAT/C/3/Rev.4.

^b CAT/C/4/Rev.2 for initial reports and CAT/C/14/Rev.1 for periodic reports.

^c Rule 66, paragraph 2, of the rules of procedure.

^d Rule 68, paragraph 1, of the rules of procedure.

^e A/53/44, paragraph 258, or Compilation of general comments and general recommendations adopted by human rights treaty bodies (HRI/GEN/1/Rev.6), pp. 279-281.