

**CHAPTER II. METHODS OF WORK OF THE COMMITTEE  
UNDER ARTICLE 40 OF THE COVENANT:  
NEW DEVELOPMENTS**

49. The present chapter summarizes and explains the modifications recently introduced by the Committee to its working methods under article 40 of the Covenant.

**A. Recent decisions on procedures**

50. At its sixty-fifth session in March 1999, the Committee decided that the lists of issues for the examination of States parties' reports should henceforth be adopted at the session prior to the examination of the report, thereby allowing a period of at least two months for States parties to prepare for the discussion with the Committee. Central to the consideration of States parties reports is the oral hearing, where the delegations of States parties have the opportunity to answer specific questions from Committee members. Thus, States parties are encouraged to use the list of issues better to prepare for a constructive discussion, but are not expected to submit written answers. This new practice was put into effect at the sixty-sixth session, at which the lists of issues for the sixty-seventh session were adopted. There has been some progress with the implementation of the new practice; the Committee, however, notes that if States parties do submit written answers to lists of issues, they should do so well in advance of the examination of the report, to ensure that the translation of the replies into the Committee's working languages is produced in time.

51. In October 1999, the Committee adopted new consolidated guidelines on State parties' reports, which replaced all prior guidelines and are designed to facilitate the preparation of initial and periodic reports by States parties (see also paragraph 16 above). The guidelines provide for comprehensive initial reports, prepared on an article-by-article basis, and focused periodic reports geared primarily to the Committee's concluding observations on the previous report of the State party concerned. In their periodic reports, States parties need not report on every single article of the Covenant, but only on those provisions identified by the Committee in its concluding observations and those articles in respect of which there have been significant developments since the submission of the previous report. These consolidated guidelines were once again modified during the seventieth session (October 2000) on the basis of proposals made by a working group of the Committee mandated to review the Committee's working methods under article 40 of the Covenant. The revised consolidated guidelines have been issued as document CCPR/C/66/GUI/Rev.2, dated 26 February 2001 (see annex III.A).

52. During the sixty-eighth, sixty-ninth and seventieth sessions of the Committee, a working group composed of Ms. Chanet, Viscount Colville of Culross, Mr. Klein (Chair) and Mr. Yalden discussed possible ways of improving, and making more effective, the Committee's reporting procedure under article 40. This working group proposed relevant amendments to the Committee's rules of procedure, which were discussed by the Committee plenary in detail during the seventieth session. The amendments, which concern primarily the State reporting procedure, are aimed at

reducing the reporting burden on States parties and designed to simplify the procedure.

53. The amendments introduce procedures for dealing with situations where States parties have failed to honour their reporting obligations over several reporting cycles, or request a postponement of their scheduled appearance before the Committee at short notice. In both situations, the Committee may henceforth serve notice on the States concerned that it intends to examine, on the basis of material available to it, the measures adopted by that State party with a view to giving effect to the provisions of the Covenant, even in the absence of a report. The amended rules of procedure also introduce a follow-up procedure to the concluding observations of the Committee: rather than a set time limit for the submission of its next report being established in the last paragraph of the concluding observations, the State party will be requested to report back to the Committee within a specified period with responses to the Committee's recommendations, indicating what steps, if any, it has taken to meet the recommendations. Such responses will thereafter be examined by a group of Committee members, and result in the determination by the plenary of the Committee of a definitive time limit for the submission of the next report.

54. Another working group appointed by the Committee and composed of Ms. Chanet, Mr. Klein (Chair), Sir Nigel Rodley and Mr. Yalden made several further proposals for amendments of the rules of procedure during the seventy-first session. The amendments to the rules were formally adopted at the Committee's 1924th meeting, during the seventy-first session. The revised rules of procedure have been issued as document CCPR/C/3/Rev.6 and Corr.1; they are reproduced in annex III.B to the present report. All States parties to the Covenant have been informed of the amendments to the rules of procedure; the Committee has applied the revised rules since the end of the seventy-first session.

## **B. Concluding observations**

55. Since its decision of 24 March 1992, taken at its 1123rd meeting, the Committee has been adopting concluding observations. The Committee takes the concluding observations as a starting point in the preparation of the list of issues for the examination of the subsequent report of a State party. In some cases the Committee has received comments from the State party, which are issued in document form. During the period under review such comments were received from Trinidad and Tobago and the Syrian Arab Republic. These State party replies have been issued as documents and are available with the Committee's secretariat, or may be consulted on the Web site of the Office of the High Commissioner for Human Rights.

## **C. Links to other human rights treaties and treaty bodies**

56. The Committee continues to find value in the meeting of persons chairing the human rights treaty bodies as a forum for the exchange of ideas and information on procedures and logistical problems, particularly the need for sufficient services to enable the various treaty bodies to carry out their respective mandates.

57. Mr. Bhagwati, the Chairperson of the Committee, participated in the 13th meeting of treaty body chairpersons, held in Geneva from 18 to 22 June 2001. The outcome of the 13th meeting was

discussed at the seventy-second session. Among the matters discussed were:

- (a) The issue of staff resources;
- (b) The issue of better coordination of activities among treaty bodies and with the special procedures mechanisms of the Commission on Human Rights;
- (c) The issue of follow-up to concluding observations on initial or periodic State party reports;
- (d) The desirability of an inter-Committee meeting;
- (e) The future of the Global Plan of Action for the strengthening of the United Nations human rights treaty body system.

58. In their recommendations, the Chairpersons:

- (a) Recommended that the practice of holding an informal meeting with representatives of States parties should be continued at the fourteenth meeting, in 2002;
- (b) Recommended that treaty body chairpersons should attend meetings of the United Nations organs to which their reports are submitted at the time that their reports are being considered. They requested the Office of the High Commissioner to provide funding to implement that decision;
- (c) Agreed that a first inter-Committee meeting be convened on the subjects of methods of work and reservations to the human rights treaties. The secretariat was requested to organize a four-day meeting. Each Committee should, as far as possible, be represented by its Chairperson and two other members;
- (d) Recommended that all the treaty bodies should consider ways of strengthening collaboration with the Sub-Commission for the Promotion and Protection of Human Rights;
- (e) Reaffirmed the need for improving collaboration and the exchange of information between treaty bodies and the special procedures mandates of the Commission on Human Rights. The following recommendations to this effect, were made, inter alia:
  - Efforts must be made to ensure the periodic distribution, to all members of treaty bodies and special procedures mandate holders of a list of planned country visits of special procedures mandate holders and the schedule of consideration of reports of States parties to the major human rights treaties;
  - Efforts should be made to disseminate more widely the expertise accumulated in the jurisprudence and other work of the treaty bodies and special procedures mandate holders;

- Increased emphasis should be placed on organizing meetings between special procedures mandate holders and the treaty bodies. Advantage should be taken of the presence of special procedures mandate holders in Geneva during a treaty body session.
- (f) Lastly, the Chairpersons agreed that the next joint meeting with special procedures mandate holders, in June 2002, should be devoted in part to a joint discussion of the role of the human rights mechanisms in the follow-up to the World Conference against Racism.

#### **D. Cooperation with other United Nations bodies**

59. In 1999, the Committee considered its participation in the initiative emerging from the Memorandum of Understanding signed by the Office of the High Commissioner for Human Rights and the United Nations Development Programme on cooperation over a wide range of human rights issues and activities. The Committee welcomed the fact that, in its development programmes, and in particular those relating to technical assistance, the United Nations Development Programme (UNDP) took account of the Committee's conclusions arising from its consideration of State party reports. While the indicators, i.e. quantitative and qualitative criteria for assessing compliance by States parties with the provisions of human rights treaties and for a State party's capacity for good governance, did not as yet include many rights guaranteed by the International Covenant on Civil and Political Rights, the Committee intended to play its part in refining and developing those indicators, so that United Nations resources may be more effectively targeted.

60. On 2 April 2001, the Chairperson of the Committee, Mr. Bhagwati, addressed a letter to the Administrator of UNDP, reiterating his request for continued UNDP contribution to the elaboration of lists of issues on initial and/or periodic State party reports.

61. From 25 to 27 June 2001, Mr. Bhagwati and Ms. Medina Quiroga participated in the International Workshop on the Application of Human Rights to Reproductive and Sexual Health, organized jointly by the Office of the High Commissioner for Human Rights and the United Nations Population Fund, in Geneva. Mr. Bhagwati and Ms. Medina Quiroga briefed the Committee on the conduct and recommendations of the Workshop during the seventy-second session.

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## **Annex III**

### **A. CONSOLIDATED GUIDELINES FOR STATE REPORTS UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

**(as amended at the seventieth session, October-November 2000  
(CCPR/C/GUI/Rev.2))\***

#### **A. Introduction**

**A.1** These guidelines replace all earlier versions issued by the Human Rights Committee, which may now be disregarded (CCPR/C/19/Rev.1 of 26 August 1982, CCPR/C/5/Rev.2 of 28 April 1995 and Annex VIII to the Committee's 1998 report to the General Assembly (A/53/40)); the Committee's general comment 2 (13) of 1981 is also superseded. The present guidelines do not affect the Committee's procedure in relation to any special reports which may be requested.

**A.2** These guidelines will be effective for all reports to be presented after 31 December 1999.

**A.3** The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

**A.4** Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

#### **B. Framework of the Covenant concerning reports**

**B.1** Every State party, upon ratifying the Covenant, undertakes, under article 40, to submit, within a year of the Covenant's entry into force for that State, an initial report on the measures it has adopted which give effect to the rights recognized in the Covenant ("Covenant rights") and progress made in their enjoyment; and thereafter periodic reports whenever the Committee so requests.

**B.2** For subsequent periodic reports the Committee has adopted a practice of stating, at the end of its concluding observations, a date by which the following periodic report should be submitted.

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\* Adopted during the sixty-sixth session (July 1999) of the Human Rights Committee and amended during its seventieth session (October 2000).

## **C. General guidance for contents of all reports**

**C.1** The articles and the Committee's general comments. The terms of the articles in Parts I, II and III of the Covenant must, together with general comments issued by the Committee on any such article, be taken into account in preparing the report.

**C.2** Reservations and declarations. Any reservation to or declaration as to any article of the Covenant by the State party should be explained and its continued maintenance justified.

**C.3** Derogations. The date, extent and effect of, and procedures for imposing and for lifting any derogation under article 4 should be fully explained in relation to every article of the Covenant affected by the derogation.

**C.4** Factors and difficulties. Article 40 of the Covenant requires that factors and difficulties, if any, affecting the implementation of the Covenant should be indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome these.

**C.5** Restrictions or limitations. Certain articles of the Covenant permit some defined restrictions or limitations on rights. Where these exist, their nature and extent should be set out.

**C.6** Data and statistics. A report should include sufficient data and statistics to enable the Committee to assess progress in the enjoyment of Covenant rights, relevant to any appropriate article.

**C.7** Article 3. The situation regarding the equal enjoyment of Covenant rights by men and women should be specifically addressed.

**C.8** Core document. Where the State party has already prepared a core document (see HRI/CORE/1, dated 24 February 1992), this will be available to the Committee: it should be updated as necessary in the report, particularly as regards "General legal framework" and "Information and publicity" (see HRI/CORE/1, paras. 3 and 4).

## **D. The initial report**

### **D.1 General**

This report is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Covenant which it has ratified. The report should:

Establish the constitutional and legal framework for the implementation of Covenant rights;

Explain the legal and practical measures adopted to give effect to Covenant rights;

Demonstrate the progress made in ensuring enjoyment of Covenant rights by the people within the State party and subject to its jurisdiction.

## **D.2 Contents of the report**

**D.2.1** A State party should deal specifically with every article in Parts I, II and III of the Covenant; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies for violation of Covenant rights should be explained and exemplified.

**D.2.2** The report should explain:

How article 2 of the Covenant is applied, setting out the principal legal measures which the State party has taken to give effect to Covenant rights; and the range of remedies available to persons whose rights may have been violated;

Whether the Covenant is incorporated into domestic law in such a manner as to be directly applicable;

If not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

Whether the Covenant rights are guaranteed in a Constitution or other laws and to what extent; or

Whether Covenant rights must be enacted or reflected in domestic law by legislation so as to be enforceable.

**D.2.3** Information should be given about the judicial, administrative and other competent authorities having jurisdiction to secure Covenant rights.

**D.2.4** The report should include information about any national or official institution or machinery which exercises responsibility in implementing Covenant rights or in responding to complaints of violations of such rights, and give examples of their activities in this respect.

## **D.3 Annexes to the report**

**D.3.1** The report should be accompanied by copies of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Covenant rights. Such texts will not be copied or translated, but will be available to members of the Committee; it is important that the report itself contains sufficient quotations from or summaries of these texts so as to ensure that the report is clear and comprehensible without reference to the annexes.

## **E. Subsequent periodic reports**

**E.1** There should be two starting points for such reports:

The concluding observations (particularly “Concerns” and “Recommendations” on the previous report and summary records of the Committee’s consideration (insofar as these exist);

An examination by the State party of the progress made towards and the current situation concerning the enjoyment of Covenant rights by persons within its territory or jurisdiction.

**E.2** Periodic reports should be structured so as to follow the articles of the Covenant. If there is nothing new to report under any article it should be so stated.<sup>a</sup>

**E.3** The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to a periodic report.

**E.4** There may be circumstances where the following matters should be addressed, so as to elaborate a periodic report:

There may have occurred a fundamental change in the State party’s political and legal approach affecting Covenant rights: in such a case a full article by article report may be required;

New legal or administrative measures may have been introduced which deserve the annexure of texts and judicial or other decisions.

## **F. Optional protocols**

**F.1** If the State party has ratified the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should (unless the matter has been dealt with in a previous report) include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance thus criticized does not recur.

**F.2** If the State party has abolished the death penalty the situation relating to the Second Optional Protocol should be explained.

## **G. The Committee’s consideration of reports**

### **G.1 General**

The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Covenant rights in the State.

## **G.2 List of issues**

On the basis of all information at its disposal, the Committee will supply in advance a list of issues which will form the basic agenda for consideration of the report. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

## **G.3 The State party's delegation**

The Committee wishes to ensure that it is able effectively to perform its functions under article 40 and that the reporting State party should obtain the maximum benefit from the reporting requirement. The State party's delegation should, therefore, include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of Covenant rights.

## **G.4 Concluding observations**

Shortly after the consideration of the report, the Committee will publish its concluding observations on the report and the ensuing discussion with the delegation. These concluding observations will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

## **G.5 Extra information**

**G.5.1** Following the submission of any report, subsequent revisions or updating may only be submitted:

- (a) No later than 10 weeks prior to the date set for the Committee's consideration of the report (the minimum time required by the United Nations translation services); or,
- (b) After that date, provided that the text has been translated by the State party into the working languages of the Committee (currently English, Spanish and French).

If one or other of these courses is not complied with, the Committee will not be able to take an addendum into account. This, however, does not apply to updated annexes or statistics.

**G.5.2** In the course of the consideration of a report, the Committee may request or the delegation may offer further information; the secretariat will keep a note of such matters which should be dealt with in the next report.

**G.6.1** The Committee may, in a case where there has been a long-term failure by a State party, despite reminders, to submit an initial or a periodic report, announce its intention to examine the extent of compliance with Covenant rights in that State party at a specified future session. Prior to

that session it will transmit to the State party appropriate material in its possession. The State party may send a delegation to the specified session, which may contribute to the Committee's discussion, but in any event the Committee may issue provisional concluding observations and set a date for the submission by the State party of a report of a nature to be specified.

**G.6.2** In a case where a State party, having submitted a report which has been scheduled at a session for examination, informs the Committee, at a time when it is impossible to schedule the examination of another State party report, that its delegation will not attend the session, the Committee may examine the report on the basis of the list of issues either at that session or at another to be specified. In the absence of a delegation, it may decide either to reach provisional concluding observations, or to consider the report and other material and follow the course in paragraph G.4 above.<sup>b</sup>

## **H. Format of the report**

The distribution of a report, and thus its availability for consideration by the Committee, will be greatly facilitated if:

- (a) The paragraphs are sequentially numbered;
- (b) The document is written on A4-sized paper;
- (c) Is single-spaced; and
- (d) Allows reproduction by photo-offset (is on one side only of each sheet of paper).

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### **Notes**

<sup>a</sup> E.2 in fine: adopted at the seventieth session.

<sup>b</sup> G.6.1 and 2: adopted at the seventieth session.

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## **B. Revised Rules of Procedure of the Committee**

**(as formally amended at the seventy-first session of  
the Committee (CCPR/C/3/Rev.6 and Corr.1))**

### **PART I. GENERAL RULES**

#### **I. 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”).

##### **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.

##### **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.

##### **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.

## **Rule 5**

Sessions of the Committee shall normally be held at the Headquarters of the United Nations 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**

### **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.

### **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.

### **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 17 of these rules.

### **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.

### **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**

### **Rule 11**

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

### **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.

### **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 the member 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 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.

#### **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**

#### **Rule 17**

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

#### **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.

#### **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.

#### **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.

#### **Rule 21**

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

#### **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**

### **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.

### **Rule 24**

The Secretary-General or 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.

### **Rule 25**

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

### **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.

### **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**

### **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.

### **Rule 29**

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.

### **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 by interpreters of the Secretariat may be based on the interpretation given in the first working language.

### **Rule 31**

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

### **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**

### **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.

### **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**

### **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.

### **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**

### **Rule 37**

Twelve members of the Committee shall constitute a quorum.

### **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.

### **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.

### **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.

#### **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.

#### **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.

#### **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 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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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**

#### **Rule 50**

Each member of the Committee shall have one vote.

#### **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.

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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.

### **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.

### **Rule 53**

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

### **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.

### **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.

### **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.

### **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.

### **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.

### **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 such unrestricted ballot, and the following three ballots shall be unrestricted, and so on until a person or member is elected.

### **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, 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 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, 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.

### **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**

### **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**

### **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**

### **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**

### **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 II. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE**

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

#### **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.

#### **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 from 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.

#### **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 but fails to send any representative, in accordance with rule 68.1, under article 40, paragraph 1, of the Covenant, 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 68.2 and thereafter act in accordance with rule 70.3; 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.

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.

### **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 70 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 70 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 69 A**

1. In cases where the Committee has been notified under rule 69.1 of the failure of a State to submit under rule 66.3 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. Where the Committee acts under this rule, it shall proceed in accordance with rule 68.3 and may set a date when it proceeds to act under rule 68.1.

### **Rule 70**

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 to 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 will be communicated to the State party, together with notification of the date by which the next report, under article 40, shall be submitted.

4. No member of the Committee shall participate in the examination of State 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.

### **Rule 70 A**

Where the Committee has specified for priority, under rule 70, paragraph 5, certain aspects of its concluding observations on a State party's report, it shall establish a procedure to consider replies by the State party on those aspects and to decide what consequent action, including the date set for the next periodic report, may be appropriate.

### **Rule 71**

The Committee shall communicate, through the Secretary-General, to States parties the General Comments which 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**

### **Rule 72**

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.

### **Rule 73**

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

### **Rule 74**

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 72 of these rules and shall transmit to them as soon as possible copies of the notice and relevant information.

### **Rule 75**

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 76**

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 which 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 77 A**

Subject to the provisions of rule 76 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 human rights and fundamental freedoms as recognized in the Covenant.

### **Rule 77 B**

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.

### **Rule 77 C**

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.

### **Rule 77 D**

1. Within 12 months after the date on which the Committee received the notice referred to in rule 72 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 77 C 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.

### **Rule 77 E**

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**

#### **Rule 78**

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 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 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 79 if it concerns a State which is not a party to the Protocol.

#### **Rule 79**

1. The Secretary-General shall prepare lists of the communications submitted to the Committee in accordance with rule 78 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 80**

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of the 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 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 79, paragraph 1, of these rules.

### **Rule 81**

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**

### **Rule 82**

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

### **Rule 83**

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 84**

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 85**

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 86**

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**

#### **Rule 87**

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 Protocol.
2. A working group established under rule 89, paragraph 1, may also declare a communication admissible when it is composed of five members and all the members so decide.

#### **Rule 88**

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 89, paragraph 1, 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 89, paragraph 1.

#### **Rule 89**

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 (2) of the 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 90**

With a view to reaching a decision on the admissibility of a communication, the Committee, or a working group established under rule 89, paragraph 1, 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 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 91**

1. As soon as possible after the communication has been received, the Committee, a working group established under rule 89, paragraph 1, or a special rapporteur designated under rule 89, 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 89, paragraph 1, or a special rapporteur designated under rule 89, 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 89, paragraph 1, or a special rapporteur designated under rule 89, 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 92**

1. Where the Committee decides that a communication is inadmissible under the 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 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**

#### **Rule 93**

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 89, paragraph 1, rules 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.

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 94**

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 or to a special rapporteur 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 95**

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**

### **Rule 96\***

1. Communications under the Optional Protocol shall be examined by the Committee and its Working Group established pursuant to rule 89 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 89 or the Special Rapporteur designated pursuant to rule 89 (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 89 or the Special Rapporteur designated pursuant to rule 89 (3) shall remain confidential, unless the Committee decides otherwise.
3. Paragraph 1 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 89 or the Special Rapporteur designated pursuant to rule 89 (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 89 or the Special Rapporteur designated pursuant to rule 89 (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, merits or discontinuance has been adopted.
5. Subject to paragraph 4, the Committee's decisions on inadmissibility, merits and discontinuance shall be made public. The decisions of the Committee or the Special Rapporteur designated pursuant to rule 89 (3) under rule 86 shall be made public. No advance copies of any Committee decision 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.

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\*Rule 96, adopted at the 1585th meeting of the Committee on 10 April 1997, replaces old rules 96, 97 and 98.

### **Rule 97**

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**

### **Rule 98**

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