



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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Committee against Torture

**Rules of procedure\***

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\* Adopted by the Committee at its first and second sessions and amended at its thirteenth, fifteenth, twenty-eighth, forty-fifth and fiftieth sessions.

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## **Part one**

### **General rules**

#### **I. Sessions**

##### **Rule 1**

##### **Meetings of the Committee**

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

##### **Rule 2**

##### **Regular sessions**

1. The Committee shall normally hold two regular sessions each year.
2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as “the Secretary-General”), taking into account the calendar of conferences as approved by the General Assembly.

##### **Rule 3**

##### **Special sessions**

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairperson may convene special sessions of the Committee in consultation with the other officers of the Committee. The Chairperson of the Committee shall also convene special sessions:
  - (a) At the request of a majority of the members of the Committee;
  - (b) At the request of a State party to the Convention.
2. Special sessions shall be convened as soon as possible at a date fixed by the Chairperson in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

##### **Rule 4**

##### **Place of sessions**

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

**Rule 5**  
**Notification of opening date of sessions**

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

**II. Agenda**

**Rule 6**  
**Provisional agenda for regular sessions**

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

- (a) Any item decided upon by the Committee at a previous session;
- (b) Any item proposed by the Chairperson of the Committee;
- (c) Any item proposed by a State party to the Convention;
- (d) Any item proposed by a member of the Committee;
- (e) Any item proposed by the Secretary-General relating to his functions under the Convention or these Rules.

**Rule 7**  
**Provisional agenda for special sessions**

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**  
**Adoption of the agenda**

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 16.

**Rule 9**  
**Revision of the agenda**

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**  
**Transmission of the provisional agenda and basic documents**

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



possible. The provisional agenda of a special session shall be transmitted to the members of the Committee by the Secretary-General simultaneously with the notification of the meeting under rule 5.

### **III. Members of the Committee**

#### **Rule 11 Members**

Members of the Committee shall be the 10 experts elected in accordance with article 17 of the Convention.

#### **Rule 12 Beginning of term of office**

1. The term of office of the members of the Committee elected at the first election shall begin on 1 January 1988. The term of office of members elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members whom they replace.
2. The Chairperson, members of the Bureau and Rapporteurs may continue performing the duties assigned to them until one day before the first meeting of the Committee, composed of its new members, at which it elects its officers.

#### **Rule 13 Filling of casual vacancies**

1. If a member of the Committee dies or resigns or for any other cause can no longer perform his/her Committee duties, the Secretary-General shall immediately declare the seat of that member to be vacant and shall request the State party whose expert has ceased to function as a member of the Committee to appoint another expert from among its nationals within two months, if possible, to serve for the remainder of his/her predecessor's term.
2. The name and the curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the States parties for their approval. The approval shall be considered given unless half or more of the States parties respond negatively within six weeks after having been informed by the Secretary-General of the proposed appointment to fill the vacancy.
3. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General shall act in accordance with the provisions of paragraphs 1 and 2 of the present rule only after receiving, from the member concerned, written notification of his/her decision to cease to function as a member of the Committee.

#### **Rule 14 Solemn declaration**

Before assuming his/her duties after his/her first election, each member of the Committee shall make the following solemn declaration in open Committee:

“I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee against Torture honourably, faithfully, independently, impartially and conscientiously.”

## **Rule 15**

### **Independence and impartiality of members**

1. The independence and impartiality of the members of the Committee are essential for the performance of their duties and requires that they serve in their personal capacity and shall neither seek nor accept instructions from anyone concerning the performance of their duties. Members are accountable only to the Committee and their own conscience.
2. In their duties under the Convention, members of the Committee shall maintain the highest standards of impartiality and integrity, and apply the standards of the Convention equally to all States and all individuals, without fear or favour and without discrimination of any kind.
3. The Addis Ababa guidelines on the independence and impartiality of members of the human rights treaty bodies are annexed to the present rules of procedure.<sup>1</sup> The guidelines are an important tool for the interpretation of the rules concerning the independence and impartiality of the members of the Committee.

## **IV. Officers**

### **Rule 16**

#### **Elections**

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur. In electing its officers, the Committee shall give consideration to equitable geographical distribution and appropriate gender balance and, to the extent possible, rotation among members.

### **Rule 17**

#### **Term of office**

Subject to the provisions of rule 12 regarding the Chairperson, members of the Bureau and Rapporteurs, the officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he/she ceases to be a member of the Committee.

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<sup>1</sup> In accordance with United Nations documentation regulations, a United Nations document already published cannot be reissued in a different document. Consequently, reference is made to the Addis Ababa guidelines contained in annex I to the report of the Chairs of the human rights treaty bodies on their twenty-fourth meeting (A/67/222).

**Rule 18****Position of Chairperson in relation to the Committee**

1. The Chairperson shall perform the functions conferred upon him/her by the Committee and by these rules of procedure. In exercising his/her functions as Chairperson, the Chairperson shall remain under the authority of the Committee.
2. Between sessions, at times when it is not possible or practical to convene a special session of the Committee in accordance with rule 3, the Chairperson is authorized to take action to promote compliance with the Convention on the Committee's behalf if he/she receives information which leads him/her to believe that it is necessary to do so. The Chairperson shall report on the action taken to the Committee at its following session at the latest.

**Rule 19****Acting Chairperson**

1. If during a session the Chairperson is unable to be present at a meeting or any part thereof, he/she shall designate one of the Vice-Chairpersons to act in his/her place.
2. In the event of the absence or temporary disability of the Chairperson, one of the Vice-Chairpersons shall serve as Chairperson, in the order of precedence determined by their seniority as members of the Committee; where they have the same seniority, the order of seniority in age shall be followed.
3. If the Chairperson ceases to be a member of the Committee in the period between sessions or is in any of the situations referred to in rule 21, the Acting Chairperson shall exercise this function until the beginning of the next ordinary or special session.

**Rule 20****Powers and duties of the Acting Chairperson**

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

**Rule 21****Replacement of officers**

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

**V. Secretariat****Rule 22****Duties of the Secretary-General**

1. Subject to the fulfilment of the financial obligations undertaken by States parties in accordance with article 18, paragraph 5, of the Convention, the secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the secretariat") shall be provided by the Secretary-General.

2. Subject to the fulfilment of the requirements referred to in paragraph 1 of the present rule, the Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention.

### **Rule 23** **Statements**

The Secretary-General or his/her representative shall attend all meetings of the Committee. Subject to rule 37, he/she or his/her representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

### **Rule 24** **Servicing of meetings**

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

### **Rule 25** **Keeping the members informed**

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

### **Rule 26** **Financial implications of proposals**

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

## **VI. Languages**

### **Rule 27** **Official and working languages**

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee and, to the extent possible, also its working languages, including for its summary records.

### **Rule 28** **Interpretation from a working language**

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

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**Rule 29**  
**Interpretation from other languages**

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

**Rule 30**  
**Languages of formal decisions and official documents**

All formal decisions and official documents of the Committee shall be issued in the official languages.

**VII. Public and private meetings****Rule 31**  
**Public and private meetings**

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

**Rule 32**  
**Issue of communiqués concerning private meetings**

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

**VIII. Records****Rule 33**  
**Correction of summary records**

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed as soon as possible to the members of the Committee and to any others participating in the meetings. All such participants may, within three working days of the receipt of the records of the meetings, submit corrections to the Secretariat in the languages in which the records have been issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued after the end of the session concerned. Any disagreement concerning such corrections shall be decided by the 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 34**  
**Distribution of summary records**

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

**IX. Distribution of reports and other official documents of the Committee**

**Rule 35**  
**Distribution of official documents**

1. Without prejudice to the provisions of rule 34 and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution, unless the Committee decides otherwise.
2. Reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 20, 21 and 22 of the Convention shall be distributed by the secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.
3. Reports and additional information submitted by States parties under article 19 of the Convention shall be documents for general distribution, unless the State party concerned requests otherwise.

**X. Conduct of business**

**Rule 36**  
**Quorum**

Six members of the Committee shall constitute a quorum.

**Rule 37**  
**Powers of the Chairperson**

The Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He/she shall rule on points of order. He/she shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting.

Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

### **Rule 38**

#### **Points of order**

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

### **Rule 39**

#### **Time limit on statements**

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

### **Rule 40**

#### **List of speakers**

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

### **Rule 41**

#### **Suspension or adjournment of meetings**

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 42**

#### **Adjournment of debate**

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 43**

#### **Closure of debate**

A member may, at any time, move the closure of the debate on the item under discussion, whether or not any other member has signified his/her 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**

#### **Order of motions**

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

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

### **Rule 45**

#### **Submission of proposals**

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

### **Rule 46**

#### **Decisions on competence**

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

### **Rule 47**

#### **Withdrawal of motions**

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

### **Rule 48**

#### **Reconsideration of proposals**

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



## **XI. Voting**

### **Rule 49 Voting rights**

Each member of the Committee shall have one vote.

### **Rule 50 Adoption of decisions**

1. Decisions of the Committee shall be made by a majority vote of the members present.
2. Before voting, the Committee shall endeavour to reach its decisions by consensus, provided that the Convention and the rules of procedure are observed and that such efforts do not unduly delay the work of the Committee.
3. Bearing in mind the previous paragraph of this rule, the Chairperson at any meeting may, and at the request of any member shall, put a proposal or the adoption of a decision to a vote.

### **Rule 51 Equally divided votes**

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

### **Rule 52 Method of voting**

Subject to rule 58, 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 Roll-call votes**

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

### **Rule 54 Conduct during voting and explanation of votes**

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

**Rule 55**  
**Division of proposals**

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**  
**Order of voting on amendments**

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

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

**Rule 57**  
**Order of voting on proposals**

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

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

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

**XII. Elections**

**Rule 58**  
**Method of elections**

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

**Rule 59**  
**Conduct of elections when only one elective place is to be filled**

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

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate.

If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a person or member is elected.

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

### **Rule 60**

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

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

## **XIII. Subsidiary bodies**

### **Rule 61**

#### **Establishment of subsidiary bodies**

1. The Committee may, in accordance with the provisions of the Convention and subject to the provisions of rule 26, set up ad hoc subsidiary bodies as it deems necessary and define their composition and mandates.
2. Each subsidiary body shall elect its own officers and adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply *mutatis mutandis*.
3. The Committee may also appoint one or more of its members as Rapporteurs to perform such duties as mandated by the Committee.

## **XIV. Subcommittee on Prevention**

### **Rule 62**

#### **Meetings with the Subcommittee on Prevention**

In order to pursue its institutional cooperation with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture, especially as established in articles 10, paragraph 3, 16,

paragraphs 3 and 4, and 24, paragraph 2, of the Optional Protocol to the Convention, the Committee shall meet with the Subcommittee on Prevention, at least once a year, during the regular session they both hold simultaneously.

## **XV. Information and documentation**

### **Rule 63**

#### **Submission of information, documentation and written statements**

1. The Committee may invite the Secretariat, specialized agencies, United Nations bodies concerned, Special Procedures of the Human Rights Council, intergovernmental organizations, National Human Rights Institutions, non-governmental organizations, and other relevant civil society organizations, to submit to it information, documentation and written statements, as appropriate, relevant to the Committee's activities under the Convention.
2. The Committee may receive, at its discretion, any other information, documentation and written statements submitted to it, including from individuals and sources not mentioned in the previous paragraph of this rule.
3. The Committee shall determine, at its discretion, how such information, documentation and written statements are made available to the members of the Committee, including by devoting meeting time at its sessions for such information to be presented orally.
4. Information, documentation and written statements received by the Committee concerning article 19 of the Convention are made public through appropriate means and channels, including by posting on the Committee's web page. However, in exceptional cases, the Committee may consider, at its discretion, that information, documentation and written statements received are confidential and decide not to make them public. In these cases, the Committee will decide on how to use such information.

## **XVI. Annual report of the Committee**

### **Rule 64**

#### **Annual report**

The Committee shall submit an annual report on its activities under the Convention to the States parties and to the General Assembly of the United Nations, including a reference to the activities of the Subcommittee on Prevention, as they appear in the public annual report submitted by the Subcommittee to the Committee under article 16, paragraph 3, of the Optional Protocol.

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## **Part two**

### **Rules relating to the functions of the Committee**

#### **XVII. Reports from States parties under article 19 of the Convention**

##### **Rule 65**

##### **Submission of reports**

1. The States parties shall submit to the Committee, through the Secretary-General, reports on the measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State party concerned. Thereafter the States parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.
2. The Committee may consider the information contained in a recent report as covering information that should have been included in overdue reports. The Committee may recommend, at its discretion, that States parties consolidate their periodic reports.
3. The Committee may recommend, at its discretion, that States parties present their periodic reports by a specified date.
4. The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and contents as well as the methodology for consideration of the reports to be submitted under article 19 of the Convention, and issue guidelines to that effect.

##### **Rule 66**

##### **List of issues submitted to a State party prior to receiving its report**

The Committee may submit to a State party a list of issues prior to receiving its report. If the State party agrees to report under this optional reporting procedure, its response to this list of issues shall constitute, for the respective period, its report under article 19 of the Convention.

##### **Rule 67**

##### **Non-submission of reports**

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rules 65 and 69. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such report or reports.
2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rules 65 and 69, the Committee shall so state in the annual report which it submits to the States parties and to the General Assembly of the United Nations.
3. The Committee may notify the defaulting State party through the Secretary-General that it intends, on a date specified in the notification, to examine the measures taken by the

State party to protect or give effect to the rights recognized in the Convention in the absence of a report, and adopt concluding observations.

## **Rule 68**

### **Attendance by States parties at examination of reports**

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

2. If a State party has submitted a report under article 19, paragraph (1), of the Convention but fails to send a representative, in accordance with paragraph 1 of this rule, to the session at which it has been notified that its report will be examined, the Committee may, at its discretion, take one of the following courses:

(a) Notify the State party through the Secretary-General that, at a specified session, it intends to examine the report and thereafter act in accordance with rules 68, paragraph 1, and 71; or

(b) Proceed at the session originally specified to examine the report and thereafter adopt and submit to the State party provisional concluding observations for its written comments. The Committee shall adopt final concluding observations at its following session.

## **Rule 69**

### **Request for additional reports and information**

1. When considering a report submitted by a State party under article 19 of the Convention, the Committee shall first determine whether the report provides all the information required under rule 65.

2. If a report of a State party to the Convention, in the opinion of the Committee, does not contain sufficient information or the information provided is outdated, the Committee may request, through a list of issues to be sent to the State party, that it furnish an additional report or specific information, indicating by what date the said report or information should be submitted.

## **Rule 70**

### **Examination of report and dialogue with State party's representatives**

1. The Committee may establish, as appropriate, country Rapporteurs or any other methods of expediting its functions under article 19 of the Convention.

2. During the examination of the report of the State party, the Committee shall organize the meeting as it deems appropriate, in order to establish an interactive dialogue between the Committee's members and the State party's representatives.

## **Rule 71**

### **Concluding observations by the Committee**

1. After its consideration of each report, the Committee, in accordance with article 19, paragraph 3, of the Convention, may make such general comments, concluding observations, or recommendations on the report as it may consider appropriate and shall forward these, through the Secretary-General, to the State party concerned, which in reply may submit to the Committee any comment that it considers appropriate.
2. The Committee may, in particular, indicate whether, on the basis of its examination of the report and information supplied by the State party, it appears that some of its obligations under the Convention have not been discharged or that it did not provide sufficient information and, therefore, request the State party to provide the Committee with additional follow-up information by a specified date.
3. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 1 of this rule, together with any observations thereon received from the State party concerned, in its annual report made in accordance with article 24 of the Convention. If so requested by the State party concerned, the Committee may also include a copy of the report submitted under article 19, paragraph 1, of the Convention.

## **Rule 72**

### **Follow-up and Rapporteurs**

1. In order to further the implementation of the Committee's concluding observations, including the information to be provided by the State party under rule 71, paragraph 2, the Committee may designate at least one Rapporteur to follow-up with the State party on its implementation of a number of recommendations identified by the Committee in its concluding observations.
2. The follow-up Rapporteur(s) shall assess the information provided by the State party in consultation with the country Rapporteurs and report at every session to the Committee on his/her activities. The committee may set guidelines for such assessment.

## **Rule 73**

### **Obligatory non-participation or non-presence of a member in the consideration of a report**

1. A member shall not take part in the consideration of a report by the Committee or its subsidiary bodies if he/she is a national of the State party concerned, is employed by that State, or if any other conflict of interest is present.
2. Such a member shall not be present during any non-public consultations or meetings between the Committee and National Human Rights Institutions, non-governmental organizations, or any other entities referred to in rule 63, as well as during the discussion and adoption of the respective concluding observations.

## **XVIII. General comments of the Committee**

### **Rule 74**

#### **General comments on the Convention**

1. The Committee may prepare and adopt general comments on the provisions of the Convention with a view to promoting its further implementation or to assisting States parties in fulfilling their obligations.
2. The Committee shall include such general comments in its annual report to the General Assembly.

## **XIX. Proceedings under article 20 of the Convention**

### **Rule 75**

#### **Transmission of information to the Committee**

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, information which is, or appears to be, submitted for the Committee's consideration under article 20, paragraph 1, of the Convention.
2. No information shall be received by the Committee if it concerns a State party which, in accordance with article 28, paragraph 1, of the Convention, declared at the time of ratification of or accession to the Convention that it did not recognize the competence of the Committee provided for in article 20, unless that State has subsequently withdrawn its reservation in accordance with article 28, paragraph 2, of the Convention.

### **Rule 76**

#### **Register of information submitted**

The Secretary-General shall maintain a permanent register of information brought to the attention of the Committee in accordance with rule 75 and shall make the information available to any member of the Committee upon request.

### **Rule 77**

#### **Summary of the information**

The Secretary-General, when necessary, shall prepare and circulate to the members of the Committee a brief summary of the information submitted in accordance with rule 75.

### **Rule 78**

#### **Confidentiality of documents and proceedings**

All documents and proceedings of the Committee relating to its functions under article 20 of the Convention shall be confidential, until such time when the Committee decides, in accordance with the provisions of article 20, paragraph 5, of the Convention, to make them public.



## **Rule 79**

### **Meetings**

1. Meetings of the Committee concerning its proceedings under article 20 of the Convention shall be closed. A member shall neither take part in nor be present at any proceedings under article 20 of the Convention if he/she is a national of the State party concerned, is employed by that State, or if any other conflict of interest is present.
2. Meetings during which the Committee considers general issues, such as procedures for the application of article 20 of the Convention, shall be public, unless the Committee decides otherwise.

## **Rule 80**

### **Issue of communiqués concerning closed meetings**

The Committee may decide to issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding its activities under article 20 of the Convention.

## **Rule 81**

### **Preliminary consideration of information by the Committee**

1. The Committee, when necessary, may ascertain, through the Secretary-General, the reliability of the information and/or of the sources of the information brought to its attention under article 20 of the Convention or obtain additional relevant information substantiating the facts of the situation.
2. The Committee shall determine whether it appears to it that the information received contains well-founded indications that torture, as defined in article 1 of the Convention, is being systematically practised in the territory of the State party concerned.

## **Rule 82**

### **Examination of the information**

1. If it appears to the Committee that the information received is reliable and contains well-founded indications that torture is being systematically practised in the territory of a State party, the Committee shall invite the State party concerned, through the Secretary-General, to cooperate in its examination of the information and, to this end, to submit observations with regard to that information.
2. The Committee shall indicate a time limit for the submission of observations by the State party concerned, with a view to avoiding undue delay in its proceedings.
3. In examining the information received, the Committee shall take into account any observations which may have been submitted by the State party concerned, as well as any other relevant information available to it.
4. The Committee may decide, if it deems it appropriate, to obtain additional information or answers to questions relating to the information under examination from different sources, including the representatives of the State party concerned, governmental and non-governmental organizations, as well as individuals.
5. The Committee shall decide, on its initiative and on the basis of its rules of procedure, the form and manner in which such additional information may be obtained.

### **Rule 83**

#### **Documentation from United Nations bodies and specialized agencies**

The Committee may at any time obtain, through the Secretary-General, any relevant documentation from United Nations bodies or specialized agencies that may assist it in the examination of the information received under article 20 of the Convention.

### **Rule 84**

#### **Establishment of an inquiry**

1. The Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to it within a time limit which may be set by the Committee.
2. When the Committee decides to make an inquiry in accordance with paragraph 1 of this rule, it shall establish the modalities of the inquiry as it deems it appropriate.
3. The members designated by the Committee for the confidential inquiry shall determine their own methods of work in conformity with the provisions of the Convention and the rules of procedure of the Committee.
4. While the confidential inquiry is in progress, the Committee may defer the consideration of any report the State party may have submitted during this period in accordance with article 19, paragraph 1, of the Convention.

### **Rule 85**

#### **Cooperation of the State party concerned**

The Committee shall invite the State party concerned, through the Secretary-General, to cooperate with it in the conduct of the inquiry. To this end, the Committee may request the State party concerned:

- (a) To designate an accredited representative to meet with the members designated by the Committee;
- (b) To provide its designated members with any information that they, or the State party, may consider useful for ascertaining the facts relating to the inquiry;
- (c) To indicate any other form of cooperation that the State may wish to extend to the Committee and to its designated members with a view to facilitating the conduct of the inquiry.

### **Rule 86**

#### **Visiting mission**

If the Committee deems it necessary to include in its inquiry a visit of one or more of its members to the territory of the State party concerned, it shall request, through the Secretary-General, the agreement of that State party and shall inform the State party of its wishes regarding the timing of the mission and the facilities required to allow the designated members of the Committee to carry out their task.

## **Rule 87**

### **Hearings in connection with the inquiry**

1. The designated members may decide to conduct hearings in connection with the inquiry as they deem it appropriate.
2. The designated members shall establish, in cooperation with the State party concerned, the conditions and guarantees required for conducting such hearings. They shall request the State party to ensure that no obstacles are placed in the way of witnesses and other individuals wishing to meet with the designated members of the Committee and that no retaliatory measure is taken against those individuals or their families.
3. Every person appearing before the designated members for the purpose of giving testimony shall be requested to take an oath or make a solemn declaration concerning the veracity of his/her testimony and respect for the confidentiality of the proceedings.

## **Rule 88**

### **Assistance during the inquiry**

1. In addition to the staff and facilities to be provided by the Secretary-General in connection with the inquiry and/or the visiting mission to the territory of the State party concerned, the designated members may invite, through the Secretary-General, persons with special competence in the medical field or in the treatment of prisoners as well as interpreters to provide assistance at all stages of the inquiry.
2. If the persons providing assistance during the inquiry are not bound by an oath of office to the United Nations, they shall be required to declare solemnly that they will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.
3. The persons referred to in paragraphs 1 and 2 of the present rule shall be entitled to the same facilities, privileges and immunities provided for in respect of the members of the Committee, under article 23 of the Convention.

## **Rule 89**

### **Transmission of findings, comments or suggestions**

1. After examining the findings of its designated members submitted to it in accordance with rule 84, paragraph 1, the Committee shall transmit, through the Secretary-General, these findings to the State party concerned, together with any comments or suggestions that it deems appropriate.
2. The State party concerned shall be invited to inform the Committee within a reasonable delay of the action it takes with regard to the Committee's findings and in response to the Committee's comments or suggestions.

## **Rule 90**

### **Summary account of the results of the proceedings**

1. After all the proceedings of the Committee regarding an inquiry made under article 20 of the Convention have been completed, the Committee may decide, after consultations with the State party concerned, to include a summary account of the results of the proceedings in its annual report made in accordance with article 24 of the Convention.

2. The Committee shall invite the State party concerned, through the Secretary-General, to inform the Committee directly or through its designated representative of its observations concerning the question of a possible publication, and may indicate a time limit within which the observations of the State party should be communicated to the Committee.

3. If it decides to include a summary account of the results of the proceedings relating to an inquiry in its annual report, the Committee shall forward, through the Secretary-General, the text of the summary account to the State party concerned.

## **XX. Procedure for the consideration of communications received under article 21 of the Convention**

### **Rule 91**

#### **Declarations by States parties**

1. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him/her by States parties recognizing the competence of the Committee, in accordance with article 21 of the Convention.

2. The withdrawal of a declaration made under article 21 of the Convention shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under that article; no further communication by any State party shall be received under that article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party has made a new declaration.

### **Rule 92**

#### **Notification by the States parties concerned**

1. A communication under article 21 of the Convention may be referred to the Committee by either State party concerned by notice given in accordance with paragraph 1 (b) of that article.

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

(a) Steps taken to seek adjustment of the matter in accordance with article 21, paragraphs 1 (a) and (b), of the Convention, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;

(b) Steps taken to exhaust domestic remedies;

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

### **Rule 93**

#### **Register of communications**

The Secretary-General shall maintain a permanent register of all communications received by the Committee under article 21 of the Convention.

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**Rule 94**  
**Information to the members of the Committee**

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 92 and shall transmit to them as soon as possible copies of the notice and relevant information.

**Rule 95**  
**Meetings**

The Committee shall examine communications under article 21 of the Convention at closed meetings.

**Rule 96**  
**Issue of communiqués concerning closed meetings**

The Committee may, after consultation with the States parties concerned, issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee under article 21 of the Convention.

**Rule 97**  
**Requirements for the consideration of communications**

A communication shall not be considered by the Committee unless:

- (a) Both States parties concerned have made declarations under article 21, paragraph 1, of the Convention;
- (b) The time limit prescribed in article 21, paragraph 1 (b), of the Convention has expired;
- (c) The Committee has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law, or that the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of the Convention.

**Rule 98**  
**Good offices**

1. Subject to the provisions of rule 97, the Committee shall proceed to make its good offices available to the States parties concerned with a view to an amicable solution of the matter on the basis of respect for the obligations provided for in the Convention.
2. For the purpose indicated in paragraph 1 of this rule, the Committee may, when appropriate, set up an ad hoc conciliation commission.

**Rule 99**  
**Request for information**

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

**Rule 100**  
**Attendance by the States parties concerned**

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 101**  
**Report of the Committee**

1. Within 12 months after the date on which the Committee received the notice referred to in rule 92, the Committee shall adopt a report in accordance with article 21, paragraph 1 (h), of the Convention.
2. The provisions of paragraph 1 of rule 100 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.

**XXI. Procedure for the consideration of communications received under article 22 of the Convention**

**A. General provisions**

**Rule 102**  
**Declarations by States parties**

1. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him/her by States parties recognizing the competence of the Committee, in accordance with article 22 of the Convention.
2. The withdrawal of a declaration made under article 22 of the Convention shall not prejudice the consideration of any matter which is the subject of a complaint already transmitted under that article; no further complaint by or on behalf of an individual shall be received under that article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party has made a new declaration.

### **Rule 103**

#### **Transmission of complaints**

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, complaints which are or appear to be submitted for consideration by the Committee under paragraph 1 of article 22 of the Convention.
2. The Secretary-General, when necessary, may request clarification from the complainant of a complaint as to his/her wish to have his/her complaint submitted to the Committee for consideration under article 22 of the Convention. In case there is still doubt as to the wish of the complainant, the Committee shall be seized of the complaint.

### **Rule 104**

#### **Registration of complaints; Rapporteur on new complaints and interim measures**

1. Complaints may be registered by the Secretary-General or by decision of the Committee or by the Rapporteur on new complaints and interim measures.
2. No complaint shall be registered by the Secretary-General if:
  - (a) It concerns a State which has not made the declaration provided for in article 22, paragraph 1, of the Convention; or
  - (b) It is anonymous; or
  - (c) It is not submitted in writing by the alleged victim or by close relatives of the alleged victim on his/her behalf or by a representative with appropriate written authorization.
3. The Secretary-General shall prepare lists of the complaints brought to the attention of the Committee in accordance with rule 103 with a brief summary of their contents, and shall circulate such lists to the members of the Committee at regular intervals. The Secretary-General shall also maintain a permanent register of all such complaints.
4. An original case file shall be kept for each summarized complaint. The full text of any complaint brought to the attention of the Committee shall be made available to any member of the Committee upon his/her request.

### **Rule 105**

#### **Request for clarification or additional information**

1. The Secretary-General or the Rapporteur on new complaints and interim measures may request clarification from the complainant concerning the applicability of article 22 of the Convention to his/her complaint, in particular regarding:
  - (a) The name, address, age and occupation of the complainant and the verification of his/her identity;
  - (b) The name of the State party against which the complaint is directed;
  - (c) The object of the complaint;
  - (d) The provision or provisions of the Convention alleged to have been violated;
  - (e) The facts of the claim;
  - (f) Steps taken by the complainant to exhaust domestic remedies;

(g) Whether the same matter is being, or has been, examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time limit to the complainant of the complaint with a view to avoiding undue delays in the procedure under article 22 of the Convention. Such time limit may be extended in appropriate circumstances.

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

4. The request for clarification referred to in paragraph 1 (c)-(g) of the present rule shall not preclude the inclusion of the complaint in the list provided for in rule 104, paragraph 3.

5. The Secretary-General shall instruct the complainant on the procedure that will be followed and inform him/her that the text of the complaint shall be transmitted confidentially to the State party concerned in accordance with article 22, paragraph 3, of the Convention.

### **Rule 106**

#### **Summary of the information**

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

### **Rule 107**

#### **Meetings and hearings**

1. Meetings of the Committee or its subsidiary bodies during which complaints under article 22 of the Convention will be examined shall be closed.

2. Meetings during which the Committee may consider general issues, such as procedures for the application of article 22 of the Convention, may be public if the Committee so decides.

### **Rule 108**

#### **Issue of communiqués concerning closed meetings**

The Committee may issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee under article 22 of the Convention.

### **Rule 109**

#### **Obligatory non-participation or non-presence of a member in the examination of a complaint**

1. A member shall not take part in the examination of a complaint by the Committee or its subsidiary body if he/she:

(a) Has any personal interest in the case or if any other conflict of interest is present; or



(b) Has participated in any capacity, other than as a member of the Committee, in the making of any decision; or

(c) Is a national of the State party concerned or is employed by that country.

2. Such member shall not be present during any non-public consultations or meetings of the Committee, as well as during any discussion, consideration or adoption related to that complaint.

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

### **Rule 110**

#### **Optional non-participation of a member in the examination of a complaint**

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

## **B. Procedure for determining admissibility of complaints**

### **Rule 111**

#### **Method of dealing with complaints**

1. In accordance with the following rules, the Committee shall decide by simple majority as soon as practicable whether or not a complaint is admissible under article 22 of the Convention.

2. The Working Group established under rule 112, paragraph 1, may also declare a complaint admissible by majority vote or inadmissible by unanimity.

3. The Committee, the Working Group established under rule 112, paragraph 1, or the Rapporteur(s) designated under rule 112, paragraph 3, shall, unless they decide otherwise, deal with complaints in the order in which they are received by the secretariat.

4. The Committee may, if it deems it appropriate, decide to consider two or more communications jointly.

5. The Committee may, if it deems appropriate, decide to sever consideration of complaints of multiple complainants. Severed complaints may receive a separate registry number.

### **Rule 112**

#### **Establishment of a working group and designation of special Rapporteurs for specific complaints**

1. The Committee may, in accordance with rule 61, set up a working group to meet shortly before its sessions, or at any other convenient time to be decided by the Committee, in consultation with the Secretary-General, for the purpose of taking decisions on admissibility or inadmissibility and making recommendations to the Committee regarding the merits of complaints, and assisting the Committee in any manner which the Committee may decide.

2. The Working Group shall comprise no less than three and no more than five members of the Committee. The Working Group shall elect its own officers, develop its own working methods, and apply as far as possible the rules of procedure of the Committee to its meetings. The members of the Working Group shall be elected by the Committee every other session.
3. The Working Group may designate Rapporteurs from among its members to deal with specific complaints.

### **Rule 113**

#### **Conditions for admissibility of complaints**

With a view to reaching a decision on the admissibility of a complaint, the Committee, its Working Group or a Rapporteur designated under rules 104 or 112, paragraph 3, shall ascertain:

- (a) That the individual claims to be a victim of a violation by the State party concerned of the provisions of the Convention. The complaint should be submitted by the individual himself/herself or by his/her relatives or designated representatives, or by others on behalf of an alleged victim when it appears that the victim is unable personally to submit the complaint, and, when appropriate authorization is submitted to the Committee;
- (b) That the complaint is not an abuse of the Committee's process or manifestly unfounded;
- (c) That the complaint is not incompatible with the provisions of the Convention;
- (d) That the same matter has not been and is not being examined under another procedure of international investigation or settlement;
- (e) That the individual has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;
- (f) That the time elapsed since the exhaustion of domestic remedies is not so unreasonably prolonged as to render consideration of the claims unduly difficult by the Committee or the State party.

### **Rule 114**

#### **Interim measures**

1. At any time after the receipt of a complaint, the Committee, a working group, or the Rapporteur(s) on new complaints and interim measures may transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of alleged violations.
2. Where the Committee, the Working Group, or Rapporteur(s) request(s) interim measures under this rule, the request shall not imply a determination of the admissibility or the merits of the complaint. The State party shall be so informed upon transmittal.
3. The decision to grant interim measures may be adopted on the basis of information contained in the complainant's submission. It may be reviewed, at the initiative of the State party, in the light of timely information received from that State party to the effect that the

submission is not justified and the complainant does not face any prospect of irreparable harm, together with any subsequent comments from the complainant.

4. Where a request for interim measures is made by the Working Group or Rapporteur(s) under the present rule, the Working Group or Rapporteur(s) should inform the Committee members of the nature of the request and the complaint to which the request relates at the next regular session of the Committee.
5. The Secretary-General shall maintain a list of such requests for interim measures.
6. The Rapporteur on new complaints and interim measures shall also monitor compliance with the Committee's requests for interim measures.
7. The State party may inform the Committee that the reasons for the interim measures have lapsed or present arguments why the request for interim measures should be lifted.
8. The Rapporteur, the Committee or the Working Group may withdraw the request for interim measures.

## **Rule 115**

### **Additional information, clarifications and observations**

1. As soon as possible after the complaint has been registered, it should be transmitted to the State party, requesting it to submit a written reply within six months.
2. The State party concerned shall include in its written reply explanations or statements that shall relate both to the admissibility and the merits of the complaint as well as to any remedy that may have been provided in the matter, unless the Committee, Working Group or Rapporteur on new complaints and interim measures has decided, because of the exceptional nature of the case, to request a written reply that relates only to the question of admissibility.
3. A State party that has received a request for a written reply under paragraph 1 both on admissibility and on the merits of the complaint may apply in writing, within two months, for the complaint to be rejected as inadmissible, setting out the grounds for such inadmissibility. The Committee or the Rapporteur on new complaints and interim measures may or may not agree to consider admissibility separately from the merits.
4. Following a separate decision on admissibility, the Committee shall fix the deadline for submissions on a case-by-case basis.
5. The Committee or the Working Group established under rule 112 or Rapporteur(s) designated under rule 112, paragraph 3, may request, through the Secretary-General, the State party concerned or the complainant to submit additional written information, clarifications or observations relevant to the question of admissibility or merits.
6. The Committee or the Working Group or Rapporteur(s) designated under rule 112, paragraph 3, shall indicate a time limit for the submission of additional information or clarification with a view to avoiding undue delay.
7. If the time limit provided is not respected by the State party concerned or the complainant, the Committee or the Working Group may decide to consider the admissibility and/or merits of the complaint in the light of available information.
8. A complaint may not be declared admissible unless the State party concerned has received its text and has been given an opportunity to furnish information or observations as provided in paragraph 1 of this rule.

9. If the State party concerned disputes the contention of the complainant that all available domestic remedies have been exhausted, the State party is required to give details of the effective remedies available to the alleged victim in the particular circumstances of the case and in accordance with the provisions of article 22, paragraph 5 (b), of the Convention.

10. Within such time limit as indicated by the Committee or the Working Group or Rapporteur(s) designated under rule 112, paragraph 3, the State party or the complainant may be afforded an opportunity to comment on any submission received from the other party pursuant to a request made under the present rule. Non-receipt of such comments within the established time limit should not generally delay the consideration of the admissibility of the complaint.

### **Rule 116** **Inadmissible complaints**

1. Where the Committee or the Working Group decides that a complaint is inadmissible under article 22 of the Convention, or its consideration is suspended or discontinued, the Committee shall as soon as possible transmit its decision, through the Secretary-General, to the complainant and to the State party concerned.

2. If the Committee or the Working Group has declared a complaint inadmissible under article 22, paragraph 5, of the Convention, this decision may be reviewed at a later date by the Committee upon a request from a member of the Committee or a written request by or on behalf of the individual concerned. Such written request shall contain evidence to the effect that the reasons for inadmissibility referred to in article 22, paragraph 5, of the Convention no longer apply.

## **C. Consideration of the merits**

### **Rule 117** **Method of dealing with admissible complaints; oral hearings**

1. When the Committee or the Working Group has decided that a complaint is admissible under article 22 of the Convention, before receiving the State party's reply on the merits, the Committee shall transmit to the State party, through the Secretary-General, the text of its decision together with any submission received from the author of the communication not already transmitted to the State party under rule 115, paragraph 1. The Committee shall also inform the complainant, through the Secretary-General, of its decision.

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

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

4. The Committee may invite the complainant or his/her representative and representatives of the State party concerned to be present at specified closed meetings of

the Committee in order to provide further clarifications or to answer questions on the merits of the complaint. Whenever one party is so invited, the other party shall be informed and invited to attend and make appropriate submissions. The non-appearance of a party will not prejudice the consideration of the case.

5. The Committee may revoke its decision that a complaint is admissible in the light of any explanations or statements thereafter submitted by the State party pursuant to this rule. However, before the Committee considers revoking that decision, the explanations or statements concerned must be transmitted to the complainant so that he/she may submit additional information or observations within a time limit set by the Committee.

## **Rule 118**

### **Findings of the Committee; decisions on the merits**

1. In those cases in which the parties have submitted information relating both to the questions of admissibility and the merits, or in which a decision on admissibility has already been taken and the parties have submitted information on the merits, the Committee shall consider the complaint in the light of all information made available to it by or on behalf of the complainant and by the State party concerned and shall formulate its findings thereon. Prior thereto, the Committee may refer the communication to the Working Group or to a case Rapporteur designated under rule 112, paragraph 3, to make recommendations to the Committee.

2. The Committee, the Working Group, or the Rapporteur may at any time in the course of the examination obtain any document from United Nations bodies, specialized agencies, or other sources that may assist in the consideration of the complaint.

3. The Committee shall not decide on the merits of a complaint without having considered the applicability of all the admissibility grounds referred to in article 22 of the Convention. The findings of the Committee shall be forwarded, through the Secretary-General, to the complainant and to the State party concerned.

4. The Committee's findings on the merits shall be known as "decisions".

5. The State party concerned shall generally be invited to inform the Committee within a specific time period of the action it has taken in conformity with the Committee's decisions.

## **Rule 119**

### **Individual opinions**

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

## **Rule 120**

### **Follow-up procedure**

1. The Committee may designate one or more Rapporteur(s) for follow-up on decisions adopted under article 22 of the Convention, for the purpose of ascertaining the measures taken by States parties to give effect to the Committee's findings.

2. The Rapporteur(s) may make such contacts and take such action as appropriate for the due performance of the follow-up mandate and report accordingly to the Committee.

The Rapporteur(s) may make such recommendations for further action by the Committee as may be necessary for follow-up.

3. The Rapporteur(s) shall regularly report to the Committee on follow-up activities.
4. The Rapporteur(s), in discharge of the follow-up mandate, may, with the approval of the Committee, engage in necessary visits to the State party concerned.

### **Rule 121**

#### **Summaries in the Committee's annual report and inclusion of texts of final decisions**

1. The Committee may decide to include in its annual report a summary of the complaints examined and, where the Committee considers appropriate, a summary of the explanations and statements of the States parties concerned and of the Committee's evaluation thereof.
  2. The Committee shall include in its annual report the text of its final decisions under article 22, paragraph 7 of the Convention.
  3. The Committee shall include information on follow-up activities in its annual report.
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