

X. OVERVIEW OF THE METHODS OF WORK OF THE COMMITTEE

596. An overview of the methods of work of the Committee was included in its report to the fifty-first session of the General Assembly.¹ It highlighted changes introduced in recent years and was designed to improve the Committee's procedures.

597. At its sixtieth session, the Committee decided to review its working methods at its sixty-first session and asked Mr. Valencia Rodríguez, convenor of an open-ended working group on this issue, to prepare and submit a working paper for consideration. The working paper submitted by Mr. Valencia Rodríguez was discussed and revised further by the Committee at its sixty-second and sixty-third sessions and adopted at the sixty-third session, with the exception of one paragraph which remains pending. The text of the paper as adopted can be found in annex IV.

598. The Committee had the opportunity to discuss its working methods further at the meeting with States parties held at its 1606th meeting, on 19 August 2003 (see CERD/C/SR.1606). The main issues raised and discussed during this meeting, which was attended by representative of 65 States parties, included: the possibility of the Committee's holding some of its meetings in New York; the adoption of lists of issues to be transmitted to States parties prior to the consideration of their initial or periodic reports by the Committee; the adoption of a mechanism to ensure adequate follow-up to the conclusions and recommendations addressed to States parties by the Committee after the consideration of their initial or periodic reports; the possibility of adopting general comments together with other treaty bodies; the individual and group complaints procedure provided in article 14 of the Convention; the issue of gender balance in treaty body membership; the discussion of concluding observations in open or closed meetings; and the reform proposals relating to the treaty body reporting procedure. In his concluding remarks, the Chairman of the Committee welcomed the large number of participants and thanked them for a very fruitful dialogue which would help the Committee to find solutions and improve its working methods.

¹ *Official Reports of the General Assembly, Fifty-first Session, Supplement No. 18 (A/51/18)*, paras. 587-627.

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Annex IV: OVERVIEW OF THE METHODS OF WORK of the Committee*

A. General debate

The Committee will consider whether it is appropriate to devote one meeting of its session, or a part thereof, to a general debate on situations or aspects relating to the

International Convention on the Elimination of All Forms of Racial Discrimination, as well as to the implementation of the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

With a view to guiding this general debate, the Committee may at the preceding session identify the situations or aspects on which the discussion should preferably be focused.

B. The Committee's relations with national human rights institutions and non-governmental organizations

(a) Accredited national human rights institutions, on the one hand, and non-governmental organizations, on the other hand, may provide information on issues relating to the consideration of reports of States parties, on a personal level and in informal meetings outside the Committee's working hours, to members of the Committee wishing to attend such meetings, as well as respond to requests to clarify or supplement such information.

(b) The secretariat will inform accredited national human rights institutions, on the one hand, and non-governmental organizations, on the other hand, about the Committee's programme of work for the respective session and will provide them with copies of the reports due to be considered by the Committee.

(c) The Committee may organize, when it deems appropriate, informal meetings with representatives of accredited national human rights institutions, on the one hand, and non-governmental organizations, on the other hand, on issues of major importance for the implementation of the Convention. The Committee will determine the agenda and the modalities of such meetings. States parties will be invited to attend.

C. Thematic debates

The Committee may consider whether it is appropriate to hold debates on specific themes in order to specify the extent of its responsibilities under the Convention, as well as to provide States parties with guidelines for the better and more complete fulfilment of their obligations.

D. Early-warning measures and urgent procedures

The Committee may decide to set up a working group to consider the status of implementation of its decisions and recommendations under the early-warning measures and urgent procedures and to make suggestions in this respect. The working group may also be charged with suggesting appropriate measures to reactivate these mechanisms, indicating the situations or cases to which these measures or procedures may be applied.

E. Meetings of chairpersons of the human rights treaty bodies and inter-committee meetings

While recognizing the responsibility of the Committee's Chairman and without prejudice to his functions, and recognizing the responsibility of the members attending inter-committee meetings, the Committee may suggest issues or topics for consideration at those meetings.

F. Cooperation of the Committee with other bodies

The Committee will keep channels open for exchanging information with the other treaty bodies, the Commission on Human Rights and other organs and bodies of the United Nations system that in one way or another consider aspects relevant to the work carried out by the Committee. This interchange of information will likewise be extended to international or regional mechanisms or bodies entrusted with monitoring the observance of and respect for human rights, particularly in matters covered by the Convention or the Durban Declaration and Programme of Action.

To this end, the Committee will re-establish the practice of appointing members to liaise with bodies or mechanisms specifically established for that purpose.

The members so appointed will report briefly to the Committee.

G. Reports of States parties

In order to facilitate the work of the Committee, States parties are once again requested to ensure that the reports correspond strictly to the provisions of the Convention and that they are drafted in accordance with the guidelines adopted by the Committee.

States parties are invited to submit reports that are as succinct and concise as possible.

H. Presence of the delegation of the State party

The relevance and effectiveness of the dialogue that the Committee holds with States parties concerning the reports before it are reinforced by the presence of a delegation whose members have competence in the matters covered in the report and, in general, for the implementation of the Convention.

States parties are therefore invited, whenever possible, to include such representatives in their delegations. States parties are also invited to transmit any request for the deferment of consideration of a report to the Committee as soon as they are

notified of the date on which the report is due to be considered. Such timely information will help the Committee in rescheduling its work.

I. Introductory presentation by the State party's representative

The representative of the State party, when introducing the report to be considered, is invited to draw the Committee's attention to the most important aspects of the document and also to provide additional information concerning new data or aspects that are not reflected in the report, concentrating on matters relating to the Committee's mandate. This presentation should not exceed 30 minutes.

J. Action of country rapporteurs

The country rapporteurs, in presentations that should also not exceed 30 minutes, must highlight aspects relevant to the fulfilment of the obligations arising under the Convention, and also those where shortcomings or deficiencies are apparent. They will also put questions aimed at supplementing the information received and ensuring greater clarity or precision with respect to the information received. These questions may be conveyed to the State party beforehand.

K. Interventions by members of the Committee

The members of the Committee, when commenting on or analysing a report, should endeavour not to repeat the country rapporteur's comments, observations or questions, except to emphasize certain aspects. These interventions should not exceed 10 minutes.

L. Reply of the State party's representative

The replies of the State party's representative to the comments, observations, questions and requests for clarification of members of the Committee are a fundamental part of the dialogue between the Committee and the reporting State. The representative is invited to reply as precisely as possible, although some questions may need to be referred back to the Government concerned for consultation, and the replies or clarifications in this respect can be included in the next periodic report.

The Chairman of the Committee will conduct this part of the dialogue in such a way that the State party's representative has sufficient time to provide his or her replies without affecting the continuation of the Committee's normal work.

Members of the Committee may intervene after hearing the replies of the State party's representative in order to request further explanations or clarifications. The representative is invited to provide this additional information, if available; otherwise, it may be included in the next periodic report.

M. The Committee's concluding observations

The members of the Committee are advised to review carefully the draft concluding observations presented by the country rapporteur and to pass on their amendments or suggestions to the rapporteur, who is responsible for revising the text. This will facilitate their consideration by the full Committee.

Once the text of the concluding observations/recommendations has been approved by the Committee, the secretariat will forward them to the State party concerned and then to other interested parties.

The meetings of the Committee to adopt the concluding observations will be held in private.

N. Written comments by the State party

Under article 9 of the Convention, States parties are entitled to make comments on the suggestions or recommendations made by the Committee after the consideration of the report concerned, and such comments must be included in the annual report of the Committee to the General Assembly.

When such comments are very extensive, the Committee may invite the State party to summarize them for publication in its annual report.

[O. Follow-up to the Committee's concluding observations/recommendations]

P. Action in cases where States parties fail to comply with their reporting obligations

Since reporting by States parties is the fundamental mechanism by which the Committee discharges fully its obligation to monitor the observance of obligations under the Convention, the Committee has adopted special procedures for considering the situation of States parties that have not submitted even an initial report, or whose reports are considerably overdue.

The Committee, through its observations and recommendations with respect to States parties in such a situation, draws the attention of the State party concerned to the consequences of such non-compliance and reminds it of its reporting obligations under article 9 of the Convention. It furthermore makes recommendations to the State party with a view to ensuring the implementation of the Convention. The Committee includes a special chapter on such cases in its annual report to the General Assembly for the Assembly to take what action it deems appropriate.

Q. Country presentations

The Committee will be provided by the secretariat, well in advance of the session, with country presentations concerning the States parties whose periodic reports are due to be considered by the Committee, or the States parties scheduled for examination under the review procedure. These presentations, to be treated as confidential documents, should contain a summary of the information available on the country in connection with the periodic reports.

R. Consideration of communications under article 14

In accordance with the established procedure, the Committee appoints an open-ended working group to study the communications which it receives under article 14 of the Convention and to make recommendations in this respect to the full Committee.

S. Timely receipt of reports and other documentation

The secretariat of the Committee must take the necessary steps to make the reports of States parties and any other relevant documentation available to the members of the Committee as far in advance as possible in order to facilitate their study of the reports and enable them adequately to prepare any comments, observations or questions they may wish to make.

T. Missions by members of the Committee to States parties

The members of the Committee stand ready to undertake missions to States parties, with the consent of the Government of the State party concerned, in order to assist where their presence would be useful in facilitating better implementation of the Convention.

The Committee appoints one or more members to undertake such missions. When an invitation for a mission is received between meetings of the Committee, the Chairman will request one or more members to undertake the mission, after consulting the members of the Bureau. Members of the Committee participating in such a mission will report to the Committee at its next session.