

公民與政治權利國際公約及經濟社會  
文化權利國際公約中華民國初次報告  
國際審查秘書處第3次會議

會議資料

2012年5月31日（四）下午12時30分

法務部4樓421會議室



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**公民與政治權利國際公約及經濟社會文化權利國際公約  
中華民國初次報告國際審查秘書處第 3 次會議  
議程**

**壹、請諮詢委員推派本次會議主席**

**貳、確認第 2 次委員會會議紀錄**

**參、討論事項**

- 一、決定諮詢委員擔任主席之輪次，請 討論。
- 二、確認張委員文貞草擬之邀請函內容，請 討論。
- 三、由 CCPR 或 ICJ 來臺為秘書處及民間團體就辦理國際審查會議相關事項進行培訓事宜，請 討論。
- 四、我國初次報告國際審查之程序規則（rules of procedure）及期程規劃，請 討論。
- 五、「關於國際審查會議之邀請對象，應主動邀請聯合國人權委員會與經濟社會文化權利委員會現任獨立專家（independent expert），並先行寄送國家人權報告書中文版（黃委員俊杰及陳委員惠馨共同提案）及民間團體影子報告書中文版（陳委員惠馨提案）」案，請 討論。

**說明：**我們的人權報告，從頭到尾都是標榜依照聯合國模式撰寫報告，故在審查時不應自我設限，基於台灣在聯合國的困境，應該發展更多可能的對話機制，我們在許多會議中不自覺的自我設限，認為現任聯合國的獨立專家基於中國的反對，可能無法前來台灣。但是人權就是要突破各種困境，進行人權的事務。

肆、臨時動議

伍、散會

公民與政治權利國際公約及經濟社會文化權利國際公約中華民國  
初次報告國際審查秘書處第 2 次會議紀錄（摘要）（稿）

時間：101 年 5 月 24 日（星期四）下午 2 時 0 分

地點：法務部 3 樓 318 會議室

主席：鄧委員衍森

紀錄：方伶

出席：黃總顧問默、陳委員惠馨、黃委員俊杰、顧委員立雄、黃委員  
嵩立、張委員文貞

列席：外交部李組長晉榮、法務部彭司長坤業、黃副司長玉垣、郭檢  
察官銘禮、高科長慧芬、羅科長敏蓉、孫專員魯良、黃科員宗  
馥、簡助理研究員靖芸、方助理研究員伶、許助理研究員玲瑛

決議：

- 一、由 7 人小組之委員輪流擔任會議之主席。
- 二、請外交部蒐集聯合國審查他國人權報告進行之方式、程序、規則以及所有可作為我國學習之資訊，尤其是國家代表於審查會議進行時應如何回應等。
- 三、請張委員文貞修正原邀請函內容，包括：
  - （一）更改審查會議預定召開之期間：本年 11 月底至 12 月初，或明年 2 月下旬。
  - （二）邀請函中所提及之 Rules and procedures 建議修改為：Rules of procedure; around the globe 建議修改為：around the world。
- 四、請台北律師公會詢問 ICJ（International Commission of Jurists）來臺為秘書處及民間團體培訓之意願，再請秘書處

進行邀請之相關事宜。

- 五、請秘書處草擬我國初次報告國際審查之程序規則（rules of procedure）及期程規劃，並於下次會議討論。
- 六、第 1 次會議紀錄決議五、有關請陳瑤華教授協助邀請 Heisoo Shin 女士至我國審查人權報告之部分，修正為協助詢問 Heisoo Shin 女士是否有意願參與我國之國際審查程序；另依 Heisoo Shin 女士之建議，一併邀請德國 Eibe Riedel 教授擔任經社文公約之審查委員。



## **Invitations**

## **ICCPR**

Dear Professor Manfred Nowak,

On behalf of the Presidential Advisory Committee on Human Rights, I am writing to cordially invite you to serve in a body of international experts to review our initial state report under the International Covenant on Civil and Political Rights (ICCPR). Your appointment was made by an independent committee of seven members, three of which were from our committee and four from our civic and scholarly organizations. We hope to rely on your independent expertise to assist us in our compliance with the ICCPR and improvement of human rights universally recognized around the globe.

As you may know, we ratified the ICCPR in March 2009 and passed an Implementation Act in December of the same year. Through months of preparations and dialogues with nongovernmental organizations, we completed and released the initial state report on April 20, the English version of which is expected in August. We are planning to have on-site review session(s) in late November or early December of this year or the second half of February 2012 should you and other international experts agree to serve. Rules of procedure regarding this undertaking will be discussed and formulated after the body is formed. We expect that international experts may wish to undertake necessary steps or consult with our nongovernmental organizations or relevant government agencies before on-site session(s) or even beyond. In order to facilitate this process, we have set up a secretariat staffed with and supported by the Ministry of Justice in consultation with the aforementioned seven-member committee. With our deepest commitment, we shall render our best effort in this unprecedented mission.

It will be our greatest honor to have your assistance in moving forward. We hope you may agree to serve and work with us, and please kindly let us know which of the above schedule is at your most convenience. As a small token of gratitude, we shall provide you with all necessary expenses including travels and accommodations. Should you have any questions or concerns, please do not hesitate to let me know. I am looking forward to hearing from you soon.

Best regards,

Chairperson,  
Presidential Advisory Committee on Human Rights

## ICESCR

Dear Professor Heisoo Shin,

On behalf of the Presidential Advisory Committee on Human Rights, I am writing to cordially invite you to serve in a body of international experts to review our initial state report under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Your appointment was made by an independent committee of seven members, three of which were from our committee and four from our civic and scholarly organizations. We hope to rely on your independent expertise to assist us in our compliance with the ICESCR and improvement of human rights universally recognized around the globe.

As you may know, we ratified the ICESCR in March 2009 and passed an Implementation Act in December of the same year. Through months of preparations and dialogues with nongovernmental organizations, we completed and released the initial state report on April 20, the English version of which is expected in August. We are planning to have on-site review session(s) in late November or early December of this year or the second half of February 2012 should you and other international experts agree to serve. Rule of procedure regarding this undertaking will be discussed and formulated after the body is formed. We expect that international experts may wish to undertake necessary steps or consult with our nongovernmental organizations or relevant government agencies before on-site session(s) or even beyond. In order to facilitate this process, we have set up a secretariat staffed with and supported by the Ministry of Justice in consultation with the aforementioned seven-member committee. With our deepest commitment, we shall render our best effort in this unprecedented mission.

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Best regards,

Chairperson,  
Presidential Advisory Committee on Human Rights

## 中華民國初次報告國際審查期程規劃表（0531 稿）

期程	事項	備註
5 月 1 日	函請外交部翻譯，預計 3 個月內完成。	總統府人權諮詢委員會 議事組 101 年 5 月 1 日 府人權字第 10115100500 號函
5 月 10 日	國際審查秘書處第 1 次會議	1. 確認翻譯事宜。 2. 商討國際人權專家 學者來臺規劃期程 及審查地點。 3. 商討邀請事宜。
5 月 24 日	國際審查秘書處第 2 次會議	
5 月 31 日	國際審查秘書處第 3 次會議	
6 月底前	寄發邀請函與參與審查之國際人權專家。	
5 月至 6 月底前	密集開會確認審查會議工作方法及程序規則。	
7 月初	公告審查會議工作方法及程序規則。	
7 月下旬前	國家人權報告英文版初稿竣事。	
8 月中旬前	請各部會確認英文版內容。	
8 月底	國家人權報告英文版（稿）竣事。	
9 月上旬至 10 月下旬	1. 寄發國家人權報告英文版、影子報告及相關 資料與來臺審查之國際人權專家。 2. 國際人權專家提出 <b>問題清單</b> 。 3. 受理 NGO 提供資料報名、參加國際人權專 家與 NGO 之會議。	
11 月 1 日至 15 日	1. 確認政府及 NGO 之出席人員及場次。 2. 11 月 10 日（六）前：請涉及問題清單之部 會提出 <b>書面回應（中、英文）</b> ，倘議題涉及多 個部會時，由秘書處指定彙整機關。 3. 11 月 15 日（四）前：秘書處彙整各部會之 書面回應後，以電郵寄發來臺審查之專家學 者。	
審查會議	1. 12 月 3 日（一）至 4 日（二）：國際人權專 家與 NGO 之會議；12 月 5 日（三）至 6 日 （四）：國際人權專家與政府部門之會議。 2. 明年 3 月 4 日（一）至 5 日（二）：國際人權 專家與 NGO 之會議；3 月 6 日（三）至 7 日 （四）：國際人權專家與政府部門之會議。	
	* 結論性建議後續處理：列入管考並於下次定期 報告中說明。	

## 中華民國公民與政治權利國際公約初次報告審查委員會程序規則 (0531 稿)

中華民國已依據公民與政治權利國際公約完成初次報告，惟因無法由聯合國人權委員會依正常程序審查報告，而由中華民國總統府人權諮詢委員會邀請獨立專家組成委員會進行模擬審查，並制定本程序規則。

### 一、會期

會議日期、地點、進行方式由秘書處諮詢委員會議決定，由秘書處通知委員並公告。

### 二、議程

暫定議程由秘書處諮詢委員會議決定，由秘書處通知委員並公告。

暫定議程之第一項需為議程之採納。

委員會認為有必要時，得於會期中予以增刪修改，由秘書處通知委員並公告。

### 三、委員會之成員

委員會之成員係由中華民國總統府人權諮詢委員會邀請的獨立專家。任期自 00 時起至 00 時止。委員若有辭職或死亡等拒絕或無法行使職權情形者，應由秘書處諮詢委員決定是否另行邀請其他獨立專家。

### 四、委員會之分工

委員會之主席、副主席產生方式。

主席之職權。

主席無法行使職權時，由副主席代為行使。主席與副主席均無法行使職務時，由資深委員擔任主席。

### 五、秘書處

秘書處依諮詢委員七人之決議，提供各項必要與充足之資源與設備，以利委員會有效行使職權。

秘書處應派員全程參加所有委員會之會議並製作會議紀錄、照像、錄音、錄影或現場轉播。

#### 六、語言

委員會各項會議之進行與文件以英語做為工作語言。秘書處應提供中文與英文翻譯，必要時應提供手語翻譯。

#### 七、會議之公開

委員會之會議原則上均對外公開，結論性意見之討論會議或其他經委員會認為有必要時，則不公開。

#### 八、會議紀錄

秘書處應於會議結束後儘速製作會議紀錄。會議紀錄稿應送請與會者於收受紀錄稿後 3 日內提出校正，有爭議時由主席協調而決定，若無法協調決定則交由委員會依多數決決定。公開會議之會議紀錄應寄給所有與會者並公告。非公開會議之會議紀錄僅提供給與會者或由委員會決定致送之人。

#### 九、會議之進行

委員會議由主席主持，決定會議之開始與結束，主導討論、發言、問題之進行及順序，確保會議規則受到遵守。

#### 十、投票

每位委員皆有一投票權。

#### 十一、報告及文件之發送

秘書處應將所有與審查會議有關的報告等書面資料提供給委員。

#### 十二、委員會之審查報告權限

委員會負責參照聯合國人權委員會審查初次報告之方式，審查中華民國之初次報告，包括應提出問題清單、會見非政府組織並聽取意見、對中華民國代表團進行提問與審查報告、提出結論性意見等。

#### 十三、其他未規定事項，依其性質參照人權委員會程序規則予以處理。

## **Human Rights Committee, 104<sup>th</sup> session**

### **Human Rights Committee—Sessions & follow-up to concluding observations\***

#### **Sessions**

The Human Rights Committee convenes three times a year for sessions of three weeks' duration, normally in March at United Nations headquarters in New York and in July and November at the United Nations Office in Geneva. The Working Group on Communications meets one week prior to the Plenary.

#### **The follow-up to concluding observations**

The follow-up to concluding observations procedure (see Annual Report - A/58/40 – Chapter VII and subsequent reports) consists of identifying a limited number of recommendations from the concluding observations, which require additional information from a State party, within one year from the consideration of the State party's report to the Committee.

The Committee identifies around three or four recommendations on the basis of their particular seriousness and possibility of implementation within a one-year period. These recommendations are clearly identified in a paragraph at the end of the concluding observations. Thus, the States parties have one year to provide information on the measures taken to give effect to these follow-up recommendations.

At each session of the Committee, the Follow-up Rapporteur presents an updated follow-up progress report with new information and progress made since the previous session of the Committee. The follow-up information submitted by States parties, the information received from other sources, and the Rapporteur's letters to States parties, can be found below under each session.

Note: Schedules are subject to change by the Committee at short notice

No.	Dates	State reports	Location
	<u>Future sessions</u>	<u>Albania, Bolivia, Czech Republic, Djibouti, Indonesia, Mauritania, Mozambique, Tajikistan, United States of America</u>	
<u>108</u>	<u>(July 2013)</u>	<u>STATES FOR EXAMINATION:</u> <u>China-Hong Kong, Finland, Germany</u> <u>Ukraine,</u> <u>TASK FORCES (FOR ADOPTION OF LIST</u> <u>OF ISSUES):</u> <u>Djibouti, Indonesia, Mauritania, Mozambique</u>	
<u>107</u>	<u>11-28 March 2013</u>	<u>STATES FOR EXAMINATION:</u> <u>Angola, China-Macao, Paraguay, Peru,</u> <u>Haiti (in the absence of a report)</u> <u>TASK FORCES (FOR ADOPTION OF LIST</u> <u>OF ISSUES):</u>	<u>New York</u>

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\* 資料來源：<http://www2.ohchr.org/english/bodies/hrc/sessions.htm>

		<u>Bolivia, Czech Republic, Sierra Leone (in absence of a report), Tajikistan, United States of America</u>	
<u>106</u>	<u>15 October - 2 November 2012</u>	<u>STATES FOR EXAMINATION:</u> <u>Bosnia &amp; Herzegovina, Côte d'Ivoire (in the absence of a report), Philippines, Portugal, Turkey</u> <u>TASK FORCES (FOR ADOPTION OF LIST OF ISSUES):</u> <u>Albania, Belize (in the absence of a report) Finland, China-Hong Kong, Ukraine</u> <u>(FOR ADOPTION OF LIST OF ISSUES PRIOR TO REPORTING):</u> <u>Australia</u>	<u>Geneva</u>
<u>105</u>	<u>9 - 27 July 2012</u>	<b>STATES FOR EXAMINATION:</b> <b>Armenia, Iceland, Kenya, Lithuania, Maldives,</b> <b>TASK FORCES (FOR ADOPTION OF LIST OF ISSUES):</b> <b>Angola, Germany, Haiti (in the absence of a report) (POSTPONED), China-Macao, Peru</b> <b>(FOR ADOPTION OF LIST OF ISSUES PRIOR TO REPORTING):</b> <b>Afghanistan, Croatia, Israel, New Zealand, San Marino</b>	<u>Geneva</u>
<u>104</u>	<u>12 - 30 March 2012</u>	<u>STATES FOR EXAMINATION:</u> <u>Cape Verde (in the absence of a report), Dominican Republic, Guatemala, Mozambique (postponed), Turkmenistan, Yemen</u> <u>TASK FORCES (FOR ADOPTION OF LIST OF ISSUES): Philippines, Bosnia &amp; Herzegovina, Paraguay, Portugal, Turkey</u>	<u>New York</u>
<u>103</u>	<u>17 Oct - 4 November 2011</u>	<u>STATES FOR EXAMINATION:</u> <u>Jamaica, Kuwait, Norway, Iran, Malawi (in the absence of a report)</u> <u>TASK FORCES (FOR ADOPTION OF LIST OF ISSUES): Armenia, Lithuania, Kenya, Cape Verde (in the absence of a report)</u> <u>TASK FORCES (FOR ADOPTION OF LIST OF ISSUES PRIOR TO REPORTING):</u> <u>Uruguay, Cameroon, Monaco, Denmark, Moldova</u>	<u>Geneva</u>

<u>102</u>	<u>11 -29 July 2011</u>	<u>STATES FOR EXAMINATION:</u> <u>Ethiopia, Kazakhstan, Bulgaria, Dominica</u> <u>TASK FORCES (FOR ADOPTION OF LIST</u> <u>OF ISSUES): Maldives, Turkmenistan,</u> <u>Iceland, Mozambique (in the absence of a</u> <u>report)</u>	<u>Geneva</u>
<u>101</u>	<u>14 March to 1 April 2011</u>	<u>Mongolia, Serbia, Seychelles, Slovakia, Togo</u> <u>Task Forces: Dominican Republic, Iran,</u> <u>Malawi, Norway, Yemen</u>	<u>New York</u>
<u>100</u>	<u>11-29 October 2010</u>	<u>El Salvador, Poland, Belgium, Jordan and</u> <u>Hungary</u> <u>Task Forces: Jamaica, Bulgaria, Kuwait,</u> <u>Guatemala</u>	<u>Geneva</u>
<u>99</u>	<u>12 - 30 July 2010</u>	<u>Cameroon, Colombia, Estonia, Israel</u> <u>Task Forces: Ethiopia, Mongolia, Kazakhstan,</u> <u>Slovakia, Togo</u>	<u>Geneva</u>
<u>98</u>	<u>8 - 26 March 2010</u>	<u>New Zealand, Argentina, Mexico, Uzbekistan</u> <u>Task Forces: Jordan, Hungary, Serbia, Poland,</u> <u>Belgium</u>	<u>New York</u>
<u>97</u>	<u>12-30 October 2009</u>	<u>Switzerland, Moldova, Croatia, Russian</u> <u>Federation, Ecuador</u> <u>Task Force: Cameroon, Colombia, El</u> <u>Salvador, Estonia, Israel</u>	<u>Geneva</u>
<u>96</u>	<u>13 - 31 July 2009</u>	<u>Azerbaijan, Chad, Kingdom of the</u> <u>Netherlands, United Republic of Tanzania</u> <u>Task Force: Argentina, Ecuador, Mexico,</u> <u>New Zealand, Uzbekistan</u>	<u>Geneva</u>
<u>95</u>	<u>16 March - 3 April 2009</u>	<u>Australia, Chad, Rwanda, Sweden</u> <u>Task Force: Croatia, Republic of Moldova,</u> <u>Russian Federation, Switzerland, Tanzania,</u>	<u>New York</u>
<u>94</u>	<u>13-31 October 2008</u>	<u>Nicaragua, Monaco, Denmark, Japan, Spain,</u> <u>Task Force: Azerbaijan, Netherlands, Rwanda</u> <u>Australia, Chad</u>	<u>Geneva</u>
<u>93</u>	<u>7-25 July 2008</u>	<u>France, San Marino, Ireland, United Kingdom</u> <u>of Great Britain and Northern Ireland</u> <u>Task Force: Denmark, Sweden, Spain</u> <u>Monaco</u>	<u>Geneva</u>
<u>92</u>	<u>17 March - 4 April 2008</u>	<u>Tunisia, Botswana, The former Yugoslav</u> <u>Republic of Macedonia, Panama,</u> <u>Task Force: Japan, France, Nicaragua, Ireland</u>	<u>New York</u>
<u>91</u>	<u>15 October - 2 November 2007</u>	<u>Georgia, Libyan Arab Jamahiriya, Austria,</u> <u>Costa Rica, Algeria,</u> <u>Task Force : San Marino, Panama, Tunisia,</u>	<u>Geneva</u>



		<u>United Kingdom</u>	
<u>90</u>	<u>9 - 27 July 2007</u>	<u>Zambia, Sudan, Czech Republic, Grenada</u>	<u>Geneva</u>
<u>89</u>	<u>12 - 30 March 2007</u>	<u>Madagascar, Chile, Rwanda, Barbados, Czech Republic, Costa Rica, Grenada, Sudan, Austria</u>	<u>New York</u>
<u>88</u>	<u>16 October-3 November 2006</u>	<u>Honduras, Bosnia and Herzegovina, Ukraine, Republic of Korea, Chile, Barbados, Zambia, Rwanda</u>	<u>Geneva</u>
<u>87</u>	<u>10 - 28 July 2006</u>	<u>Central African Republic, United States of America, UNMIK (Interim Administration Mission in Kosovo)</u> <u>Bosnia and Herzegovina, Madagascar, Ukraine</u>	<u>Geneva</u>
<u>86</u>	<u>13 - 31 March 2006</u>	<u>Democratic Republic of Congo, Hong-Kong Special Administrative Region-China, Norway, Saint-Vincent and the Grenadines</u>	<u>New York</u>
<u>85</u>	<u>17 October - 3 November 2005</u>	<u>Brazil, Canada, Italy, Paraguay</u>	<u>Geneva</u>
<u>84</u>	<u>11-29 July 2005</u>	<u>Slovenia, Syrian Arab Republic, Tajikistan, Thailand, Yemen</u>	<u>Geneva</u>
<u>83</u>	<u>14 March-1 April 2005</u>	<u>Barbados*, Greece, Iceland, Kenya, Mauritius, Uzbekistan</u>	<u>New York</u>
<u>82</u>	<u>11 October - 5 November 2004</u>	<u>Albania, Benin, Finland, Morocco, Poland</u>	<u>Geneva</u>
<u>81</u>	<u>12 - 30 July 2004</u>	<u>Belgium, Central African Republic*, Liechtenstein, Namibia, Serbia &amp; Montenegro</u>	<u>Geneva</u>
<u>80</u>	<u>16 March - 3 April 2004</u>	<u>Colombia, Germany, Lithuania, Suriname, Uganda</u>	<u>New York</u>
<u>79</u>	<u>20 October - 7 November 2003</u>	<u>Equatorial Guinea, Latvia, Philippines, Russian Federation, Sri Lanka</u>	<u>Geneva</u>
<u>78</u>	<u>14 July - 8 August 2003</u>	<u>El Salvador, Israel, Portugal, Slovakia, Russian Federation</u>	<u>Geneva</u>
<u>77</u>	<u>17 March - 4 April 2003</u>	<u>Estonia, Luxembourg, Mali</u>	<u>Geneva</u>
<u>76</u>	<u>21 October -8 November 2002</u>	<u>Egypt, Suriname, Togo</u>	<u>Geneva</u>
<u>75</u>	<u>8-26 July 2002</u>	<u>Gambia, New Zealand, Viet Nam, Yemen</u>	<u>Geneva</u>
<u>74</u>	<u>18 March - 5 April 2002</u>	<u>Georgia, Hungary, Sweden</u>	<u>New York</u>

<u>73</u>	15 October - 2 November 2001	Azerbaijan, Switzerland, Ukraine, United Kingdom	Geneva
<u>72</u>	9-27 July 2001	Czech Republic, DPR of Korea, Guatemala, Monaco, Netherlands	Geneva
<u>71</u>	19 March - 6 April 2001	Croatia, Dominican Republic, Syrian Arab Republic, Venezuela, Uzbekistan	New York
<u>70</u>	16 October - 3 November 2000	Argentina, Denmark, Gabon, Peru, Trinidad and Tobago	Geneva
<u>69</u>	10-28 July 2000	Australia , Ireland , Kuwait , Kyrgyzstan	Geneva
<u>68</u>	13 - 31 March 2000	Congo, Guyana, Mongolia, UK (Dependent Territories)	New York
<u>67</u>	18 October - 5 November 1999		Geneva
<u>66</u>	12 - 30 July 1999		Geneva
<u>65</u>	22 March - 9 April 1999		New York
<u>64</u>	19 October - 5 November 1998	Armenia, Austria, Belgium, Iceland, Japan, Libyan Arab Jamahiriya	Geneva
<u>63</u>	13-31 July 1998	Algeria, Ecuador, Israel, Italy, Former Yugoslav Rpeublic of Macedonia, United Republic of Tanzania	Geneva
<u>62</u>	23 March - 9 April 1998	Cyprus, Finland, Uruguay, Zimbabwe	New York
<u>61</u>	20 October - 7 November 1997	Belarus, Iraq, Jamaica, Lithuania, Senegal, Sudan	Geneva
<u>60</u>	14 July - 1 August 1997	India , France , Slovakia	Geneva
<u>59</u>	24 March - 11 April 1997	Bolivia, Colombia, Georgia, Lebanon, Portugal (Macau)	New York

\* Review procedure: Report overdue. Consideration of country situation in the absence of a State report



**International Covenant  
on Civil and Political  
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**Human Rights Committee**

**104th session**

New York, 12 to 30 March 2012

**Provisional agenda and annotations**

**Note by the Secretary-General**

1. The 104th session of the Human Rights Committee will be held at United Nations Headquarters, New York, from 12 to 30 March 2012. The first meeting will be convened on Monday 12 March at 10 a.m. in Conference Room 4.
2. In accordance with rule 6 of the Committee's rules of procedure, the Secretary-General has prepared, in consultation with the Chairperson of the Committee, the attached provisional agenda for the 104th session. Annotations to the provisional agenda are also attached.
3. Pursuant to rule 33 of the Committee's rules of procedure, the meetings of the Committee will be held in public unless the Committee decides otherwise or it appears from the relevant provisions of the Covenant or the Optional Protocol that the meetings should be held in private.
4. The attention of States parties is drawn, in particular, to the annotations to item 7, which contain the tentative timetable for the consideration of reports during the 104th session. In accordance with rule 68 of the Committee's rules of procedure, representatives of States parties are expected to be present at the meetings of the Committee when their reports are examined.
5. As established under rule 95 of its rules of procedure, a working group should meet for a period of one week prior to its 104th session. The pre-sessional working group will meet from 5 to 9 March 2012.

## **Provisional agenda**

1. Opening of the session by the representative of the Secretary-General.
2. Solemn declaration by the newly elected members of the Committee in accordance with article 38 of the Covenant.
3. Adoption of the agenda.
4. Organizational and other matters, including the adoption of the report of the pre-sessional working group on individual communications.
5. Meeting with representatives of United Nations bodies, specialized agencies, national human rights institutions and non-governmental organizations.
6. Submission of reports by States parties under article 40 of the Covenant.
7. Consideration of reports submitted by States parties under article 40 of the Covenant.
8. Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure.
9. Follow-up to concluding observations on State reports and to Views under the Optional Protocol.
10. Consideration of communications under the Optional Protocol to the Covenant.
11. Adoption of the annual report to the General Assembly.

## **Annotations**

### **1. Opening of the session by the representative of the Secretary-General**

The representative of the Secretary-General will open the 104th session of the Committee.

### **2. Solemn declaration by the newly elected member of the Committee in accordance with article 38 of the Covenant**

In accordance with article 38 of the Covenant and rule 16 of the rules of procedure, the members of the Committee elected at the thirtieth meeting of States Parties to the Covenant on 17 January 2012 will make the following solemn declaration:

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

### **3. Adoption of the agenda**

Under rule 8 of the Committee's rules of procedure, the first item on the agenda for any session shall be the adoption of the agenda. In accordance with rule 9, the Committee may revise the agenda during a session and may, as appropriate, defer or delete items.

#### **4. Organizational and other matters, including the adoption of the report of the pre-sessional working group on individual communications**

Under this item, the Committee will consider miscellaneous issues relevant to the Committee's business.

#### **5. Meeting with representatives of United Nations bodies, specialized agencies, national human rights institutions and non-governmental organizations**

At each session, the Committee hears representatives of non-governmental and intergovernmental organizations represented at the United Nations offices at Geneva and New York. The following meetings have accordingly been scheduled: for specialized agencies on 12 March from 12 to 12.30 p.m.; for NHRIs and NGOs on the Dominican Republic on 12 March from 12.30 to 1 p.m.; for NHRIs and NGOs on Yemen and Turkmenistan on 14 March from 12 to 1 p.m., and for NHRIs and NGOs on Guatemala, Mozambique and Cape Verde on 19 March from 11.30 a.m. to 1 p.m.

#### **6. Submission of reports by States parties under article 40 of the Covenant**

For the situation with regard to the submission of reports by States parties under article 40 of the Covenant, reference is made to chapter III and annexes III and IV of the Committee's annual report to the General Assembly for 2011 (A/66/40, vol. I).

#### **7. Consideration of reports submitted by States parties under article 40 of the Covenant**

The reports to be considered during the 104th session are those of Dominican Republic, Yemen, Turkmenistan and Guatemala. A tentative timetable for the consideration of reports at the 104th session, prepared in consultation with the Committee, is given below:

##### **Timetable for consideration of reports under article 40 of the Covenant**

Dominican Republic	Fifth periodic report (CCPR/C/DOM/5)	Monday 12 March 2012, p.m. Tuesday 13 March, a.m.
Yemen	Fifth periodic report (CCPR/C/YEM/5)	Wednesday 14 March, p.m. Thursday 15 March, a.m.

Turkmenistan	Initial report (CCPR/C/TKM/1)	Thursday 15 March, p.m. Friday 16 March, a.m. and p.m.
Guatemala	Third periodic report (CCPR/C/GTM/3)	Monday 19 March, p.m. Tuesday 20 March, a.m.

In accordance with rule 68 of the Committee's rules of procedure, the Secretary-General has informed the States parties concerned of the dates on which their respective reports are scheduled for consideration by the Committee at its 104th session.

Country report task forces will examine and adopt lists of issues on the reports of the Philippines, Bosnia and Herzegovina, Paraguay, Portugal and Turkey.

#### **8. Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure.**

The Committee will also consider the situation of civil and political rights protected under the Covenant in Mozambique and Cape Verde in the absence of a report on Tuesday 20 March, p.m., and Wednesday 21, a.m.

#### **9. Follow-up to concluding observations on State reports and to Views under the Optional Protocol**

At its seventy-fourth session, the Committee adopted decisions governing the procedure for following up on concluding observations. During the seventy-fifth session, a Special Rapporteur for follow-up on concluding observations was appointed; she will provide a progress report on his activities during the 104th session. The Special Rapporteur for follow-up on Views will also provide a progress report on his activities.

#### **10. Consideration of communications under the Optional Protocol to the Covenant**

In accordance with the provisions of chapter XVII of the rules of procedure, the Committee will consider under this item communications which are or appear to be submitted to it under the Optional Protocol.

A total of 340 communications were pending before the Committee as of 1 December 2011. Pursuant to the Committee's new rules of procedure allowing the joint examination of admissibility and merits in most cases, the Committee's examination of these communications may result in the adoption of Views, or in decisions declaring the communications admissible or inadmissible.

In accordance with article 5, paragraph 3, of the Optional Protocol and rule 88 of the Committee's rules of

procedure, this agenda item will be considered in closed meetings.

**11. Adoption of the annual report to the General Assembly**

**Proposed Programme of Work**  
*as of 6 March 2012 (SUBJECT TO CHANGE)*  
**104<sup>th</sup> session – 12 – 30 March 2012**  
**NEW YORK – 4 North Lawn Building**

Monday, 12 <sup>th</sup> March 2012	a.m. 2863 <sup>rd</sup>	10h00 Opening of session, solemn oath of office new members, adoption of agenda, report of working group (public) 11h00 Tribute to Mr. Abdulfattah Amor (public) 12h00 Briefings by UN organizations, and specialized agencies (closed) 12h30 NHRIs and NGOs on the Dominican Republic only (closed)
	p.m. 2864 <sup>th</sup>	15h00 Fifth report of the Dominican Republic (CCPR/C/DOM/5) (public)
Tuesday, 13 <sup>th</sup> March 2012	a.m. 2865 <sup>th</sup>	10h00 Fifth report of the Dominican Republic (CCPR/C/DOM/5) (public)
	p.m. 2866 <sup>th</sup>	15h00 Working Methods (closed)
Wednesday, 14 <sup>th</sup> March 2012	a.m. 2867 <sup>th</sup>	10h00 Bureau meeting (closed) 11h00 Communications (closed) 12h00 NHRIs and NGOs on Yemen and Turkmenistan (closed)
	p.m. 2868 <sup>th</sup>	15h00 Fifth report of Yemen (CCPR/C/YEM/5) (public)
Thursday, 15 <sup>th</sup> March 2012	a.m. 2869 <sup>th</sup>	10h00 Fifth report of Yemen (CCPR/C/YEM/5) (public)
	p.m. 2870 <sup>th</sup>	15h00 Initial report of Turkmenistan (CCPR/C/TKM/1) (public)
Friday, 16 <sup>th</sup> March 2012	a.m. 2871 <sup>st</sup>	10h00 Initial report of Turkmenistan (CCPR/C/TKM/1) (public)
	p.m. 2872 <sup>nd</sup>	15h00 Initial report of Turkmenistan (CCPR/C/TKM/1) (public)

Monday, 19 <sup>th</sup> March 2012	a.m. 2873 <sup>rd</sup>	10h00 Communications (closed) 11h30 NHRIs and NGOs briefings on Guatemala and Cape Verde(closed)
	p.m. 2874 <sup>th</sup>	15h00 Third report of Guatemala (CCPR/C/GTM/3) (public)
Tuesday, 20 <sup>th</sup> March 2012	a.m. 2875 <sup>th</sup>	10h 00 Third report of Guatemala (CCPR/C/GTM/3) (public)
	a.m. 2876 <sup>th</sup>	15h00 Communications
Wednesday, 21 <sup>st</sup> March 2012	a.m. 2877 <sup>th</sup>	10h00 Country situation of Cape Verde in the absence of a report (public)
	p.m. 2878 <sup>th</sup>	15h00 Bureau meeting (closed) 16h00 Communications (closed)
Thursday, 22 <sup>nd</sup> March 2012	a.m. 2879 <sup>th</sup>	10h00 Communications (closed)
	p.m. 2880 <sup>th</sup>	15h00 Working Methods (public)
Friday, 23 <sup>rd</sup> March 2012	a.m. 2881 <sup>st</sup>	10h00 Communications (closed)
	p.m. 2882 <sup>nd</sup>	15h00 Working Methods (public)

Monday, 26 <sup>th</sup> March 2012	a.m. 2883 <sup>rd</sup>	10h00 Communications (closed)
	p.m. 2884 <sup>th</sup>	15h00 Communications (closed)



Tuesday, 27 <sup>th</sup> March 2012	a.m. 2885 <sup>th</sup>	10h00 Bureau meeting (closed) 11h00 Progress report of Special Rapporteur on Follow-up to Concluding Observations (public) 12h00 Progress report of Special Rapporteur on Follow-up to Views (public)
	p.m. 2886 <sup>th</sup>	15h00 Concluding Observations on the fifth periodic report of Dominican Republic(closed) Concluding Observations on the second periodic report of Yemen (closed)
Wednesday, 28 <sup>th</sup> March 2012	a.m. 2887 <sup>th</sup>	10h00 Concluding Observations on the second periodic report of Turkmenistan (closed) Concluding Observations on the Country situation of Cape Verde (closed)
	p.m. 2888 <sup>th</sup>	15h00 Concluding Observations on the second periodic report of Guatemala (closed)
Thursday, 29 <sup>th</sup> March 2012	a.m. 2889 <sup>th</sup>	10h00 Country report task force on the Philippines (closed) 11h00 Country report task force on Bosnia and Herzegovina (closed) 12h00 Country report task force on Paraguay (closed) 13h00 Press Conference (public)
	p.m. 2890 <sup>th</sup>	15h00 Committee's Annual Report to the General Assembly (public)
Friday, 30 <sup>th</sup> March 2012	a.m. 2891 <sup>st</sup>	10h00 Country report task force on Portugal (closed) 11h00 Country report task force on Turkey (closed) 12h 00 Working Methods (public) )
	p.m. 2892 <sup>nd</sup>	15h00 Working Methods and announcement of bureau decisions (public)

NB: Any remaining time will be allocated to consideration of communications.



## HUMAN RIGHTS COMMITTEE

HRCtte

104<sup>nd</sup> session (March 2012)

New York

### NGO Information Note

#### Human Rights Committee Members

The Human Rights Committee (hereinafter 'the HRCtte') consists of 18 members, serving in their personal capacity. For the details about all HRCtte members, see: <http://www2.ohchr.org/english/bodies/hrc/members.htm>

#### Venue of the session

The 104<sup>nd</sup> session of the HRCtte will take place in New York, UN Headquarters, 4 North Lawn Building.

#### States parties to be examined

The HRCtte will examine the reports and country situations in the following six States parties during its 104<sup>nd</sup> session: **Fifth Report of Dominican Republic; Fifth Report of Yemen; Initial report of Turkmenistan; Third report of Guatemala; Mozambique (in the absence of a report) (this was subsequently postponed/State party commits to producing a report by February 2012); and Cape Verde (in the absence of a report).**

#### Adoption of List of Issues

The HRC will also adopt list of issues on the following 5 State parties: **Fourth report of the Philippines; Second report of Bosnia and Herzegovina; Third report of Paraguay; Fourth report of Portugal; Initial report of Turkey.**

#### Documentation

The reports of the States parties, the provisional agenda (ICCPR/C/104/1) and other

documents pertaining to the session are posted on the OHCHR website at <http://www2.ohchr.org/english/bodies/hrc/hrcs104.htm>

#### Adoption of Concluding observations and List of Issues

Following the consideration of the States parties' reports during the 104<sup>nd</sup> session, the HRCtte will, in a closed meeting, adopt concluding observations that will assist the States parties concerned in the implementation of the Covenant. These concluding observations outline positive aspects, principal subjects of concern and the Committee's recommendations on how to address challenges faced by the States parties. Once the concluding observations have been adopted, the documents will be posted on the HRCtte Webpage under the relevant session. The HRCtte will also adopt List of Issues to be transmitted to States parties. States parties are in turn expected to submit replies to the List of Issues. Both the List of Issues and Replies will be posted on the HRCtte webpage.

#### Follow-up report to concluding observations

The HRCtte considers a report on information received and activities undertaken in the context of follow-up to concluding observations at each session. NGOs may provide information on follow-up, in particular relating to follow-up reports received by States parties, to the Secretariat, which may be posted on the web. Following each session, the follow-up report adopted by

the Committee is posted on the OHCHR website,  
<http://www2.ohchr.org/english/bodies/hrc/hrcs104.htm>

### **NGO reports for the HRCtte at its sessions**

The HRCtte welcomes written information, which should be as specific, reliable and objective as possible, from international, regional, national and local organizations. NGO “alternative reports” which follow the same form of presentation as the reports submitted by the Government concerned, are especially welcome. NGO reports prepared by coalitions, rather than individual NGOs, are also encouraged.

All submissions to the HRCtte should be:

1. submitted in English, French or Spanish. As most HRCtte members use English as their working language, documents submitted in French and Spanish should, to the extent possible, be translated into English. Please note that **the UN Secretariat does not translate documents submitted by NGOs.**
2. transmitted to the HRCtte Secretariat in Geneva **by 30 December 2011 with respect to States upon which List of Issues will be adopted** (at least in electronic form) **and by 1 February for hardcopies of information relating to States upon which list of issues will be adopted (10 hardcopies).** For information on State parties to be examined by the Committee, **electronic and hardcopies should be provided by 1 February (22 hardcopies).** These deadlines allow the Country Taskforces and other members of the HRCtte time to read the reports before the session and to include the content of them in their lists of issues (the preliminary draft of which is prepared long before the session).
3. **OHCHR does not reproduce NGO documents.**

**Hardcopies of documents received after the deadline (1 February) will not be sent to New York for the session.**

**NGOs may wish to send them directly to New York at the address below and they will be put in the Members meeting room but not in their files.**

#### ***4. Contacts of the Secretariat:***

Kate Fox Principi  
Secretary of the Human Rights Committee  
**[kfox@ohchr.org](mailto:kfox@ohchr.org)**

Sindu Thodiyil  
HRCtte Administrative Assistant  
**[sthodiyil@ohchr.org](mailto:sthodiyil@ohchr.org)**

#### ***Postal address of the Secretariat Geneva:***

Human Rights Committee Secretariat  
8-14 Avenue de la Paix  
CH 1211 Geneva 10  
Switzerland

**Attention: Kate Fox/Sindu Thodiyil**

#### ***Postal address of the Secretariat New York:***

**Human Rights Committee Secretariat  
United Nations OHCHR  
1 UN Plaza, Rm 511  
New York, NY 10017**

#### **Accreditation**

NGO representatives who wish to attend the session are requested to submit the **Complete grounds pass application (form SSS.160), Sections 1 and 3.**

They should also provide a list with the full name of the NGO, names of their representatives, and proposed dates of attendance to Ms. Sindu Thodiyil (**[sthodiyil@ohchr.org](mailto:sthodiyil@ohchr.org)**) **by 1<sup>st</sup> March 2012**, so that arrangements can be made with the Accreditation Office for the issuance of the United Nations ground passes to enter United Nations premises.

A non-photo/day pass is issued for 5 days or less. Applicants may pick up their pass from The **Pass & ID Office (of Security Division)** with a valid photo ID (national passport or US driver's license or State Non-Driver's identification card bearing a photograph). No photocopies of documents will be accepted. Passes may be picked up approximately 2 hours prior to a scheduled meeting or event.

A photo ID is issued for more than 5 days. Applicants must take the authorized application/ go in person to The **Pass & ID Office (of Security Division)** (they must be photographed) with proof of identity. To claim the ground pass all applicants are required to appear in person at **Pass & ID Office (of Security Division)**: 801 United Nations Plaza, Ground Floor (45<sup>th</sup> Street and 1<sup>st</sup> Avenue) between 9.00 a.m. to 4.30 p.m, Mondays through Fridays.

NGO representatives must bring their passports or identification cards every time they wish to enter UN premises.

**Please note that OHCHR will neither send letters of invitations to NGOs to attend HRCtte sessions nor assist with visa requests, travel or accommodation costs relating to their participation.**

### **Informal meetings and lunchtime briefings**

NGO representatives are welcome to attend public meetings of the HRCtte as observers, but will not be given the opportunity to address the HRCtte during its meetings with the State delegation. Nevertheless, since the 103<sup>rd</sup> session NGO representatives have had the possibility of addressing the Committee in formal private sessions (closed meetings) with interpretation, for a half an hour per State party to be examined. These meetings are set out in the programme of work (ICCPR/C/104/1) and normally take place a day or two before the consideration of the State party concerned.

NGO may also organize *informal (without interpretation)* coffee briefings with members of the HRCtte at 14hrs for one hour on the day prior to or day of the examination. To find out the schedule of informal meetings, contact the CCPR Centre, **info@ccprcentre.org** (**www.ccprcentre.org**) – an NGO which coordinates NGO participation and collaboration with the Committee - or the Secretariat.

There will be a designated room for these briefings.

Please contact the HRCtte Secretariat ([sthodiyil@ohchr.org](mailto:sthodiyil@ohchr.org)) preferably **before 1 March 2012 to confirm attendance at a formal briefing and/or coffee briefing with the members.**

### **Further information**

For more information on how NGOs can participate in the reporting process, please consult the NGO Guidelines available on the ICCPR Centre Website: **www.ccprcentre.org**



## HUMAN RIGHTS COMMITTEE

HRCtte

104<sup>th</sup> session (March 2012)

New York

### **NHRI Information Note**

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#### **Adoption of List of Issues**

The HRC will also adopt list of issues on the following 5 State parties: Fourth report of the Philippines; Second report of Bosnia and Herzegovina; Third report of Paraguay; Fourth report of Portugal; Initial report of Turkey.

#### **Documentation**

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#### **Adoption of Concluding observations and List of Issues**

Following the consideration of the States parties' reports during the 104<sup>th</sup> session, the HRCtte will, in a closed meeting, adopt concluding observations that will assist the States parties concerned in the implementation of the

Covenant. These concluding observations outline positive aspects, principal subjects of concern and the Committee's recommendations on how to address challenges faced by the States parties.

Once the concluding observations have been adopted, the documents will be posted on the HRCtte Webpage under the relevant session.

The HRCtte will also adopt Lists of Issues to be transmitted to States parties. States parties are in turn expected to submit replies to the List of Issues. Both the List of Issues and Replies will be posted on the HRCtte webpage.

#### **Follow-up report to concluding observations**

The HRCtte considers a report on information received and activities undertaken in the context of follow-up to concluding observations at each session. NHRIs may provide information on follow-up, in particular relating to follow-up reports received by States parties, to the Secretariat, which may be posted on the web. Following each session, the follow-up report adopted by the Committee is posted on the OHCHR website,

<http://www2.ohchr.org/english/bodies/hrc/followup-procedure.htm>.

#### **NHRI reports for the HRCtte at its sessions**

The HRCtte welcomes written information, which should be as specific, reliable and objective as possible, from international, regional, national and local organizations. NHRI “alternative reports” which follow the same form of presentation as the reports submitted by the Government concerned, are especially welcome.

All submissions to the HRCtte should be:

5. submitted in English, French or Spanish. As most HRCtte members use English as their working language, documents submitted in French and Spanish should, to the extent possible, be translated into English. Please note that **the UN Secretariat does not translate documents submitted by NHRIs.**
6. transmitted to the HRCtte Secretariat in Geneva by **30 December 2011 with respect to States upon which List of Issues will be adopted** (at least in electronic form) and by **1 February for hardcopies of information relating to States upon which list of issues will be adopted (10 hardcopies) and for information on State parties to be examined by the Committee (22 hardcopies).** These deadlines allow the Country Taskforces and other members of the HRCtte time to read the reports before the session and to include the content of them in their lists of issues (the preliminary draft of which is prepared long before the session).
7. **OHCHR does not reproduce NHRI documents.**

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**NHRIs may wish to send them directly**

**to New York at the address below and they will be put in the Members meeting room but not in their files.**

#### **8. *Contacts of the Secretariat:***

Kate Fox Principi  
Secretary of the Human Rights Committee  
[kfox@ohchr.org](mailto:kfox@ohchr.org)

Sindu Thodiyil  
HRCtte Administrative Assistant  
[sthodiyil@ohchr.org](mailto:sthodiyil@ohchr.org)

#### ***Postal address of the Secretariat Geneva:***

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8-14 Avenue de la Paix  
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Attention: Kate Fox/Sindu Thodiyil

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#### ***Postal address of the Secretariat:***

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**Accreditation**

NHRI representatives who wish to attend the session are requested to submit the Complete grounds pass application (form SSS.160), Sections 1 and 3. They should also provide a list with the full name of the NHRI, names of their representatives, and proposed dates of attendance to Ms. Sindu Thodiyil ([sthodiyil@ohchr.org](mailto:sthodiyil@ohchr.org)) by **1st March 2012** so that arrangements can be made with the Accreditation Office for the issuance of the United Nations ground passes to enter United Nations premises.



A non-photo/day pass is issued for 5 days or less. Applicants may pick up their pass from **The Pass & ID Office (of the Security Division)** with a valid photo ID (national passport or US driver's license or State Non-Driver's identification card bearing a photograph). No photocopies of documents will be accepted. Passes may be picked up approximately 2 hours prior to scheduled meeting or event.

A photo ID is issued for more than 5 days.-Applicants must take the authorized application/ go in person to **The Pass & ID Office (of Security Division)** (they must be photographed) with proof of identity. To claim the ground pass all applicants are required to appear in person at the **Pass & ID Office (of Security Division)**: 801 United Nations Plaza, Ground Floor (45th Street and 1st Avenue) between 9.00 a.m. to 4.30 p.m, Mondays through Fridays.

NHRI representatives must bring their passports or identification cards every time they wish to enter UN premises.

#### **Informal meetings and lunchtime briefings**

NHRI representatives are welcome to attend public meetings of the HRCtte as observers, but will not be given the opportunity to address the HRCtte during its meetings with the State delegation. Nevertheless, since the 103rd session NHRI representatives have had the possibility of addressing the Committee in formal private sessions (closed meetings) with interpretation, for a half an hour (along with but prior to NGOs) per State party to be examined. These meetings are set out in the programme of work (ICCPR/C/104/1) and normally take place a day or two before the consideration of the State party concerned.

Informal (without interpretation) coffee briefings may also be organized with NHRIs (and NGOs) with members of the HRCtte at 14hrs for one hour on the day prior to or day of the examination. To find out the schedule

of informal meetings you may contact the Secretariat.

There will be a designated room for these briefings.

Please contact the HRCtte Secretariat (sthodiyil@ohchr.org) preferably **before 1 March 2012 to confirm attendance at a formal briefing and/or coffee briefing with the members.**

#### **Further information**

For more information on how NHRIs can participate in the reporting process, please consult: the HRCtte Secretariat abovementioned and/or

**Liza Sekaggya**, National Institutions and Regional Mechanisms Section, FOTCD, [lsekaggya@ohchr.org](mailto:lsekaggya@ohchr.org) and/or

**Katharina Rose**, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

[k.rose@europe.com](mailto:k.rose@europe.com)

For further information on how NHRIs can engage with the treaty bodies generally please consult the **Practical Information note** <http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx>.



**International Covenant  
on Civil and Political  
Rights**

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**Human Rights Committee**

**Rules of procedure<sup>\*</sup>**

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<sup>\*</sup> Provisional rules of procedure were initially adopted by the Committee at its first and second sessions and subsequently amended at its third, seventh and thirty-sixth sessions. At its 918th meeting, on 26 July 1989, the Committee decided to make its rules of procedure definitive, eliminating the term “provisional” from the title. The rules of procedure were subsequently amended at the forty-seventh, forty-ninth, fiftieth, fifty-ninth, seventy-first, eighty-first, eighty-third and 100th sessions. The current version of the rules was adopted at the Committee’s 2852nd meeting during its 103rd session.



## **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 United Nations Headquarters or at the United Nations Office at Geneva. Another place for a session may be designated by the Committee in consultation with the Secretary-General.

## **II. Agenda**

### **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 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 member for any reason other than absence of a temporary character, the Chairperson of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

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

#### **Rule 14**

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

#### **Rule 15**

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

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

**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**

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

**Rule 30**

Any speaker addressing the Committee and using a language other than one of the official

languages shall normally provide for interpretation into one of the working languages. Interpretation into the other working languages may be based on the interpretation given in the first working language.

**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, regardless of whether any other member or representative has signified a wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

**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<sup>1</sup>**

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.

**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

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<sup>1</sup> 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.

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 there from 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 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, whose number shall not be more than twice the number of places remaining to be filled; however, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, whose number shall not be more than twice the number of places remaining to be filled; the following three ballots shall be unrestricted, and so on until all the places have been filled.

#### **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 of States members of those agencies as may fall within their field of competence.

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

##### **Rule 68**

1. The Committee shall, through the Secretary-General, notify the States parties 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 to the session at which it has been notified that its report will be examined, the Committee may, at its discretion, notify the State party through the Secretary-General that at the session originally specified, or at a later one that is indicated, it intends to examine the report and present its concluding observations under rule 71, paragraph 3, of the present rules of procedure. These concluding observations will specify the date of the following periodic report that shall be submitted under rule 66 of the present rules.

#### **Rule 69**

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

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

#### **Rule 70**

1. In cases where the Committee has been notified under rule 69, paragraph 1, of these rules of the failure of a State to submit under rule 66, paragraph 3, any report under article 40, paragraph 1 (a) or (b), of the Covenant and has sent the corresponding 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 public session the measures taken by the State party to give effect to the rights recognized in the Covenant, and to proceed by adopting concluding observations.

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, a list of issues as to the main matters to be

examined.

3. The concluding observations shall be communicated to the State party, in accordance with rule 71, paragraph 3, of these rules, and made public. The State party shall present its next report within two years of the adoption of the concluding observations.

#### **Rule 71**

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

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

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

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

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

#### **Rule 72**

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

#### **Rule 73**

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

### **XVI. Procedure for the consideration of communications received under article 41 of the Covenant**

**Rule 74**

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

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

(a) Steps taken to seek adjustment of the matter in accordance with article 41, paragraphs 1

(a) and (b), of the Covenant, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;

(b) Steps taken to exhaust domestic remedies;

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

**Rule 75**

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

**Rule 76**

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

**Rule 77**

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

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

**Rule 78**

A communication shall not be considered by the Committee unless:

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

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

(c) The Committee has ascertained that all available domestic remedies have been invoked and exhausted in the matter in conformity with the generally recognized principles of



international law, or that the application of the remedies is unreasonably prolonged.

**Rule 79**

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

**Rule 80**

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 81**

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

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

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

**Rule 82**

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

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

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

**Rule 83**

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

## **XVII. Procedure for the consideration of communications received under the optional protocol**

### **A. Transmission of communications to the Committee**

#### **Rule 84**

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

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

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

#### **Rule 85**

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

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

#### **Rule 86**

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

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

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

(c) The object of the communication;

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

(e) The facts of the claim;

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

(g) The extent to which the same matter is being examined under another procedure of

international investigation or settlement.

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

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

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

#### **Rule 87**

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

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

#### **Rule 88**

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

#### **Rule 89**

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

#### **Rule 90**

1. A member shall not take part in the examination of a communication by the Committee:
  - (a) If the State party in respect of which he or she was elected to the Committee is a party to the case;
  - (b) If the member has any personal interest in the case; or
  - (c) If the member has participated in any capacity in the making of any decision on the case covered by the communication.
2. Any question which may arise under paragraph 1 above shall be decided by the Committee.

**Rule 91**

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

**Rule 92**

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

**C. Procedure to determine admissibility****Rule 93**

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

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

3. A working group established under rule 95, paragraph 1, of these rules of procedure may decide to declare a communication inadmissible, when it is composed of at least five members and all the members so agree. The decision will be transmitted to the Committee plenary, which may confirm it without formal discussion. If any Committee member requests a plenary discussion, the plenary will examine the communication and take a decision.

**Rule 94**

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

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

**Rule 95**

1. The Committee may establish one or more working groups to make recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down in articles 1,

2, 3 and 5, paragraph 2, of the Optional Protocol.

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

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

#### **Rule 96**

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

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

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

(c) That the communication does not constitute an abuse of the right of submission. An abuse of the right of submission is not, in principle, a basis of a decision of inadmissibility *ratione temporis* on grounds of delay in submission. However, a communication may constitute an abuse of the right of submission, when it is submitted after 5 years from the exhaustion of domestic remedies by the author of the communication, or, where applicable, after 3 years from the conclusion of another procedure of international investigation or settlement, unless there are reasons justifying the delay taking into account all the circumstances of the communication;<sup>2</sup>

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

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

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

#### **Rule 97**

1. As soon as possible after the communication has been received, the Committee, a working group established under rule 95, paragraph 1, of these rules or a special rapporteur

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<sup>2</sup> This rule in its amended form will apply to communications received by the Committee as of 1 January 2012.

designated under rule 95, paragraph 3, shall request the State party concerned to submit a written reply to the communication.

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

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

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

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

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

#### **Rule 98**

1. Where the Committee decides that a communication is inadmissible under the Optional Protocol it shall as soon as possible communicate its decision, through the Secretary-General, to

the author of the communication and, where the communication has been transmitted to a State party concerned, to that State party.

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

#### **D. Procedure for the consideration of communications on the merits**

##### **Rule 99**

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

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

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

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

##### **Rule 100**

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

to the Committee.

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

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

#### **Rule 101**

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

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

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

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

### **E. Rules concerning confidentiality**

#### **Rule 102**

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

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

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



or part of any such submissions or information.

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

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

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

#### **Rule 103**

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

### **F. Individual opinions**

#### **Rule 104**

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

**Committee on Economic, Social and Cultural Rights, 48<sup>th</sup> session**  
**Committee on Economic, Social and Cultural Rights\***  
**48th Session, (30 April - 18 May 2012)**

Programme of work	<u>E</u>
Provisional Agenda and Annotations and Tentative Programme of Work	<u>E</u>   F   <u>R</u>   <u>S</u>   C   A
Note by the Secretary-General on the States Parties to the Covenant and the status of submission of reports	<u>E</u>   F   <u>R</u>   S   C   A
Opening statement	<u>E</u>

All participants in Committee sessions will require accreditation to the session to have access to the conference venue, except individuals who are already in possession of UN badges. To obtain accreditation, please fill out the accreditation form (available in **pdf** and **Word**), sign and send it by fax to 0041-22-917 9008, or by e-mail to [cescr@ohchr.org](mailto:cescr@ohchr.org). Accreditation will enable participants to obtain a badge from the UN Security Unit. The conference will take place at Palais Wilson (ground floor conference room), 52 rue de Paquis, 1201 Geneva, Switzerland.

Organizations wishing to submit information for the Committee with respect to the States parties listed below are welcome to do so. Submissions will be treated as public documents unless specifically marked "Confidential". They should be sent electronically to [cescr@ohchr.org](mailto:cescr@ohchr.org), as well as in 25 hard copies by 15 March 2012 to:

Secretary, Committee on Economic, Social and Cultural Rights  
UNOG-OHCHR  
1211 Geneva  
Switzerland

Organizations intending to submit information are kindly requested to inform the Secretariat in advance.

In accordance with the SG's instructions on greening the United Nations, please be informed that copies of documents will not be available in the conference room. All public documents related to the session will be available on the Committee's webpage.




### **Consideration of State Reports**

The Committee will consider the following State reports during the session:

Note: Schedules are subject to change at short notice

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\* 資料來源： <http://www2.ohchr.org/english/bodies/cescr/cescrs48.htm>

States examined	State Reports and Core documents	List of Issues and Written relies	Information from other sources	Delegation lists and statements*	Concluding Observations
 <b>ETHIOPIA</b>	Initial-third periodic report  E/C.12/ETH/1-3  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>  HRI/CORE/ETH/2008  <a href="#">A</a>   <a href="#">C</a>   <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>	E/C.12/ETH/Q/1-3  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>  E/C.12/ETH/Q/1-3/Add.1  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>	<a href="#">African Rights Monitor</a>  <a href="#">International Disability Alliance (IDA)</a>  <a href="#">The Advocates for Human Rights</a>  See <a href="#">47th Pre-Sessional Working Group</a>	  <a href="#">List</a>  <a href="#">Statement</a>	E/C.12/ETH/CO/1-3  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>
 <b>NEW ZEALAND</b>	Third periodic report  E/C.12/NZL/3  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>  HRI/CORE/NZL/2010  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>	E/C.12/NZL/Q/3  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>  E/C.12/NZL/Q/3/Add.1  <a href="#">E</a>	<a href="#">Amnesty International</a>  <a href="#">Human Rights Foundation of New Zealand</a>  <a href="#">International Disability Alliance (IDA)</a>  <a href="#">Peace Movement Aotearoa</a>  <a href="#">The New Zealand Human Rights Commission</a>  See <a href="#">46th Pre-Sessional Working Group</a>	  <a href="#">List</a>  <a href="#">Statement</a>	E/C.12/NZL/CO/3  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>
 <b>PERU</b>	Second-fourth periodic report  E/C.12/PER/2-4  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>  HRI/CORE/PER/2010  <a href="#">A</a>   <a href="#">C</a>   <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>	E/C.12/PER/Q/2-4  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>  E/C.12/PER/Q/2-4/Add.1  <a href="#">E</a>   <a href="#">S</a>	<a href="#">Alternative Report by CAPS and the IRCT</a>  Asociación Aurora Vivar <a href="#">E</a>   <a href="#">S</a>  <a href="#">Demos-Cladem</a>  <a href="#">Human Trafficking Report by the Human Right Commission of the Legal Clinic at the PUCP</a>  NGO coalition on sexual and reproductive health <a href="#">1-2</a>  Peruvian National Confederation of Person with Disabilities <a href="#">E</a>   <a href="#">S</a>  The Center for Reproductive Rights, PROMSEX, DEMUS and PPFA <a href="#">E</a>   <a href="#">S</a>  See <a href="#">46th Pre-Sessional Working Group</a>	  <a href="#">List</a>  <a href="#">Statement</a>	E/C.12/PER/CO/2-4  <a href="#">E</a>   <a href="#">F</a>   <a href="#">R</a>   <a href="#">S</a>

 <b>SLOVAKIA</b>	Second periodic report		<a href="#">Amnesty International</a>		
	E/C.12/SVK/2	E/C.12/SVK/Q/2	<a href="#">Center for Reproductive Rights</a>		
 <b>SPAIN</b>	<a href="#">E   F   R   S</a>	<a href="#">E   F   R   S</a>	<a href="#">International Disability Alliance (IDA)</a>	<a href="#">List</a>	E/C.12/SVK/CO/2
	HRI/CORE/1/Add.120	E/C.12/SVK/Q/2/Add.1	<a href="#">Slovak National Centre for Human Rights</a>	<a href="#">Statement</a>	E   <a href="#">F</a>   R   S
	E   F   R   S	<a href="#">E</a>	See <a href="#">46th Pre-Sessional Working Group</a>		
 <b>SPAIN</b>	Fifth periodic report	E/C.12/ESP/Q/5	Amnesty International Briefing <a href="#">E-S</a>		
	E/C.12/ESP/5	<a href="#">E   F   R   S</a>	<a href="#">Contribution of the Spanish Defensor del Pueblo</a>	<a href="#">List</a>	E/C.12/ESP/CO/5
	<a href="#">E   F   R   S</a>	E/C.12/ESP/Q/5/Add.1	FIDH - Worldwide Human Rights Movement	<a href="#">Statement</a>	E   F   R   <a href="#">S</a>
	HRI/CORE/ESP/2010	E   F   R   <a href="#">S</a>	<a href="#">E   F   S</a>		
	<a href="#">A   C   E   F   R   S</a>	Annexes 1-7	Joint Submission <a href="#">E   S</a>		
		<a href="#">S</a>	See <a href="#">46th Pre-Sessional Working Group</a>		

\* Available in English and/or the original language.

\*\* OHCHR is not responsible for the content of information received from other sources.

Please note that E | F | S | A | C | R refer to the availability of documents in the official United Nations languages, which are English, French, Spanish, Arabic, Chinese and Russian.

## Tentative Programme of Work

**48<sup>th</sup> Session of the Committee on Economic, Social and Cultural Rights**

**Geneva, 30 April – 18 May 2012**

**Palais Wilson, Ground floor - Conference Room**

Monday, 30 April 2012	10.00	Items 1,2,7,9,3	Adoption of agenda/ Submission of reports/Organization of work /Substantive issues/Miscellaneous matters
	15:00	Items 5 & 3	Meetings with partners (UN, NGOs, etc.)/Substantive issues
Tuesday, 1 May 2012	10:00	Item 6	Slovakia
	15:00	Item 6	Slovakia
Wednesday, 2 May 2012	10:00	Item 6	Slovakia
	15:00	Item 6	Peru
Thursday, 3 May 2012	10:00	Item 6	Peru
	15:00	Item 6	Peru
Friday, 4 May 2012	10:00	Item 6	New Zealand
	15:00	Item 6	New Zealand
Monday, 7 May 2012	10.00	Item 6	New Zealand
	15:00	Item 6	Spain
Tuesday, 8 May 2012	10:00	Item 6	Spain
	15:00	Item 6	Spain
Wednesday, 9 May 2012	10:00	Item 6	Ethiopia
	15:00	Item 6	Ethiopia
Thursday, 10 May 2012	10:00	Item 6	Ethiopia
	15:00	Item 7	Closed meeting
Friday, 11 May 2012	10:00	Item 3	Closed meeting
	15:00	Item 3	Closed meeting
Monday, 14 May 2012	10.00	Item 3	Closed meeting
	15:00	Item 3	Closed meeting
Tuesday, 15 May 2012	10:00	Item 3,6	Closed meeting
	15:00	Item 6	Closed meeting
Wednesday, 16 May 2012	10:00	Item 6	Closed meeting
	15:00	Item 6	Closed meeting
Thursday, 17 May 2012	10:00		<i>Official UN HOLIDAY</i>
	15:00		<i>Official UN HOLIDAY</i>
Friday, 18 May 2012	10:00	Items 3,6, 4, 8, 9	Closed Meeting
	15:00	Items 3,6, 4, 8, 9	Closed Meeting Public closing

3 January 2012



**Economic and Social  
Council**

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**Rules of procedure**  
***E/C.12/1990/4/Rev.1. (Basic Reference Document)***

**Convention Abbreviation:** CESCR  
Committee on Economic, Social and Cultural Rights

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

(Embodying amendments adopted by the Committee at its fourth (1990) and eighth (1993) sessions)

## Part one **GENERAL RULES**

### **I. SESSIONS**

#### Duration and venue of the sessions

##### Rule 1

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

#### Dates of sessions

##### Rule 2

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

#### Notification of the opening date of sessions

##### Rule 3

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

### **II. AGENDA**

#### Provisional agenda for the sessions

##### Rule 4

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

- (a) Any item decided upon by the Committee at a previous session;
- (b) Any item proposed by the Council in fulfilment of its responsibilities under the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant");
- (c) Any item proposed by the Chairperson of the Committee;
- (d) Any item proposed by a State party to the Covenant;
- (e) Any item proposed by a member of the Committee;
- (f) Any item proposed by the Secretary-General.

#### Adoption of the agenda

##### Rule 5

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

#### Revision of the agenda

#### Rule 6

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

Transmission of the provisional agenda and basic documents

#### Rule 7

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

#### Organization of work

#### Rule 8

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

### **III. MEMBERS OF THE COMMITTEE**

#### Members

#### Rule 9

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

#### Term of office

#### Rule 10

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

#### Declaration of casual vacancies

#### Rule 11

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairperson of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairperson shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by the member in writing directly to the Chairperson or the Secretary-General and action shall be taken to declare the seat vacant only after such notification has been received.

#### Filling of casual vacancies

#### Rule 12

1. When a vacancy is declared in accordance with rule 11 of these rules and if the term of office



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

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

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

#### Solemn declaration

#### Rule 13

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

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

### **IV. OFFICERS**

#### Elections

#### Rule 14

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

#### Term of office

#### Rule 15

The officers of the Committee shall be elected for a term of two years.

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

Position of the Chairperson in relation to the Committee

#### Rule 16

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

#### Acting Chairperson

#### Rule 17

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

#### Powers and duties of the Acting Chairperson

#### Rule 18

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

#### Replacement of officers

#### Rule 19

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

### **V. SECRETARIAT**

#### Duties of the Secretary-General

#### Rule 20

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee shall be provided by the Secretary-General.
2. The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions, bearing in mind the need to give adequate publicity to its work.

#### Statements

#### Rule 21

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

#### Keeping the members informed

#### Rule 22

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

#### Financial implications of proposals

#### Rule 23

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

### **VI. LANGUAGES**

#### Official and working languages

#### Rule 24

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

## Interpretation

### Rule 25

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

## Languages of records

### Rule 26

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

## Languages of formal decisions and official documents

### Rule 27

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

## **VII. PUBLIC AND PRIVATE MEETINGS**

### Public and private meetings

#### Rule 28

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

### Issue of communiqués concerning private meetings

#### Rule 29

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

## **VIII. RECORDS**

### Summary records of the proceedings and corrections to them

#### Rule 30

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the Council at the same time as the report of the Committee.
2. Summary records are subject to correction to be submitted by participants in the meetings to the Secretariat in the language in which the summary record is issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned.

## **IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE Distribution of official documents**

### Rule 31

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

## **X. CONDUCT OF BUSINESS**

### Quorum

### Rule 32

Twelve members of the Committee shall constitute a quorum.

### Powers of the Chairperson

### Rule 33

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

### Time-limit for statements

### Rule 34

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

### List of speakers

### Rule 35

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

### Points of order

### Rule 36

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided upon by the Chairperson in accordance with the rules of

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

#### Suspension or adjournment of meetings

##### Rule 37

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

#### Adjournment of debate

##### Rule 38

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

#### Closure of debate

##### Rule 39

1. When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.
2. A member may at any time move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

#### Order of motions

##### Rule 40

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

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

#### Submission of proposals

##### Rule 41

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

#### Decisions on competence

##### Rule 42

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

#### Withdrawal of motions

##### Rule 43

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

#### Reconsideration of proposals

##### Rule 44

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

## **XI. VOTING**

#### Voting rights

##### Rule 45

Each member of the Committee shall have one vote.

#### Adoption of decisions

##### Rule 46

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

#### Equally divided votes

##### Rule 47

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

#### Method of voting

##### Rule 48

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

#### Conduct during voting and explanation of votes

##### Rule 49

After the voting has commenced, there shall be no interruption of the voting except on a point

of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

#### Division of proposals

##### Rule 50

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

#### Order of voting on amendments

##### Rule 51

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.
2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

#### Order of voting on proposals

##### Rule 52

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.
2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.
3. Any motion requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

## **XII. ELECTIONS**

#### Methods of elections

##### Rule 53

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

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

##### Rule 54

1. When only one elective place is to be filled, and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.
2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest

number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a candidate is elected.

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

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

##### Rule 55

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

### **XIII. SUBSIDIARY BODIES**

#### Ad hoc subsidiary bodies

##### Rule 56

1. Subject to rule 24, paragraph 2, of the rules of procedure of the Economic and Social Council, the Committee may set up ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.
2. Each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

### **XIV. REPORT OF THE COMMITTEE**

#### Annual report

##### Rule 57

1. The Committee shall submit to the Council an annual report on its activities, which shall contain, inter alia, the concluding observations of the Committee relating to each State party's report. A list of State parties to the Covenant shall be annexed to the report of the Committee together with an indication of the status of submission of reports by States parties.
2. The Committee shall also include in its report suggestions and recommendations of a general nature referred to under rule 64 of these rules of procedure.



## Part two

### RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

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

##### Submission of reports

###### Rule 58

1. In accordance with article 16 of the Covenant, the States parties shall submit to the Council for consideration by the Committee reports on the measures which they have adopted and progress made in achieving the observance of the rights recognized in the Covenant.
2. In accordance with article 17 of the Covenant and Council resolution 1988/4, the States parties shall submit their initial reports within two years of the entry into force of the Covenant for the State party concerned and thereafter periodic reports at five-year intervals.

##### Non-submission of reports

###### Rule 59

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rule 58 of these rules. In such cases the Committee may recommend to the Council to transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such reports.
2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rule 58 of these rules, the Committee shall so state in the annual report which it submits to the Council.

##### Form and content of reports

###### Rule 60

1. Upon approval of the Council, the Committee may inform the States parties, through the Secretary-General, of its wishes regarding the form and contents of the reports to be submitted under article 16 of the Covenant and the programme established by Council resolution 1988/4.
2. The general guidelines for reports by the States parties may, when necessary, be considered by the Committee with a view to making suggestions for their improvement.

##### Consideration of reports

###### Rule 61

1. The Committee shall consider the reports submitted by States parties to the Covenant in accordance with the programme established by Council resolution 1988/4.
2. The Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General.
3. Reports of the States parties scheduled for consideration by the Committee shall be made available to the members of the Committee at least six weeks before the opening of the session of the Committee. Any reports by States parties received by the Secretary-General for processing less than 12 weeks before the opening of the session shall be made available to the Committee at its session in the following year.

### Attendance by States parties at examination of reports

#### Rule 62

1. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined. Such representatives should be able to make statements on the reports submitted by their States and reply to questions which may be put to them by the members of the Committee.
2. The Secretary-General shall notify the States parties as early as possible of the opening date and duration of the session of the Committee at which their respective reports are scheduled for consideration. For the meetings referred to in the preceding paragraph, representatives of the States parties concerned shall be specially invited to attend.
3. Once a State party has agreed to the scheduling of its report for consideration by the Committee, the Committee will proceed with the examination of that report at the time scheduled, even in the absence of a representative of the State party.

### Request for additional information

#### Rule 63

1. When considering a report submitted by a State party under article 16 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under existing guidelines.
2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request the State concerned to furnish the additional information which is required, indicating the manner as well as the time within which the said information should be submitted.

### Suggestions and recommendations

#### Rule 64

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

### General comments

#### Rule 65

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

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

### Submission of reports

#### Rule 66

In accordance with the provisions of article 18 of the Covenant and the arrangements made by the Council thereunder, the specialized agencies are called upon to submit reports on the progress

made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

#### Consideration of reports

##### Rule 67

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

#### Participation of specialized agencies

##### Rule 68

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

### **XVII. OTHER SOURCES OF INFORMATION**

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

##### Rule 69

1. Non-governmental organizations in consultative status with the Council may submit to the Committee written statements that might contribute to full and universal recognition and realization of the rights contained in the Covenant.
2. In addition to the receipt of written information, a short period of time will be made available at the beginning of each session of the Committee's pre-sessional working group to provide NGOs with an opportunity to submit relevant oral information to the members of the working group.
3. Furthermore, the Committee will set aside part of the first afternoon at each of its sessions to enable it to receive oral information provided by NGOs. Such information should: (a) focus specifically on the provisions of the Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable, and (d) not be abusive. The relevant meeting will be open and will be provided with interpretation services, but will not be covered by summary records.
4. The Committee may recommend to the Council to invite United Nations bodies concerned and regional intergovernmental organizations to submit to it information, documentation and written statements, as appropriate, relevant to its activities under the Covenant.

#### Part three

### **INTERPRETATION AND AMENDMENTS**

### **XVIII. INTERPRETATION AND AMENDMENTS**

#### Underlined headings

#### Rule 70

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

#### Amendments

#### Rule 71

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

#### Approval of and modification by the Council

#### Rule 72

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

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