



TAIWAN REVIEW OF IMPLEMENTATION OF RIGHTS AND FREEDOMS UNDER
THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) AND
THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)

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**OVERVIEW OF THE PERIODIC REPORTING PROCESS UNDER
THE ICCPR AND ICESCR**

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OVERVIEW OF THE PERIODIC REPORTING PROCESS UNDER THE ICCPR AND ICESCR

When a State becomes party to one of the universal human rights treaties, the Treaty Body responsible for monitoring the implementation of the corresponding treaty (known as a Committee) will request the State party to submit reports to it on the State's legislative, judicial, policy and other measures taken to ensure the enjoyment of the rights and freedoms set out in the treaty.

The Committee monitoring the implementation of the International Covenant on Civil and Political Rights (ICCPR) is called the Human Rights Committee (HRC, or CCPR). The Committee monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) is called the Committee on Economic, Social and Cultural Rights (CESCR).

The current document provides an overview of the reporting processes under the ICCPR and ICESCR, first providing a background to the aims and overall functioning of the reporting process, and then explaining each of the main steps involved in the process.

BACKGROUND

Aims and objectives of the State reporting system

As explained by the former UN High Commissioner for Human Rights: "The process of reporting provides an opportunity for an individual State party to conduct a comprehensive review of the measures it has taken to bring its national law and policy into line with the provisions of the treaties to which it is a party".¹

In relation to the ICESCR, the Committee has outlined seven key objectives that are fulfilled by the reporting obligations under the ICESCR.² These are:

1. To ensure the State party undertakes a comprehensive review of national legislation, administrative rules and procedures, and practices in order to ensure the fullest possible compliance with the Covenant;
2. To ensure that the State party regularly monitors the actual situation on each of the rights and the extent to which they are being enjoyed by all individuals in that country;
3. To provide a basis for government elaboration of clearly stated and targeted policies for implementing the Covenant;
4. To facilitate public scrutiny of government policies and encourage the involvement of the various sectors of society in the formulation, implementation and review of relevant policies;
5. To provide a basis on which both the State party and the Committee can effectively evaluate progress towards the realisation of the obligations under the Covenant;
6. To enable the State party to develop a better understanding of problems and shortcomings impeding the realisation of economic, social and cultural rights; and
7. To facilitate exchange of information amongst States parties and to help develop fuller appreciation of both common problems and possible solutions in the realisation of each of the rights contained in the Covenant.

These seven objectives are also applicable to the reporting obligations under the ICCPR.

¹ Summary of General Comment 1 in Concept Paper on the High Commissioner's proposal for a unified standing treaty body, UN Doc HRI/MC/2006/2 (2006).

² CESCR General Comment No 1, *Reporting by States parties*, Third Session (1989).

When do States submit reports?

Committee	Initial Report	Periodic Reports
CCPR	Due within one year of entry into force of the ICCPR ³	Whenever the Committee requests, but usually every four years ⁴
CESCR	Due within two years of entry into force of the ICESCR ⁵	Due every five years following the Initial Report ⁶

When do the Committees meet?

Committee	Sessions per year	Length of session	Time of year	Number of reports examined during session	Place of meeting
CCPR	3 sessions per year ⁷	3 weeks	March, July and October	Normally five ⁸	UN Headquarters in New York or at the UN Office in Geneva. ⁹
CESCR	2 sessions per year	3 weeks ¹⁰	May and November/December ¹¹	5 or 6	UN Office in Geneva. ¹²

How do the Committees work?

Committee	Number of members	Election criteria/ other considerations	Quorum required	Voting rules
CCPR	18 elected members ¹³	Members must be nationals of States parties to the Covenant, and "persons of high moral character and recognized competence in the field of human rights", with "consideration given to the usefulness of the participation of some persons having legal experience" ¹⁴	12 members constitute a quorum ¹⁵	Each member has one vote. ¹⁶ All reasonable efforts are made to reach a consensus, although only a majority is necessary ¹⁷

³ Article 40(1)(a) of the ICCPR. See also Part II of the CCPR Working Methods, available at URL <<http://www2.ohchr.org/english/bodies/hrc/workingmethods.htm>>.

⁴ Article 40(1)(b) of the ICCPR; and Rule 66(2) of the Rules of Procedure of the CCPR.

⁵ Rule 58(2) of the Rules of Procedure of the CESCR.

⁶ Rule 58(2) of the Rules of Procedure of the CESCR.

⁷ Rule 2 of the Rules of Procedure of the CCPR.

⁸ Part II of the Working Methods of the CCPR, available at URL <<http://www2.ohchr.org/english/bodies/hrc/workingmethods.htm>>.

⁹ Rule 5 of the Rules of Procedure of the CCPR.

¹⁰ Rule 1 of the Rules of Procedure of the CESCR.

¹¹ Dates are decided in consultation with the UN Secretary General. See Rule 2 of the Rules of Procedure of the CESCR.

¹² Rule 1 of the Rules of Procedure of the CESCR.

¹³ Rule 11 of the Rules of Procedure of the CCPR.

¹⁴ Article 28 of the ICCPR.

CESCR	18 elected members ¹⁸	Members must be "persons of high moral character and recognized competence in the field of human rights". ¹⁹ They are nominated by States parties to the Covenant. ²⁰ Due consideration must be given to equitable geographical distribution and to the representation of different forms of social and legal systems. ²¹	12 members constitute a quorum. ²²	Each member has one vote. ²³ Consensus is preferred, but where it cannot be reached, majority will suffice. ²⁴
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Other tasks undertaken by the CCPR and CESCR

Both Committees are obliged to provide annual reports on their activities.²⁵

Both Committees also produce General Comments as a way of assisting States in the interpretation and implementation of the ICCPR and the ICESCR.²⁶

The CCPR also has the capacity to receive individual communications from victims of alleged human rights violations in the case of violations said to have been perpetrated by, or attributable to, States parties who are also party to the first Optional Protocol to the ICCPR.²⁷

The CESCR currently does not operate an equivalent mechanism for receiving individual complaints. An Optional Protocol to the ICESCR, which establishes an individual communications mechanism for the CESCR, was adopted in December 2008²⁸ and will come into force when ratified by ten parties.

The CESCR holds a day of general discussion during each session on a particular right or aspect of the Covenant.²⁹ It also issues statements to clarify the Committee's position with respect to major international developments and issues.³⁰ These are additional activities that have not been adopted by the CCPR.

¹⁵ Rule 37 of the Rules of Procedure of the CCPR.

¹⁶ Rule 50 of the Rules of Procedure of the CCPR.

¹⁷ Rule 51 of the Rules of Procedure of the CCPR. Footnote 1 to Rule 51 reflects a decision of the Committee in its first session to try in all cases to reach consensus, so long as this does not unduly delay the work of the Committee.

¹⁸ Rule 9 of the Rules of Procedure of the CESCR.

¹⁹ See <<http://www2.ohchr.org/english/bodies/cescr/elections.htm>>.

²⁰ Resolution 1985/17 of the Economic and Social Council (ECOSOC) of 28 May 1985.

²¹ ECOSOC Resolution 1985/17, para (b).

²² Rule 32 of the Rules of Procedure of the CESCR.

²³ Rule 45 of the Rules of Procedure of the CESCR.

²⁴ Rule 46 of the Rules of Procedure of the CESCR.

²⁵ Rule 68 of the Rules of Procedure of the CCPR; and Rule 57 of the Rules of Procedure of the CESCR.

²⁶ Rule 73 of the Rules of Procedure of the CCPR; and Rule 65 of the Rules of Procedure of the CESCR.

²⁷ Part XVI of the Rules of Procedure of the CCPR.

²⁸ GA Resolution A/RES/63/117.

²⁹ CESCR Working Methods, UN Doc E/2011/22-E/C.12/2010/3, para 49.

³⁰ CESCR Working Methods, para 59.

THE PERIODIC REPORTING PROCESS

Legal basis of the reporting obligation

All States that have ratified or acceded to the ICCPR undertake to submit reports to the HRC on the measures they have adopted to give effect to the rights contained in the ICCPR and on the progress made in the enjoyment of those rights. The obligation is contained in article 40 of the ICCPR.

The same obligation of periodic reporting exists under the ICESCR, as set out in articles 16 and 17 of the Covenant.

The Core Document

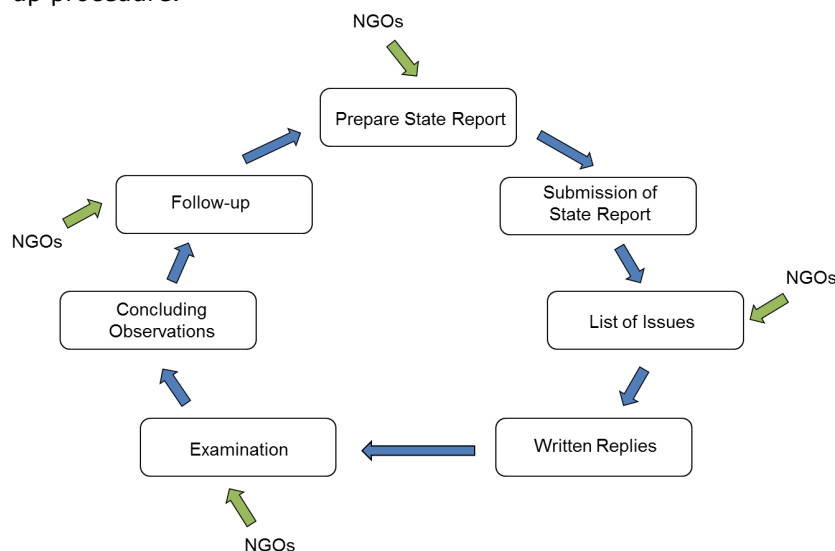
The Core Document is a preliminary report that is circulated to all treaty bodies prior to the State's Initial Report. It details basic information about a State, its demography and geography as well as its constitutional, legal and political structures and other general information. It gives a general background to the country, and should be updated when necessary, to avoid this information being duplicated in subsequent Periodic Reports.³¹ Information contained in the Core Document should not be repeated within the treaty-specific State reports.³²

The CCPR Guidelines on State reporting explain that the Core Document should "contain general information about the reporting State, the general framework for the protection and promotion of human rights, as well as information on non-discrimination, equality and effective remedies".³³ The same principle is stated within the CESCRC Guidelines.³⁴

The Steps

There are seven main steps in the periodic reporting process:

1. Preparation of the State report;
2. Submission of the State report to the Treaty Body;
3. Pre-sessional meeting/ adoption of the lists of issues;
4. Written replies to lists of issues;
5. Examination of the State report;
6. Concluding Observations; and
7. Follow-up procedure.



³¹ For more information on core documents: <<http://www2.ohchr.org/english/bodies/coredocs.htm>>.

³² CCPR Guidelines, para 5, and CESCRC Guidelines, para 2.

³³ CCPR Guidelines, UN DOC CCPR/C/2009/1 (2010), para 4.

³⁴ CESCRC Guidelines, UN Doc E/C.12/2008/2 (2009), para 1.

STEP 1: PREPARATION OF THE STATE REPORT

CCPR

Content of the report

The CCPR, as well as the Office for the High Commissioner for Human Rights (OHCHR), provides general Guidelines to help governments in preparing their reports.³⁵ These Guidelines provide further explanation of what should be included when addressing the implementation of each article.³⁶

The report being prepared will either be an Initial Report, a Focused Report, or a full Periodic Report. Focused Reports will be detailed under step 4.

The Initial Report should comprehensively cover all substantive articles of the Covenant,³⁷ including all information on the State's constitutional and legal framework that is not set out in the Core Document, and the legal and practical measures taken in order to implement the Covenant. This should be a practical explanation of how those rights are being enjoyed by individuals, rather than just a description of the formal laws in place.

Subsequent periodic reviews (which are submitted as full reports) will also cover each substantive article, but will also need to include: responses to the Concluding Observations of the previous report; responses to the summary records of the Committee's deliberations; an examination of the progress made by the State;³⁸ and comment on articles where the State has made significant developments.³⁹ They should also address any Views made concerning the State in respect of individual complaints (known as 'individual communications'), and detail the steps taken to provide a remedy to that individual.⁴⁰ It is also recommended that the report contains information on how civil society has been involved in the reporting process.⁴¹

The format suggested in the Guidelines is to use the Covenant itself as a starting point, and follow each article in turn.⁴² This applies primarily to Initial Reports, but will also apply where a full Periodic Report is being submitted.⁴³ In addressing each article, the State should include information concerning:⁴⁴

- Whether the State has adopted a national framework law(s), policies or strategies for the implementation of each Covenant right;
- Mechanisms to monitor the full realisation of each right;
- Data and statistics available to allow the Committee to assess progress;
- The practical application of legal norms; and
- The most urgent problems arising during the reporting period.

The Committee's Guidelines also indicate exactly what issues or questions should be addressed when reporting on each article of the Covenant.⁴⁵

Where reports are too brief or general, such that they do not meet the reporting obligations under article 40, the Committee can provide the State additional time to complement the information, during the examination of the report.⁴⁶

³⁵ CCPR guidelines. See also the OHCHR *Manual on Human Rights Reporting*, available at URL <<http://www.unhcr.ch/html/menu6/2/training.htm>>.

³⁶ CCPR Guidelines, paras 28-104.

³⁷ Parts I, II and III of the ICCPR.

³⁸ CCPR Guidelines, para 19.

³⁹ Human Rights Committee, *Recent decisions on procedures*, UN Doc A/56/40 (2001), paras 50-54.

⁴⁰ CCPR Guidelines, para 23.

⁴¹ CCPR Guidelines, para 20.

⁴² CCPR Guidelines, para 18.

⁴³ Full periodic reports are usually only submitted at the request of the Committee, or the State. Otherwise, focused reporting will apply and is a more concise document. This is explained further under step 4.

⁴⁴ CCPR Guidelines, paras 25-27.

⁴⁵ CCPR Guidelines, paras 28-104.

⁴⁶ Rule 71(2) of the Rules of Procedure of the CCPR.

Compilation of the report

There is no set method prescribed for compiling reports. However, since many parts of government will need to feed into the report, a coordination mechanism is recommended. This is particularly important where the State structure comprises of both federal and regional governments. Usually, the Ministry of Foreign Affairs takes the lead in compiling the report,⁴⁷ but this is often also undertaken or led by the Ministry of Justice.

NGO participation in the preparation of the State report

The Human Rights Committee has observed that the State report “often focuses on legislation and provides little or no information on the implementation of these laws and the ICCPR in practice. State reports also frequently lack an honest evaluation of the situation and the measures put in place as well as the difficulties the State faces in implementing the ICCPR”.⁴⁸

States are therefore encouraged by the Committee to involve non-governmental organisations (NGOs) in the preparation of the report, in order to provide a balanced and objective analysis on the progress of implementation.⁴⁹ There are various ways to achieve this, including: consulting civil society before compiling the report; using civil society statistics; and/or involving civil society in the drafting of the Periodic Report in some way.⁵⁰

CESCR

Content of the report

Guidelines have also been produced by the Economic and Social Council to assist States in the preparation of State reports to CESCR.⁵¹

Similarly to the CCPR, the CESCR Guidelines expect the same format for both Initial and Periodic Reports, with Periodic Reports additionally addressing previous Concluding Observations.⁵²

Unlike the CCPR, the CESCR does not have a focused reporting process. This means that Periodic Reports address each substantive article of the Covenant in turn, taking into account the general comments of the Committee, as well as any measures taken to fully implement the Covenant as a whole. Periodic Reports should detail any concrete measures taken and progress achieved, including information in response to previous Concluding Observations.⁵³

In addressing each article, the State should include information concerning:⁵⁴

- Whether the State has adopted a national framework law, policies and strategies for implementation of each article, identifying resources available and the cost-effectiveness of those resources;
- Mechanisms in place to monitor the full realisation of all Covenant rights;
- Mechanisms in place to ensure the obligations under the Covenant are taken into account in the State’s international actions;
- Incorporation and direct applicability of each right into domestic law, with reference to specific case law;
- Remedies in place to enable redress of violations;
- Obstacles that impede the full realization of the Covenant rights; and

⁴⁷ Fact Sheet 15 (Rev.1), *Civil and Political Rights: The Human Rights Committee Fact Sheet*, p.17, available at URL <<http://www2.ohchr.org/english/bodies/hrc>>.

⁴⁸ CCPR Guidelines for NGOs, p.15, available at URL <<http://www.cccprcentre.org/publication/ngo-guidelines-on-the-reporting-process-of-the-un-human-rights-committee>>.

⁴⁹ Fact Sheet 15 (Rev.1), p.17.

⁵⁰ Fact Sheet 15 (Rev.1), P.17.

⁵¹ CESCR Guidelines E/C.12/2008/2

⁵² Paragraph 6 of the CESCR Guidelines (E/C.12/2008/2)

⁵³ Paragraph 2 of the CESCR Guidelines (E/C.12/2008/2)

⁵⁴ Paragraph 3 of the CESCR Guidelines (E/C.12/2008/2).

- Statistical data on the enjoyment of each right, disaggregated by age, gender, ethnic origin, urban/rural population and other relevant status, on an annual comparative basis over the past five years.

In the same way as the CCPR Guidelines, the CESCR Guidelines indicate exactly what should be addressed by States in reporting on each article.⁵⁵ As in the case of reports to the CCPR, Periodic Reports under the ICESCR that do not meet the requirements of the Guidelines will result in a request for additional information.⁵⁶

Compilation of the report

No guidelines exist on this aspect, but similar considerations about who will want to contribute to the report should be borne in mind.

NGO participation in the preparation of the report

The Secretariat of the OHCHR has prepared a document detailing NGO participation opportunities in the activities of the CESCR, at all stages of the periodic reporting process.⁵⁷ The document does not specify how NGOs can participate in the preparation of a State report, as this takes place prior to the examination process. However, it can be assumed that any State cooperation with NGOs at the preparation stage is welcomed and encouraged, in the same way as NGO participation in the reporting process under the ICCPR.

STEP 2: SUBMISSION OF THE STATE REPORT TO THE TREATY BODY

CCPR

The State party submits its report to the Human Rights Committee.⁵⁸ This becomes the basis for the review process. Upon submission, the report is processed and translated by the Secretariat into the official UN languages⁵⁹ and published online on the OHCHR website.⁶⁰

Failure to submit a timely report

If a State party fails to submit a Periodic Report, and a considerable period of time has elapsed since the due date for this, the Committee will nevertheless conduct an examination of the implementation of the ICCPR in that State, known as an 'examination in absence of a report'.⁶¹

Before doing so, the State is notified and given an opportunity to submit an overdue report.⁶² If the report is still not submitted, the Committee will draft a list of issues, set a date for review and invite the State to send a delegation. The Concluding Observations will be communicated to the State and made public.⁶³

CESCR

The same general process applies for the submission of reports to the CESCR. The Periodic Report is submitted to the Committee,⁶⁴ processed and translated by the Secretariat into the official UN languages,⁶⁵ and then published online.⁶⁶ Whilst waiting for the report to be translated, the

⁵⁵ CESCR Guidelines, paras 7-72.

⁵⁶ Rule 63(2) of the Rules of Procedure of the CESCR.

⁵⁷ Note by the Secretariat, UN Doc E/C.12/2000/6 (2000).

⁵⁸ Rule 66(1) of the Rules of Procedure of the CCPR.

⁵⁹ The official languages are Arabic, Chinese, English, French, Russian and Spanish. See rule 28 of the Rules of Procedure of the CCPR.

⁶⁰ See <<http://www2.ohchr.org/english/bodies/hrc/sessions.htm>>.

⁶¹ Rule 70(1) of the Rules of Procedure of the CCPR.

⁶² Rule 69(1) of the Rules of Procedure of the CCPR.

⁶³ Rule 70(3) of the Rules of Procedure of the CCPR.

⁶⁴ Rule 58 of the Rules of Procedure of the CESCR.

⁶⁵ Official languages are found in Rule 24 of the Rules of Procedure of the CESCR.

Secretariat contacts NGOs working in the field of economic, social and cultural rights, asking them to contribute information on the country concerned.⁶⁷

Failure to submit a timely report

If a State party which has submitted a report seeks to defer the presentation of its report at the last minute, the Committee does not grant such a requests, and proceeds with its consideration, even in the absence of the State party's representatives.⁶⁸

Similarly to CCPR, if reports are long overdue, the State will be notified of the Committee's intention to consider the report at a future session. If the State still does not respond, the Committee will proceed to consider the State's compliance with the economic, cultural and social rights under the ICESCR.⁶⁹

In the absence of a State report, the information provided to the Committee becomes especially valuable, and any relevant information is welcomed.⁷⁰ The same is true in the case of an examination in absence of a report by the CCPR.

STEP 3: PRE-SESSIONAL WORKING GROUPS/ ADOPTION OF LISTS OF ISSUES

CCPR

The CCPR used to establish pre-sessional working groups in preparation of State party report examinations. This has been replaced with a process for establishment of a "Country Report Task Force" (CRFT) for each State party examination. The CRFT is made up of between four and six Committee members. In the Task Force, one Committee member is nominated to be the "country rapporteur". The country rapporteur's responsibility is to follow the report all the way through the process. Instead of meeting before the session, the CRFT now meets during the main plenary session.

The CRFT uses the submitted State report to devise a series of questions, known as a 'List of Issues',(LOI) to put to the State representatives during the examination stage. The country rapporteur has the primary responsibility for drafting the LOI. The draft List is then discussed by the group and adopted. These questions are based on matters that are of most concern to the Committee.

The process for the establishment of a List of Issues and its subsequent use is as follows:

- The country rapporteur presents the draft LOI for discussion to the CRTF.
- Once the members have made their observations, the List of Issues is adopted by the CRFT as a whole.
- The CRFT then allocates questions in the List between the members of the CRFT, based on the area of expertise or the interest of each CRFT member.
- The LOI is then sent to the State at least one session (usually two to four months) before the review is undertaken, to allow the State time to prepare for the discussion and provide written answers to the questions provided.⁷¹ This list is also published online.⁷²

List of Issues Prior to Reporting

At its 97th session in October 2009, the CCPR decided to implement a new procedure to streamline the periodic reporting process. It has been implemented since November 2010 and the aim is to

⁶⁶ See <<http://www2.ohchr.org/english/bodies/cescr/cescrs42.htm>>.

⁶⁷ For further details see the Note by the Secretariat, para 11.

⁶⁸ CESCR Working Methods, para 35.

⁶⁹ CESCR Working Methods, para 41.

⁷⁰ Note by the Secretariat, paras 28-29.

⁷¹ Human Rights Committee, *Recent decisions on procedures*, paras. 50-54.

⁷² See <<http://www2.ohchr.org/english/bodies/hrc/sessions.htm>>.

reduce the reporting burden on States. It is applied to all Periodic Reports unless the Committee decides otherwise. States can also request to opt out, and instead submit a full Periodic Report.⁷³

Under this new process, the List of Issues is prepared *before* the submission of the State report, instead of after. This List of Issues, known as a 'List of Issues Prior to Reporting' (LOIPR), is based on previous Concluding Observations, other UN documents and NGO reports. The State will then submit a "Focused Report" responding to the LOIPR and this will be examined during the dialogue, as usual.⁷⁴ This Focused Report will replace both the State report and the written replies. The Committee plans to examine the first reports under this procedure in 2014.

Points to note about this procedure:

- It is not used in the case of States parties submitting Initial Reports;⁷⁵
- It is optional: States can request to submit a full Periodic Report instead;
- The Committee can request the State to submit a full report rather than using this process;
- The Committee may raise points not included in the LOIPR during the review.

NGO participation in the establishment of the LOI and LOIPR

To make a contribution to this stage, NGOs should provide information to the Committee in writing, based on issues that have not been addressed in the State's Periodic Report. Other information can be provided, so long as it pertains to the implementation or enjoyment of rights within the scope of the ICCPR. This information is provided to the Secretariat, which is responsible for collating all pertinent documents for the Committee members, including a country analysis.⁷⁶

This information must be submitted before the LOI is drafted, which is usually two sessions before the review. Applicable deadlines can be found online.⁷⁷

In the case of the new LOIPR procedure, because the Focused Report forms the basis for the entire review, it is especially important that NGOs submit information in advance. The Secretariat will announce which States are being reviewed under this procedure, at least nine months before the session.⁷⁸ NGO reports submitted at this stage will help ensure that key points are not left out of the List of Issues Prior to Reporting.

CESCR

A similar process for the establishment of a List of Issues applies to the CESCR, although rather than a CRFT, the group is called a 'pre-sessional working group'.

The working group, composed of five members, meets for one week prior to the start of the session, and not during the main plenary like the CRFT.

The allocation of drafting operates in the same way as for the CRFT. One member of the group serves as a country rapporteur responsible for drafting the List of Issues for each of the five countries under discussion. The drafts are then discussed by the working group, and a final List of Issues is adopted for each of the five countries.

The Secretariat again assists in this process by providing the Committee with a country analysis as well as all other pertinent and relevant documents, such as NGO submissions.⁷⁹

The List of Issues is then sent to the State party concerned with a standard note asking for written replies to the list.⁸⁰

⁷³ CCPR Guidelines, para 15.

⁷⁴ See step 5.

⁷⁵ CCPR Guidelines, para 15.

⁷⁶ Human Rights Committee Working Methods II(A), available at URL <<http://www2.ohchr.org/english/bodies/hrc/workingmethods.htm>>.

⁷⁷ See <www.cprcentre.org/en/next-sessions>.

⁷⁸ See <<http://www2.ohchr.org/english/bodies/hrc/sessions.htm>>.

⁷⁹ CESCR Working Methods, para 26.

⁸⁰ Paragraph 27 of the CESCR Working Methods (E/2011/22-E/C.12/2010/3)

NGO participation in the pre-sessional working group stage

The Committee expressly invites NGOs to participate in this stage by submitting all relevant information to the Secretariat, provided that it pertains to the implementation or enjoyment of rights within the scope of the ICESCR.⁸¹

There are three methods for submitting this information:⁸²

1. Submit relevant information directly to the country rapporteur concerned;
2. Submit relevant information to the Secretariat for distribution to the whole working group; and/or
3. Make an oral statement during the first morning of the pre-sessional working group meeting.

STEP 4: STATE REPLIES TO LISTS OF ISSUES (WRITTEN REPLIES)

CCPR

The State party is asked to provide written answers to the questions raised under the List of Issues and the List of Issues Prior to Reporting. Although the State can choose to submit its replies at the beginning of the review stage, it is normal practice for this information to be provided in advance. The replies are also available online.⁸³

NGO and other information

In the case of information submitted after the adoption of the List of Issues or List of Issues Prior to Reporting, it should follow the structure of the LOI or LOIPR, and provide replies to the questions. Other information can be provided, so long as it pertains to the implementation or enjoyment of rights within the scope of the ICCPR.

Further details on how to write a submission, where to send it to and why NGO submissions are important can be found in the CCPR Guidelines for NGOs.⁸⁴

In addition, the UN Secretary-General can, after consultation with the Committee, transmit to specialised agencies parts of the reports received by States parties which may fall within their field of competence. Those agencies can then submit comments on those parts of the report.⁸⁵

CESCR

The process is the same under the CESCR, although the Committee has not adopted the Focused Report procedure. The written replies to this Committee can also be found online.⁸⁶

STEP 5: REVIEW/ EXAMINATION OF THE STATE REPORT

CCPR

The examination of the report takes place in public.⁸⁷ It usually takes one and a half days for the Committee to examine an Initial Report (three meetings of three hours each) or two half-day sessions to examine a Periodic or Focused Report (two meetings of three hours each).⁸⁸

⁸¹ Paragraph 26 the CESCR Working Methods (E/2011/22-E/C.12/2010/3)

⁸² For further details see paragraph 16-20 E/C.12/2000/6. Note by the Secretariat.

⁸³ <http://www2.ohchr.org/english/bodies/hrc/sessions.htm>

⁸⁴ P.21 onwards. CCPR Guidelines for NGOs.

⁸⁵ Rule 67 of the Rules of Procedure for the Human Rights Committee

⁸⁶ <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>

⁸⁷ Rule 33 of the Rules of Procedure of the Human Rights Committee

⁸⁸ Working Methods of the Human Rights Committee (B).

The examination is conducted through a dialogue between the State party representatives and the Committee, in accordance with Rule 68 of the Rules of Procedure. The Committee has expressed that State delegation should have the status, experience and number of representatives in order to enable an effective dialogue over the whole range of matters covered by the ICCPR, particularly as this pertains to any questions raised in the LOI or LOIPR.⁸⁹

The process is started by a brief presentation by the State delegation, which includes responses to the first group of questions on the List of Issues. The Committee will then ask questions or make comments based on the first intervention by the State representatives, and the same process is repeated for the next set of questions on the List of Issues. The CRFT members have priority when asking questions of the State delegations, although all Committee members participate in this dialogue. Committee members from the State under examination do not usually take part in this process in order to maintain the highest standards of impartiality.⁹⁰

If States do not send representatives on the date scheduled for the examination, the Committee can either set another date or continue with the examination in the absence of the State. If the Committee decides to proceed, provisional Concluding Observations will be provided to the State, with a date by which a reply should be submitted.⁹¹ These Concluding Observations are made public.⁹²

A summary record is prepared by the Secretariat, containing a summary of the dialogue between the State representatives and the Committee and is available in the working languages.⁹³

NGO participation in the examination stage

All NGOs can attend the Committee sessions, whether or not they have ECOSOC accreditation status. However, accreditation for access to the UN building in which the examination takes place must be applied for from the Secretariat.⁹⁴

NGOs cannot speak during the dialogue between the Committee and the State delegation. However, there are other ways in which they can address the Committee:

Formal NGO Briefings

This meeting normally takes place on the first day of the session, before the report is examined in public. It is chaired by the Chairperson of the Committee and is convened as a closed meeting, meaning that the State representatives will not be present. The meeting is conducted in the Committee's working languages of English, French and Spanish, and interpretation is provided for these languages.⁹⁵

NGOs have the opportunity to deliver a brief statement and then time is allocated for Committee members to ask questions to the NGOs.

In its annual report of 2002, the Committee stated that it reserved the right to determine at a later stage whether other briefings by NGOs should also become part of the Committee's official procedure.⁹⁶

Informal Lunch Briefings

NGOs can also organise informal meetings with the Committee over lunch, for up to 90 minutes. However, no interpretation is provided and not all Committee members attend.

⁸⁹ General comment No.2: Reporting Guidelines, 1981, Thirteenth session. See HRI/GEN/1/Rev.1. See also Rule 68 of the Rules of Procedure of the Human Rights Committee.

⁹⁰ Rule 71(4) of the Rules of Procedure of the Human Rights Committee

⁹¹ Rule 68(2) of the Rules of Procedure of the Human Rights Committee

⁹² Rule 70(3) of the Rules of Procedure of the Human Rights Committee

⁹³ Rule 31 of the Rules of Procedure of the Human Rights Committee. For working languages see Rule 28.

⁹⁴ On how to do this, see: <http://www2.ohchr.org/english/bodies/cescr/cescrwg45.htm>

⁹⁵ In accordance with rule 29 of the Rules of Procedure of the Human Rights Committee.

⁹⁶ Paragraph 12, Annex III, Annual Report of the Human Rights Committee (2002), A/57/40 (Vol.I).

Requests to organise such meetings should be made to the Secretary of the Committee at least one month before the session.

Lobbying during the session

This method of engagement is not formally articulated in the working methods of the Human Rights Committee. However, the Centre for Civil and Political Rights amongst others suggests this as another means of contribution by NGOs. Members can in practice be approached before and after meetings to provide them with information they may find helpful. The Centre also advocates the usefulness of being present during the dialogue since, even though direct participation is prohibited, such attendance can be useful for the purpose of allowing civil society to see whether information provided by the State party is accurate and complete and, if not, to advise Committee members of the fact in the margins of the Committee's session.⁹⁷

CESCR

The examination of reports usually takes two days, and like the CCPR, is conducted by way of public meetings.⁹⁸ Generally, the examination takes place over three meetings (of three hours each).⁹⁹

In the same way as the CCPR, the CESCR examines the report through a dialogue with the State representatives. Again, representatives are expected to be in a position to reply to the questions posed by the Committee.¹⁰⁰

State representatives first provide introductory comments and any new information that may be relevant to the dialogue. The Committee then considers the report by clusters of articles (1-5, 6-9, 10-12 and 13-15), taking particular account of the replies to the List of Issues.¹⁰¹ Committee members then pose questions and observations to the State party representative, and they are able to respond immediately unless the questions require further reflection or research. If the questions cannot be adequately answered by the representatives, the Committee will request additional information to be provided in a subsequent meeting, or in writing.¹⁰²

As for the CCPR, a summary record is prepared by the Secretariat and is available in the working languages.¹⁰³

NGO participation in the examination stage

Again, participation of NGOs in this stage of the process is important, and is directly encouraged by the Committee.¹⁰⁴

Although oral participation during the dialogue is prohibited for NGOs, there are other ways in which NGOs can be represented, similar to those opportunities with the CCPR:

Written statements

During the examination process, NGOs with ECOSOC status can submit a written statement to the Committee (so long as this is no longer than 2,000 words). Those NGOs without ECOSOC status can also submit a written statement provided it is sponsored by an NGO with consultative status with the UN (and so long as this is no longer than 1,500 words).

⁹⁷ CCPR Guidelines for NGOs.

⁹⁸ Rule 28 of the Rules of Procedure of the Committee on Economic, Social and Cultural Rights.

⁹⁹ Paragraph 32 of the CESCR Working Methods (E/2011/22-E/C.12/2010/3)

¹⁰⁰ Rule 61 of the Rules of Procedure of the Committee on Economic, Social and Cultural Rights

¹⁰¹ Paragraph 29 of the CESCR Working Methods (E/2011/22-E/C.12/2010/3)

¹⁰² Paragraph 29 of the CESCR Working Methods (E/2011/22-E/C.12/2010/3)

¹⁰³ Rule 30 of the Rules of Procedure of the Committee on Economic, Social and Cultural Rights. For working languages see Rule 24.

¹⁰⁴ Note by Secretariat, para 1.

Further details on how to submit a written statement can be found in the note by the Secretariat on this matter.¹⁰⁵

Oral statements

NGOs can also voice their concerns during the NGO hearings which take place on the afternoon of the first day of each reporting session. These interventions are limited to 15 minutes. Again, further details on this can be found in the Secretariat's note.¹⁰⁶

Observation

Although NGOs cannot participate in the dialogue, the Secretariat encourages them to observe the proceedings, for the same beneficial reasons explained in the case of observing CCPR examinations.¹⁰⁷

STEP 6: CONCLUDING OBSERVATIONS

CCPR

At the end of the session in which the examination takes place, the Committee adopts 'Concluding Observations'. This document highlights the Committee's concerns and makes recommendations to the State on how to improve its implementation of the ICCPR. It also notes any positive developments, sets a deadline for the next State report and forms the basis for future reports and discussions.¹⁰⁸

The country rapporteur has the initial responsibility for drafting the Concluding Observations, with the assistance of the Secretariat. The draft Concluding Observations are then circulated to the Committee for comments.¹⁰⁹ Before adoption, there is usually a meeting of two to three hours at the end of the session where the Committee discusses the draft in private, with a view to adopt it by consensus wherever possible. This takes place during the plenary.

Concluding Observations are published online following the end of the session¹¹⁰ and are also included in the Committee's annual report. All formal decisions of the Committee are made available in the official languages.¹¹¹

Content of Concluding Observations

Concluding Observations are based on all documentation received, by the State party and other stakeholders, and the dialogue held during the plenary session examination. They are divided into four parts:

1. Introduction;
2. Positive Developments;
3. Factors impeding the implementation of the Covenant; and
4. Subjects of concern and recommendations.

The bulk of the observations are detailed under the third part. Concluding observations also include a recommendation to disseminate the document widely within the state party concerned.¹¹² The final paragraph will also identify which recommendations are highlighted for the follow-up procedure.¹¹³

¹⁰⁵ Note by the Secretariat, paras 21-22.

¹⁰⁶ Note by the Secretariat, para 23.

¹⁰⁷ Note by the Secretariat, para 24.

¹⁰⁸ Rule 71(3) of the Rules of Procedure of the CCPR.

¹⁰⁹ Part C of the Working Methods of the CCPR.

¹¹⁰ See <<http://www2.ohchr.org/english/bodies/hrc/sessions.htm>>, <<http://www.ccprcentre.org/en/slect-your-country>> and <<http://www.unhcr.ch/tbs/doc.nsf>>.

¹¹¹ Rule 32 of the Rules of Procedure for the CCPR.

¹¹² Part C of the Working Methods of the CCPR.

¹¹³ Part C of the Working Methods of the CCPR.

Status of Concluding Observations

Concluding Observations of both Committees are not legally binding on a State. They provide guidance on how that State can improve their compliance with the respective Covenants. However, since the CCPR and CESCR are the only expert bodies entrusted with making such pronouncements, States should act on the views and recommendations contained in the Concluding Observations.

CESCR

In the same way as with the CCPR, the Concluding Observations of the CESCR are the formal decision of the Committee's findings on the status of the Covenant in the concerned State party.¹¹⁴ The process for adopting them is the same in that they are drafted by the country rapporteur with the assistance of the Secretariat, discussed by the members in a closed session at the end of the dialogue, and then formally adopted.¹¹⁵ They are then made public on the final day of the session and published online.¹¹⁶ A copy is sent to the concerned State party and it is also included in the Committee's annual report.

In addition to the adoption and issuing of Concluding Observations, the Chairperson of the CESCR will occasionally write letters to States parties outlining the Committee's concerns.¹¹⁷

Content of the Concluding Observations

The format is divided into five sections:

1. Introduction;
2. Positive aspects;
3. Factors and difficulties impeding the implementation of the Covenant;
4. Principal subjects of concerns; and
5. Suggestions and recommendations.

In the same way as with the CCPR, the CESCR's Concluding Observations highlight those recommendations that may require action prior to the date of next review.¹¹⁸

Status of Concluding Observations

As indicated, Concluding Observations are not legally binding but, since they represent recommendations from the only expert body entrusted and capable of making such pronouncements, States should act on the recommendations made.

STEP 7: FOLLOW-UP PROCEDURE

CCPR

A follow-up report is produced by the State party and details measures taken in order to implement some of the Concluding Observations which were highlighted as urgent.¹¹⁹ States usually have one year in which to provide this follow-up report.¹²⁰

Once submitted, the report is assessed by the Committee's 'Special Rapporteur on Follow-up to the Concluding Observations'. The Committee will then consider the findings of the Special Rapporteur and, if not satisfied, decide on any further action that may be required. This could include:

¹¹⁴ Rule 64 of the Rules of Procedure of the CESCR.

¹¹⁵ CESCR Working Methods, para 30.

¹¹⁶ See <<http://www2.ohchr.org/english/bodies/cescr/sessions.htm>

¹¹⁷ Fact Sheet 16 (Rev.1), *The Committee on Economic, Social and Cultural Rights*, Part 6.

¹¹⁸ This was decided by the Committee on 1 December 1999 at the 53rd meeting of the 21st session. See paragraph 36 of the CESCR Working Methods.

¹¹⁹ Rule 72 of the Rules of Procedure of the CCPR.

¹²⁰ Part II C of the Working Methods of the CCPR.

- Changing the date of the next State submission and examination;
- Calling a meeting with the State's representatives; and/or
- Requesting further information from the State.

All documents related to the follow-up procedure are published online.¹²¹

If a State fails to submit a follow-up report, the Special Rapporteur will meet with the State representatives. If the State continues to be unresponsive, the fact is recorded in the Committee's annual report to the General Assembly.¹²²

The follow up procedure does not apply in cases where countries are examined in the absence of a State report.¹²³

NGO participation in the follow-up procedure

The CCPR considers NGO participation in the follow-up to Concluding Observations as very important to the effective functioning of the reporting process. NGOs can be involved in this process in the following ways:

Raising awareness of the Concluding Observations

This will help to engage national interest and put pressure on the Government of the State party to implement the recommendations made by the Committee. Various means can be used such as press releases, press conferences, and wide dissemination of the Concluding Observations interpreted into the national language.

Lobbying for the implementation of the Concluding Observations

The implementation stage depends on the willingness of the State to cooperate. However, NGOs can help by starting a national dialogue and continue lobbying the State party's authorities on the concrete steps that should be taken for effective implementation. NGOs could organise special events in which they invite State authorities as well as the National Human Rights Institution (NHRI), the UN Development Programme (UNDP) or OHCHR field offices.

Reporting back to the Committee

When the Special Rapporteur on Follow-up to the Concluding Observations is assessing the follow-up report, she or he is aided in this task by reports from NGOs on what steps have actually been taken by the Government of the State party.

CESCR

The CESCR has also adopted a follow up procedure,¹²⁴ although it operates in a slightly different way.

The same process occurs in terms of identifying which Concluding Observations should be considered for follow-up. However, there is no standard period of time for the follow-up matters to be responded to. The Committee will specify deadlines on a country-by-country basis, and consider any follow-up reports at the next meeting of the pre-sessional working group.

¹²¹ See <http://www2.ohchr.org/english/bodies/hrc/follow-up-procedure.htm> and <http://www.unhcr.ch/tbs/doc.nsf>.

¹²² Rule 69(2) of the Rules of Procedure of the CCPR.

¹²³ CCPR Working Methods, Part IV.

¹²⁴ This is not found in the rules of procedure but in the decision made by the CCPR in the 53rd meeting of the 21st session.

The actions that can be taken by the working group in response to a follow-up report are:

- Taking note of such information;
- Adopting specific additional Concluding Observations;
- Requesting further information;
- Informing the State party that the issue will be taken up at the next session, with an invitation from the Chairperson for the State to send a representative at that session.

Follow-up visits

In rare situations, the Committee may ask the State party to accept a visit from one or two of the Committee's members. The purpose of the visit is to collect the information requested and provide technical assistance and guidance to the State.¹²⁵ Where the country does not accept the proposed visit, the Committee will consider making necessary recommendations to the Economic and Social Council.¹²⁶

There is no equivalent procedure in the case of the CCPR.

NGO participation in the follow-up procedures

Again, NGOs play the same role in this follow-up process as they do in the case of the CCPR.¹²⁷

ANNEXES

1. CCPR Guidelines, *Guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights*
2. CESCR Guidelines, *Guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights*
3. CCPR Rule of Procedure, *Rules of procedure of the Human Rights Committee*
4. CESCR Rules of Procedure, *Provisional rules of procedure adopted by the Committee [on Economic, Social and Cultural Rights] at its third session (1989) (Embodying amendments adopted by the Committee at its fourth (1990) and eight (1993) sessions)*
5. CCPR (NGO) Guidelines for NGOs, *UN Human Rights Committee Participation in the Reporting Process: Guidelines for Non-Governmental Organisations*
6. CESCR Guidelines for NGOs, *NGO participation in the activities of the Committee on Economic, Social and Cultural Rights*

¹²⁵ CESCR Working Methods, para 37.

¹²⁶ CESCR Working Methods, para 39.

¹²⁷ Note by the Secretariat, para 25.



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Guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights

Adopted by the Committee at its ninety-ninth session (12-30 July 2010) taking into consideration the guidelines on a common core document and treaty-specific documents, as contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1)

I. The revised reporting system

A. Organization of information to be included in the common core document and in the treaty-specific document submitted to the Human Rights Committee.

1. The present reporting guidelines under the International Covenant on Civil and Political Rights replace all previous reporting guidelines issued by the Human Rights Committee (the Committee).¹
2. These guidelines must be applied in conjunction with the harmonized reporting guidelines under international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I, hereafter the harmonized guidelines).
3. When drafting the document specific to the International Covenant on Civil and Political Rights (ICCPR-specific document), States should comply with the requirements and take into account the guidance provided in the harmonized guidelines, in particular those concerning: the purpose of reporting (HRI/GEN/2/Rev.6, chap. I, paras. 7-11), the collection of data and drafting of reports (paras. 12-15), periodicity (paras. 16-18), the form of reports (paras. 19-23), and the content of reports (paras. 24-30).
4. States reports submitted according to the harmonized guidelines consist of two parts: a common core document and treaty-specific documents. The common core document should contain general information about the reporting State, the general framework for the

¹ The previous guidelines were adopted at the seventieth session of the Committee (see CCPR/C/66/GUI/Rev.2 and HRI/GEN/2/Rev.6, chap. III).

protection and promotion of human rights, as well as information on non-discrimination, equality and effective remedies.

5. As provided at paragraph 60 of the harmonized guidelines, the ICCPR-specific document should focus on specific issues relating to the implementation of the Covenant, and should avoid duplication of information already included in the common core document. If a State party, however, has not submitted a common core document, all relevant information must be included in the ICCPR-specific document.

6. In all cases, the Committee encourages States to review the general information given by them in the common core document. If that information is found to be insufficient, States are encouraged to include relevant additional information in the ICCPR-specific document and in the next update of the common core document. In accordance with paragraph 27 of the harmonized guidelines, the Committee may request that the common core document be updated if it considers that the information it contains is out of date.

7. While general factual information on the overall framework for the protection and promotion of human rights, non-discrimination, equality, and effective remedies should be included in the common core document (HRI/GEN/2/Rev.6, chap. I, paras. 40-59), information relating specifically to the implementation of the Covenant and the relevant general comments of the Committee should be provided in the ICCPR-specific document.

8. If States refer to information provided in the common core document or in any other treaty-specific document, they should indicate precisely the relevant paragraphs in which such information is provided.

B. Format of the document specific to the International Covenant on Civil and Political Rights

9. The format of the ICCPR-specific document (the report) should be in accordance with section II, paragraphs 19 to 23, of the harmonized guidelines. Paragraphs should be numbered sequentially.

C. Annexes to the report

10. It is important that the body of the report contain relevant information on the legal provisions guaranteeing the rights recognized by the Covenant, as well as the remedies available in relation to those rights so as to ensure that the report is clear and comprehensible without reference to annexes. Nevertheless, it would be helpful if States provided copies, in one of the working languages of the Committee (currently English, French or Spanish), of their legislation and other relevant texts for distribution to all members of the Committee to facilitate the consideration of the report.

D. Preparation of the report at the national level

11. The attention of States is drawn to the information requirements in paragraph 45 of the harmonized guidelines.

II. Periodic reporting obligations

12. Upon ratifying the Covenant, every State party undertakes to submit within a year of the Covenant's entry into force for that State an initial report on the measures it has

adopted, which give effect to the rights recognized in the Covenant and progress made in their enjoyment; and thereafter periodic reports whenever the Committee so requests (art. 40, para. 1, of the Covenant). For subsequent periodic reports, the Committee has adopted a practice of stating, at the end of its concluding observations, a date by which the following periodic report should be submitted. States that do not comply with their reporting obligations will become subject to the Committee's procedure, as provided in rule 70 of its rules of procedure, permitting the consideration of States' situations in the absence of a report.

III. General guidance and requirements for reporting under the Covenant

13. The present guidelines apply to a State party's initial report to the Committee, for States from which the Committee has requested a full periodic report, or for those wishing to submit a full periodic report. The Committee's method for examining all other periodic reports is outlined in paragraph 14 below.

A. Focused report based on replies to list of issues

14. At its ninety-seventh session in October 2009, the Committee decided to implement a new procedure, designed to assist States parties in the preparation of focused reports and to strengthen their capacity to fulfil their reporting obligations in a timely and effective manner. According to this procedure, the Committee will prepare and adopt lists of issues to be transmitted to States parties prior to the submission of a report. The States parties' replies to the lists of issues will constitute their subsequent periodic report under article 40 of the Convention.

15. As stated above at paragraph 13, this procedure will not be applied to States parties' reporting obligations in their initial report or to a previous report that has already been submitted and is awaiting consideration by the Committee. It will be applied to all periodic reports unless the Committee decides otherwise or if the State concerned informs the Committee of its wish to submit a full report. In particular, where a fundamental change has occurred in the State party's political or legal approach to ensuring the enjoyment of Covenant rights, a full article-by-article report may be required, including information on new legal or administrative measures that may have been introduced.

16. States not subject to the procedure described in paragraph 14 should follow the guidance provided in paragraphs 18 to 104 below for preparing the content of their report.

17. Reports should adhere to section III, paragraphs 24 to 26 and 29 of the harmonized reporting guidelines.

B. Contents of the report

18. The report should deal specifically with and be structured so as to follow every article in parts I, II and III of the Covenant. The terms of these articles must, together with general comments issued by the Committee, be taken into account in preparing the report.

19. The starting point for preparing all ICCPR-specific reports is the Covenant. For reports other than initial reports, the other points to be taken into account are: (a) the concluding observations of the Committee for the previous report (particularly concerns and recommendations); (b) summary records of the Committee's deliberations; and (c) an examination of the progress made towards, and the current situation concerning, the

enjoyment of Covenant rights by persons within the territory or subject to the jurisdiction of the State.

20. The report should provide information on the machinery developed at the national level to ensure follow-up to the previous concluding observations, including information on the involvement of civil society in this process (if not already provided in the common core document, as requested under paragraph 46 of the harmonized guidelines).

21. **Reservations and declarations.** General information on reservations and declarations should be included in the common core document in accordance with section III, paragraph 40 (b), of the harmonized guidelines. In addition, specific information in respect of reservations and declarations to the Covenant should be included in the ICCPR-specific report. Any reservation to or declaration relating to any article of the Covenant by the State party should be explained and its continued maintenance clarified. In addition, States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

22. **Factors and difficulties.** Article 40 of the Covenant requires that reports indicate the factors and difficulties, if any, affecting the implementation of the Covenant. Explanations should be provided regarding the nature, extent of, and reasons for every such factor. Where difficulties exist, details should be provided on the steps taken to overcome them.

C. Optional Protocols

23. States should take full account of the guidance provided by the Committee in its general comment No. 33 (2008) on their obligations under the Optional Protocol to the Covenant. If the State party has ratified the Optional Protocol and the Committee has issued Views entailing the provision of a remedy under that Optional Protocol, the report should include information about the steps taken to provide such a remedy, and regarding how the State party ensures that any such circumstances thus criticized do not recur.

24. If a State party that has abolished the death penalty is not a party to the second Optional Protocol to the Covenant, it is encouraged to indicate factors impeding its accession and whether it intends to become a party in the future.

IV. Guidance and requirements for reporting under specific provisions of the Covenant

25. In relation to the rights recognized in the Covenant, the report should provide information including:

- Whether the State party has adopted a national framework law, policies and strategies for the implementation of each Covenant right.
- Any mechanisms in place to monitor progress towards the full realization of each right.
- Sufficient disaggregated data and statistics to enable the Committee to assess this progress, including the information required under appendix 3 of the harmonized guidelines regarding indicators for assessing the implementation of human rights, taking into account the framework and tables of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).

26. Legal norms should be described, but description is not sufficient; the factual situation and the practical availability, effect and implementation of remedies for violation of each relevant Covenant right should be explained and examples provided.

27. State parties should make their reports comprehensive, within applicable page limitations, but focus on the most urgent problems arising in the reporting period. In reporting on particular Covenant rights, the following elements are possible topics for discussion. Though no report can cover all these elements, consideration of these elements may assist a structured discussion of the State party's implementation of particular Covenant rights. When needed, States parties can refer in their ICCPR-specific report to information included in the common core document.

Article 1

28. In the light of the provisions of article 1 and general comment No. 12 (1984) on the right to self-determination,² indicate:

- In what manner the right to self-determination has been implemented, and describe the constitutional and political processes which in practice allow the exercise of this right.
- Any factors or difficulties preventing the free disposal by peoples of their natural wealth and resources and to which extent this affects their enjoyment of other rights set forth in the Covenant.
- The ways and means by which the State party recognizes and protects the rights of indigenous peoples, if any, to ownership of the lands and territories that they traditionally occupy or use as sources of livelihood.
- The extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought in any decision-making processes affecting their rights and interests under the Covenant; relevant examples should be provided.

Article 2

29. In the light of the provisions of article 2 and general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, provide information on:

- How article 2 is applied, setting out the principal legal measures that the State party has taken to give effect to Covenant rights.
- Which judicial, administrative and other competent authorities have jurisdiction to secure Covenant rights.
- Whether the Covenant is incorporated into domestic law in such a manner as to be directly applicable.

² For all general comments adopted by the Human Rights Committee, see the compilation of general comments and general recommendations adopted by human rights treaty bodies (HRI/GEN/1/Rev.9, Vol. I, chap. II).

- If not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities, and provide examples of cases in which the Covenant has been invoked.
 - Whether the Covenant rights are guaranteed in the Constitution or other laws and to what extent.
 - Whether Covenant rights must be enacted or reflected in domestic law by legislation so as to be enforceable.
 - The judicial and other appropriate remedies in place enabling victims to obtain redress in case their Covenant rights have been violated, including information on the obstacles to the effectiveness of existing remedies.
30. Provide information about any national or official institution or machinery exercising responsibility in implementing Covenant rights or in responding to complaints of violations of such rights, and give examples of their activities in this respect.
31. Indicate which measures have been taken to raise levels of awareness about the Covenant among public officials and State agents, in particular through training of judges, lawyers and law enforcement officers.
32. Provide information on the dissemination of information about the Covenant and any remedies enabling individuals to obtain redress in case their Covenant rights have been violated. Also provide details on the dissemination of information about State party reports to the Human Rights Committee and concluding observations on these reports among the population at large.

Articles 2, paragraph 1, 3 and 26

33. Part 3 of the common core document should contain information on non-discrimination and equality, which are matters of particular interest to the Committee in relation to several provisions of the Covenant, in particular articles 2, paragraph 1, 3 and 26. Whereas, however, information to be included in the common core document is of a general nature, information included in the ICCPR-specific document should be more detailed, taking into account the requests for specific information set out in paragraphs 38 to 41 below.
34. States should provide disaggregated statistical data and endeavour to analyse this information insofar as it is relevant to the implementation of their obligations under articles 2, paragraph 1, 3 and 26. Such information should allow comparison over time and indicate data sources.
35. In the light of articles 2, paragraph 1, and 26 as well as general comment No. 18 (1989) on non-discrimination, indicate:
- The legislative and administrative measures and recent court decisions relating to protection against discrimination in law and fact, in any field regulated and protected by public authorities, on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status such as those identified in the practice of the Committee.
 - The discrimination grounds included as well as those excluded from national legislation and the significance of the omission of any discrimination ground.
 - Measures, including any positive measures or affirmative action, taken to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant.

- Whether cases of discrimination which may be practiced by public authorities, private persons or private bodies, have been encountered during the reporting period, as well as information about mechanisms for reporting such cases and steps taken to eliminate such discrimination.

36. In the light of article 2, paragraph 1, and general comment No. 15 (1986), indicate the position of aliens, both in law and practice and, when providing information on the measures adopted to ensure that the enjoyment of the rights enshrined in the Covenant takes place without any discrimination prohibited by article 2, paragraph 1, indicate how the question of nationality is being addressed.

37. In the light of the provisions of article 3 and general comment No. 28 (2000), provide information on the situation regarding the equal enjoyment of Covenant rights by men and women, including the actual role of women in society. Indicate all legislative and other steps taken to eliminate stereotypes that discriminate against women and to put an end to discriminatory actions, both in the public and in the private sectors, which impair the equal enjoyment of rights by women and men.

38. When reporting under each Covenant right, provide information regarding the enjoyment of this right by women, addressing in particular:

- The proportion of women in positions of responsibility in both the public and the private sector and the measures taken to promote the representation of women in Parliament and in senior positions in Government as well as in the private sector.
- Measures to ensure equal pay for equal work for women and men.
- Whether the State party has adopted legislation which specifically criminalizes domestic violence and provide information on its scope and content.
- What measures have been taken to ensure that acts of domestic violence are effectively investigated and perpetrators prosecuted and sanctioned.
- Other steps taken to combat domestic violence such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies, as well as information on the number of safe shelters and the resources allocated to the assistance of victims of domestic violence.
- Discrimination in minimum age of marriage.
- Unequal rights in marriage.
- Equality in divorce arrangements, including regarding custody of children.
- School attendance by girls.
- Transmission of nationality to children.
- Legislation on rape, including spousal rape.
- Measures taken to eliminate traditional practices and customs affecting the dignity and personal integrity of women and girls.

Article 4

39. In the light of article 4 and general comment No. 29 (2001), provide information on the date, extent of, effect of, and procedures for imposing and for lifting any derogation under article 4. Full explanations should be provided in relation to every article of the Covenant affected by the derogation.

40. Describe the constitutional mechanism by which a state of emergency can be declared in the country, including the powers of the executive branch under such circumstances.
41. Explain the role of State authorities, such as military and police, during the period of emergency, and specify what mechanisms are available to review the exercise of extraordinary powers of such authorities during a period of emergency in a manner consistent with the requirements of the Covenant.
42. Indicate whether any state of emergency has been declared during the time span the report covers, the precise content of the official act of declaration, and, as the case may be, the act of termination of the state of emergency. Also indicate whether the State party has immediately informed the other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. Was further communication made, through the same intermediary, on the date on which it terminated such derogation?
43. Also indicate the measures adopted regarding any particular Covenant right and, regarding each derogable right, indicate the scope of, and reasons for, the derogation.
44. In addition, provide information on:
- How the State party ensures that its anti-terrorism legislation is compatible with the rights guaranteed by the Covenant.
 - The definition of terrorism under national law, and all derogations from ordinary law which exist in counter-terrorism legislation.
 - Administrative or judicial cases in which the measures on counter-terrorism adopted at the national level pursuant to Security Council resolution 1373 (2001) have been applied.
 - How the State party protects the values of the Covenant when complying with the sanctions regime of the Security Council.

Article 6

45. In the light of the provisions of article 6 and general comment No. 14 (1984) on the right to life, provide information on:
- All measures taken to prevent any arbitrary deprivation of life, measures taken to punish those responsible should it occur, and remedies and compensation to victims.
 - Cases of extrajudicial executions, investigations carried out and their outcome, including for deaths that have occurred during past disturbances, and remedies and compensation for the families of victims.
 - Cases of forced disappearances of individuals and action taken to prevent disappearances, as well as procedures established and followed to investigate complaints regarding missing persons effectively, especially when such complaints allegedly involve security forces or other public authorities.
46. Provide information on:
- Rules and regulations governing the use of force and firearms by the police and security forces and their compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

- Whether any violations of these rules have occurred and if so, whether any lives were lost as a result of the excessive use of force by the military, the police or any other law enforcement agency.
 - Any investigations that have been carried out to establish the responsibility of, and to punish those found responsible for such acts.
 - Measures taken to prevent the recurrence of further abuses.
47. Provide information on:
- The current situation in relation to capital punishment and on any initiatives and plans aiming at further reducing or totally abolishing capital punishment.
 - The crimes punishable by the death penalty and whether its application in such cases is mandatory or not.
 - The number of death sentences issued during the reporting period, the number of sentences carried out, the nature of the crime, the age, ethnic origin and sex of those sentenced to death, the method of execution, the number of sentences commuted or suspended and the number of persons awaiting execution.
 - The situation of persons under 18 or pregnant women who have committed an offence punishable by the death penalty.
 - Which courts are competent to impose capital punishment, the procedures to be followed, the possibility to appeal a death sentence, and the additional right to seek pardon or commutation of the sentence.
48. Provide information on:
- Birth rates and pregnancy and childbirth-related deaths of women.
 - Measures taken to help women prevent unwanted pregnancies and to ensure they do not have to undergo life threatening clandestine abortions.
 - Measures to protect women from practices that violate their right to life, such as female infanticide and so-called honour killings.

Article 7

49. In the light of the provisions of article 7 and general comment No. 20 (1992), describe the place accorded to the prohibition of torture and cruel, inhuman or degrading treatment in national law, indicating in particular:
- The definition of torture and cruel, inhuman or degrading treatment.
 - Laws regarding torture, cruel or inhuman punishment and whether and to what extent they constitute a crime.
 - The penalties applicable for acts of torture and cruel, inhuman or degrading treatment, whether committed by public officials or other persons acting on behalf of the State, or by private persons in any territory under the jurisdiction of the State party.
 - Whether national law prohibits the use and admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment.
 - What control mechanisms have been instituted to ensure that persons arrested or detained are not subjected to torture or ill-treatment.

- The procedures under which complaints about torture or ill-treatment by the police, security forces or prison officials can be filed and are investigated and prosecuted.
- Whether any complaints have been made during the reporting period and how allegations of torture or ill-treatment have been investigated and with what results.
- What kind of remedies, including the right to obtain compensation, is provided by national law for the victims of torture and ill treatment, as well as the procedure which complainants must follow. Information should be provided on specific cases in which compensation has been obtained during the reporting period, including details on the nature of the complaint and compensation granted.
- In States using the death penalty, information on regulations concerning the treatment of persons on death row.

50. Indicate:

- Measures taken to ensure dissemination of information to the population at large concerning the prohibition of torture and cruel, inhuman or degrading treatment.
- Whether the prohibition of torture and cruel, inhuman or degrading treatment forms an integral part of the operational rules and ethical standards of law enforcement officials.
- What measures have been taken to that effect, including training and instruction for law enforcement officials on the prohibition of torture and ill-treatment.

51. Indicate:

- Which measures the State party has taken to ensure that it does not extradite, deport, expel or otherwise remove any person from its territory, where there are substantial grounds for believing that there is a risk of irreparable harm for the person concerned either in the country to which removal is to be effected or in any country to which the person may be subsequently removed.
- Whether specific measures have been taken to make relevant judicial and administrative authorities aware of the need to ensure compliance with the Covenant obligations in such matters.

52. Provide information on correctional methods in schools and other educational establishments, including corporal punishment and the measures taken for its abolition and prohibition.

53. Provide information on measures taken to deal with traditional practices and customs affecting the dignity and personal integrity of women and girls such as female genital mutilation.

54. Include information on laws and practices governing experimentation on human beings and describe existing control mechanisms to verify that consent is obtained.

Article 8

55. Indicate what legal and other measures have been taken to prevent and combat slavery including contemporary forms of slavery and all other forms of servitude (such as bonded labour, enforced domestic work, forced marriages, abduction of women and children, and all forms of human trafficking). Information should be provided, where applicable, on:

- Legislation combating trafficking and all forms of servitude.

- Prosecution of traffickers.
- Concrete measures taken to protect and rehabilitate victims of trafficking.
- Training of all public officials involved in addressing trafficking.
- Measures taken to address the demand for trafficking.

56. Indicate whether hard labour is used as a measure of punishment under domestic law and what the actual practice is.

57. Describe existing kinds of work or service that are an ordinary consequence of a court order for persons under detention and for persons under conditional release, including hiring out to private enterprises.

Article 9

58. In the light of the provisions of article 9 and general comment No. 8 (1982) on the right to liberty and security of persons, provide information on all deprivations of liberty provided by law or occurring in practice, whether in criminal cases or in other cases such as mental illness, vagrancy, drug addiction, educational purposes or immigration control and on legislation prohibiting, and safeguards against, any form of arbitrary detention.

59. Indicate:

- How soon and under what conditions a person is informed of the reasons for his or her arrest, how soon he or she can contact a lawyer and a doctor, and how soon his or her family is notified.
- The requirements for placing persons in police custody, the length of such custody and the rights of persons while in police custody.
- The length of detention pending trial and any mechanisms and measures taken with a view to reducing the duration of such detention.
- Statistical data on the number of persons held in remand and their percentage in relation to the entire prison population.
- The duration of detention without charges for terrorism suspects.
- What safeguards exist against incommunicado detention and abuses of such practices, as well as conditions for visits while in detention.

60. Indicate whether a central register exists and the modalities of access to this register for the persons concerned.

61. Indicate the conditions of exercise of the right to control by a court of the legality of all forms of deprivation of liberty and on effective remedies, including compensation for all persons unlawfully detained, including statistics on the number of complaints of unlawful detention and their outcome.

62. Provide information on detention in psychiatric hospitals, on measures taken to prevent abuses in this field, on appeals available to persons interned in psychiatric institutions and on the number of complaints registered during the reporting period, as well as the outcome of these complaints.

63. Provide information on the detention of asylum-seekers and irregular migrants, including their rights to legal aid, judicial remedies and their right to be informed of the reasons for their detention.

Article 10

64. In the light of the provisions of article 10 and general comment No. 21 (1992) on humane treatment of persons deprived of their liberty, provide information on:

- National legislative and administrative provisions regarding the treatment of all persons deprived of liberty.
- The concrete measures that have been taken by the competent authorities to monitor the effective application of rules regarding the treatment of persons deprived of their liberty.
- The system for supervising penitentiary establishments and measures to remedy specific problems such as overcrowding, inadequate or obsolete infrastructure, lack of sanitary conditions, disease, malnutrition and violence between prisoners.
- How impartial supervision, independent inspections of detention centres, and the availability and accessibility of complaints mechanisms for detainees are ensured.
- Whether the various applicable provisions form an integral part of the instruction and training of the personnel who have authority over persons deprived of their liberty and whether they are strictly adhered to by such personnel.
- Whether arrested or detained persons have access to such information and have effective legal means enabling them to ensure that those rules are respected, to complain if the rules are not respected, and to obtain adequate compensation in the event of a violation.
- The treatment of accused juvenile persons and of juvenile offenders, including the age groups of persons treated as juveniles.
- Whether juveniles are separated from adults and all measures and detention conditions specific to them regarding education, reduced working hours and contact with relatives.

65. Indicate to what extent the State party is applying the following United Nations standards applicable to the treatment of prisoners:

- Standard Minimum Rules for the Treatment of Prisoners (1957)
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)
- Code of Conduct for Law Enforcement Officials (1979)
- Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice

66. Provide information on the operation of the penitentiary system in the State party, including:

- The disciplinary system in place in penitentiary establishments, solitary confinement and high-security detention, and conditions under which prisoners have contact with the outside world.
- How the separation of accused persons from convicted persons is effected.
- How the treatment of accused persons differs from that of convicted persons.

67. Specify the legislative, administrative and practical measures taken to ensure the rehabilitation of convicted persons, including measures taken to provide them with education, vocational training and guidance. Information on work programmes for prisoners should be included, as well as whether a system of assistance to prisoners after their release is in place, and its results.

68. Provide information on the treatment of the elderly in long-term care homes as well as on the protection of patients against abuse in residential health institutions, in particular those dealing with mental health.

69. Provide information on detention conditions for asylum-seekers and irregular migrants, including their separation from other detainees.

Article 11

70. Provide information on legislation prohibiting imprisonment for failure to fulfil a contractual obligation and whether non-compliance with a court order to fulfil a contractual obligation has resulted in a deprivation of liberty.

Article 12

71. In the light of the provisions of article 12 and general comment No. 27 (1999), provide information on the laws and administrative and judicial practices relating to the right to move freely within the territory of the State and to choose one's place of residence, as well as the freedom to leave the country and the right to enter one's country, including information on remedies available if these rights are restricted. In particular, include information on:

- Any requirements for the registration of persons and formalities or conditions governing the registration of a person as a resident in a particular area.
- Controls imposed on travelling persons and restrictions regarding access to certain areas or conditions or limitations governing the movement of persons within the country, including the movement of non-citizens, in particular asylum-seekers.
- All legal and practical restrictions on the right to leave the country, applied to nationals and/or foreigners.
- Conditions for the issuance of travel documents, including statistics regarding the number of applications submitted for travel; the percentage of applications turned down; reasons for the refusal of documents during the reporting period; conditions allowing for the withdrawal of a person's passport; and requirements of exit visas.
- Any treatment of aliens different from that accorded to nationals and how this difference of treatment is justified.
- Measures that impose sanctions on international carriers which bring to the territory of the State persons without required documents, where those measures affect the right to leave another country.
- Any measures of banishment of citizens under national law, whether such measures have been applied and, if so, under what circumstances.

Article 13

72. In the light of the provisions of article 13 and general comment No. 15 (1986), provide information on:

- The requirements for the admission of non-citizens, in particular asylum-seekers, to the territory of the State.
- The laws and practice concerning the mandated departure of non-citizens from the territory of the State, the grounds for expulsion and the procedures leading to it, including those for reaching a decision on the legality or illegality of a person's stay in the country; information should include statistics on the number of, and reasons for, expulsions during the reporting period.
- The availability of remedies against expulsion and whether or not they have a suspensive effect. Also indicate whether persons concerned have access to legal assistance.
- The situation of internally displaced persons, if any, and in particular on steps taken to ensure adequate conditions for their return and to address the specific needs of internally displaced persons, in particular their personal security, freedom of movement, and access to personal documents enabling them to seek employment as well as enjoy access to education, health and social services.

Article 14

73. In the light of the provisions of article 14 and general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, provide an account of the legislative or other measures taken to ensure full implementation of article 14, including information on:

- The organization of the judiciary, the procedure for appointing judges and qualifications required by them, and statistical information on the representation of women and ethnic minorities in the judiciary.
- Rules governing their status and guarantees for their security of tenure until the mandatory retirement age or the expiry of their term of office.
- Conditions governing their remuneration, promotion, transfer, suspension, dismissal or any disciplinary measures, and cessation of their functions. Information should include any cases of sanctions imposed for corruption.
- The organization and functioning of the Bar.
- The existence of extraordinary courts alongside the regular courts, such as special or military courts and their competencies, including circumstances under which such courts can try civilians.
- The existence of courts based on customary law or religious courts and their competencies, including information on their practices.

74. Indicate which guarantees exist not only in law but also in practice with regard to:

- The right of all persons to a fair and public hearing, including rules and practices for the publicity of trials and judgements as well as rules governing the admission of the public and media (local and international) into courtrooms.
- The right to be presumed innocent until proven guilty according to law.

- The right of all persons charged with a criminal offence to be informed promptly in a language they understand of the nature and cause of criminal charges brought against them.
- The right to legal assistance of one's own choosing, including free legal assistance for indigent defendants, whether nationals or non-citizens, and the right to communicate freely with counsel.
- The availability of free interpreters during the pretrial and trial phases.
- The right of the accused to be tried without undue delay. In this regard, information on delays in practice should be provided. Rules governing trials in absentia should also be described.
- Access to documents and other evidence as well as rules governing the examination of witnesses.
- The right to have one's conviction and sentence reviewed by a higher tribunal and measures taken to ensure awareness of this right for persons concerned.
- Granting of compensation in cases of miscarriage of justice.
- Respect for the principle of *ne bis in idem*.

Article 15

75. Indicate in particular whether the principle of non-retroactive jurisdiction is contained in domestic law and provide the Committee with information on its exact formulation.

76. Specify whether the principle of non-retroactive jurisdiction is actually applied not only in ordinary criminal law but also in military criminal codes both in peacetime and in time of war.

77. Provide information on:

- The legislation and application of the principle according to which the offender benefits from laws that are passed after the commission of the crime and that impose lesser penalties than the law applicable at the time of the commission of the crime.
- Situations in which the change in the law occurs during the trial.
- Situations in which the offender has already been convicted and is serving a sentence based on an older, less favourable law.

Article 16

78. Provide information on the moment at which legal personality is acquired under the law, and as regards regulations governing the definition of legal personality in national law.

79. Provide information on rules concerning birth registration of all children born on the territory of the State party and access to personal identity documents for all.

Article 17

80. In the light of the provisions of article 17 and general comment No. 16 (1988), indicate the laws and regulations that govern interferences with private life and the precise

circumstances in which such interferences may be permitted. In particular, provide information on:

- The authorities and organs competent to authorize any possible interference and those that are entitled to exercise control over such interference.
- The remedies available to individuals wishing to complain of a violation of their rights under article 17.
- The complaints lodged during the reporting period and their outcome.
- The practical steps taken, including instructions given to police or other authorities to prevent future violations, in particular those that resulted from arbitrary behaviour of public officials.

81. Specify the rules governing:

- Surveillance, electronic or otherwise, and the interception of telephonic, telegraphic or other forms of communication, wire-tapping and the recording of conversations.
- Searches of a person's home.
- Personal and body searches by State officials.
- The gathering and holding of personal information, including genetic data, on computers, databanks or other devices, whether by public authorities or private individuals or bodies, as well as the possibility for individuals to ascertain what personal data concerning him or her is stored and for what purpose, and the right to request rectification or elimination of such data.

82. Indicate legislative provisions protecting individuals from unlawful attacks to personal honour or reputation as well as details on their practical implementation and access to an effective remedy for victims of unlawful attacks.

Article 18

83. In the light of the provisions of article 18 and general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, provide information on:

- The existence of different religions within the State party's jurisdiction.
- The publication and circulation of religious material.
- The measures taken to prevent and to punish offences against the free exercise of one's religion.
- In cases where a State religion exists, how a person's freedom to practice another religion, to convert to another religion, or not to have a religion is guaranteed and on how the application of the principle of non-discrimination on religious grounds is ensured.
- Any procedures that must be followed for the legal recognition and authorization of various religious denominations in the country and their practical application, including information on any refusal of recognition that might have occurred during the reporting period.
- The main status differences between the dominant religion and other denominations, in particular with regard to the granting of subsidies and the protection of, and access to, places of worship, in particular for those belonging to religious minorities.

- The legal regulation and the practice of religious education, in particular where religion is taught in State schools, the possibility for children not to attend religious classes and how the right of parents to ensure the religious education of their children in conformity with their own convictions is guaranteed.
- The fiscal provisions applicable to religions.

84. Also provide information on:

- The status and legal position of conscientious objectors.
- The number of persons that applied for the status of, and those that were actually recognized as, conscientious objectors.
- The reasons considered to justify conscientious objection and the rights and duties of conscientious objectors as compared to those of persons who serve in the regular military service.

Article 19

85. As far as the right to hold opinions is concerned, indicate the measures adopted by the State party to ensure that no interference takes place, and that in particular the holding of political opinions is not used by public authorities as a reason to discriminate against a person or as a ground to restrict a person's freedom.

86. As regards freedom of expression, provide information on:

- All aspects of circulating information in any form and through any media, including Internet and Internet service providers.
- The legal regime that regulates the ownership and licensing of the press and the broadcasting media, as well as statistics on the existence of non-State controlled media.
- Any incidents of violence or threats of violence against journalists, investigations conducted into such cases and their results.
- The controls exercised with regard to the freedom of expression in general and any cases of persons arrested or detained because of the expression of political views.
- The reasons for granting or for refusing a media license and any controls imposed by public authorities upon the press, other media and the activities of journalists.
- Access of foreign journalists to information, the circulation of imported foreign newspapers and periodicals, and the reasons why their circulation may be restricted or prohibited.
- Legislation on libel and defamation and examples of its application.

87. Provide information on any legal limitations imposed on freedom of expression and justifications for those limitations.

Article 20

88. Provide information on legislative measures prohibiting propaganda for war.

89. Provide information on legislative measures taken to prohibit advocacy of national, religious or racial hatred that constitutes incitement to discrimination, hostility or violence,

and state the cases, if any, in which such legislation has been applied during the reporting period.

Article 21

90. Provide information on:

- Measures to guarantee the right of peaceful assembly and to ensure the protection of persons who hold assemblies, meet to demonstrate, meet to discuss in public their views, or manifest any opinion.
- Any requirements to obtain the authorization of public authorities to hold an assembly, the procedures to be followed and the conditions to be fulfilled to obtain such an authorization.
- Legislative restrictions placed upon the right of peaceful assembly, including criteria for prohibiting an assembly, as well as any cases recorded during the reporting period where the holding of an assembly was prohibited, and the reasons invoked.
- The instructions given to public officials, in particular police officials, and their attitude towards public assemblies, as well as statistics regarding any registered allegations that violence was used against peaceful and unarmed demonstrators, whether such allegations were investigated, and the eventual results of such investigations.

Article 22

91. Indicate the procedures that regulate the formation of associations, in particular groups working for the promotion of human rights, political parties and trade unions, where and in what instances an authorization must be obtained to establish them, and the controls exercised by public authorities over their activities.

92. In particular, provide full information about:

- Any controls or restrictions imposed on the establishment and activities of political parties, trade unions and associations, as well as penalties imposed, if any, on members of prohibited organizations.
- The number of political parties, trade unions and associations, in particular human rights groups, in the State concerned.
- Whether the registration of any of the parties, trade unions or associations was rejected during the reporting period, the reasons for prohibiting their establishment, the possibility to appeal against a rejected application, and the outcome of appeals, if any, regarding such cases.

93. Regarding associations, in particular groups working for the promotion of human rights, provide information on measures taken to promote these associations and to ensure that they can operate freely, also mentioning any financial support granted by the State to such associations.

94. Provide information on:

- The organizational structure and size of trade unions, and the percentage of the total workforce belonging to a trade union.

- Any restrictions concerning trade unions in particular sectors or regarding certain categories of workers, such as migrant workers, and whether trade union rights include the right to strike.
- The regulation of this right, as well as any measures taken to ensure the free exercise of trade union rights.

Article 23

95. In the light of the provisions of article 23 and general comment No. 19 (1990) on the protection of the family, the right to marriage and equality of the spouses, provide information on:

- The treatment of men and women with regard to marriage, to the minimum marriageable age and to any consequences resulting from marriage, such as the nationality of spouses, and the rights and duties between the spouses and towards their children.
- Rights and responsibilities of spouses, including choice of residence, running of the household, education of the children and administration of assets.
- The treatment of requests for divorce, the granting of a divorce, child custody and visiting rights, in particular with regard to non-discrimination between men and women.
- How the necessary protection of any children born in or out of wedlock is ensured in case of dissolution of marriage, and with regard to the paramount interest of the child.
- Rules concerning acquisition or loss of nationality by reason of marriage.
- Measures taken to ensure the effective protection of the family, including a family formed by a permanent cohabitation of partners without formal marriage.
- Rules governing family reunification.
- Polygamy and forced marriages.

Article 24

96. In the light of the provisions of article 24 and general comment No. 17 (1989) on the rights of the child, indicate how legislation and practice ensure that all children on the territory of the State enjoy:

- The right to be registered immediately after birth.
- The right to have a name.
- The right to acquire a nationality.

97. Include information on:

- The age at which children attain their majority in civil matters.
- Rules governing juvenile justice, including information on the minimum age below which children and juveniles shall not be put on trial for criminal offences.
- The age at which a child is considered an adult for the purposes of article 10, paragraphs 2 and 3, of the Covenant.

98. Indicate the measures taken by the State party to ensure that children are protected, in particular:

- How legislation and practice ensure that measures of protection are aimed at removing all discrimination in every field, including inheritance, particularly as between children who are nationals and those who are non-citizens, and as between children born within or outside marriage.
- Special measures of protection taken to protect children who are deprived of their family environment.
- Measures of protection against trafficking.
- Measures to eliminate child labour and economic exploitation of children. Information should be provided on the age at which a child is legally entitled to work and at which he or she is treated as an adult under labour law.

Article 25

99. In the light of the provisions of article 25 and general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service, provide information on:

- The legal provisions that define citizenship in the context of the rights protected in article 25.
- Whether any groups, such as permanent residents, enjoy these rights on a limited basis.
- Any conditions which apply in the exercise of the rights protected by article 25, including grounds invoked for the suspension of those rights or the exclusion of citizens from their enjoyment.

100. Provide information on:

- The electoral system and the measures adopted to guarantee genuine free and periodic elections.
- The practical implementation of these guarantees in the period covered by the report.

101. Provide information on:

- The rules governing the right to vote and the application of those rules during the reporting period.
- The factors which impede citizens from exercising their right to vote, such as illiteracy, language barriers, poverty or impediment to the freedom of movement of voters, as well as measures adopted to overcome these factors.
- The legislative provisions depriving citizens of their right to vote.
- Any restrictions on the right to stand for election, including the legislative provisions excluding any group or category of person from elective office, and grounds for the removal of elected office holders.
- The legal provisions which establish the conditions for holding elective public office, including conditions for nomination, such as age limits and any other qualifications or restrictions which apply to particular offices.

102. Indicate the conditions for access to public service positions, any restrictions which apply and the processes for appointment, promotion, suspension and dismissal or removal

from office as well as the judicial or other review mechanisms which apply to these processes.

103. Indicate how the requirement for equal access to public service is met and whether positive measures have been introduced and if so, to what extent and with what results.

Article 27

104. In the light of the provisions of article 27 and general comment No. 23 (1994) on the rights of minorities, provide information on:

- Which ethnic, religious or linguistic minorities exist on the territory of the State party, including indigenous communities constituting a minority and minorities constituted of non-citizens, such as migrant workers.
 - Which measures, including positive measures of protection, have been taken to ensure that members of such minorities enjoy the right, in community with other members of their group, to their own culture, to profess and practice their own religion, and to use their own language.
 - Which measures have been taken to ensure that indigenous peoples present on the territory of the State party can exercise their cultural rights and lead their particular way of life which may be associated with the use of land resources and traditional activities such as fishing or hunting.
 - Which measures have been taken to ensure the effective participation of members of minority communities in decisions that affect them.
 - Whether, and in which numbers, members of minority groups are represented in central and local government and hold elective offices, participate in the conduct of public affairs and have access to public service.
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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

**GUIDELINES ON TREATY-SPECIFIC DOCUMENTS TO BE SUBMITTED BY
STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS¹**

Note by the Secretary-General

1. In accordance with article 17 of the International Covenant on Economic, Social and Cultural Rights, the Economic and Social Council, by its resolution 1988 (LX) of 11 May 1976, established a programme under which the States parties to the Covenant would furnish in stages the reports referred to in article 16 of the Covenant and the Secretary-General, at the Council's request, subsequently drew up an appropriate set of general guidelines. In response to the introduction of a new reporting cycle, the Committee on Economic, Social and Cultural Rights, at its fifth session, held from 26 November to 14 December 1990, adopted a set of revised general guidelines which replaced the original guidelines.
2. The purpose of reporting guidelines is to advise States parties on the form and content of their reports, so as to facilitate the preparation of reports and ensure that reports are comprehensive and presented in a uniform manner by States parties.

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1. Adopted by the Committee on Economic, Social and Cultural Rights at its 49th meeting (forty-first session) on 18 November 2008, taking into consideration the guidelines on a common core document and treaty-specific documents, as contained in the harmonized guidelines ((HRI/GEN/2/Rev.5).

3. The Committee has decided to replace the revised general guidelines (E/C.12/1991/1) by the present guidelines to take into account the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.5), as well as the evolving practice of the Committee in relation to the application of the Covenant, as reflected in its concluding observations, general comments and statements.
4. The text of the guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant is contained in the annex to the present document.

ANNEX

Guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

A. The revised reporting system and organization of information to be included in the common core document and in the treaty-specific document submitted to the Committee on Economic, Social and Cultural Rights

1. State reports submitted under the harmonized guidelines on reporting under the international human rights treaties consist of two parts: a common core document and treaty-specific documents. The common core document should contain general information about the reporting State, the general framework for the protection and promotion of human rights, as well as information on non-discrimination and equality, and effective remedies, in accordance with the harmonized guidelines.

2. The treaty-specific document submitted to the Committee on Economic, Social and Cultural Rights should not repeat information included in the common core document or merely list or describe the legislation adopted by the State party. Rather, it should contain specific information relating to the implementation, in law and in fact, of articles 1 to 15 of the Covenant, taking into account the general comments of the Committee, as well as information on recent developments in law and practice affecting the full realization of the rights recognized in the Covenant. It should also contain information on the concrete measures taken towards that goal, and the progress achieved, including – except for initial treaty-specific documents – information on the steps taken to address issues raised by the Committee in the concluding observations on the State party's previous report, or in its general comments.

3. In relation to the rights recognized in the Covenant, the treaty-specific document should indicate:
 - (a) Whether the State party has adopted a national framework law, policies and strategies for the implementation of each Covenant right, identifying the resources available for that purpose and the most cost-effective ways of using such resources;
 - (b) Any mechanisms in place to monitor progress towards the full realization of the Covenant rights, including identification of indicators and related national benchmarks in relation to each Covenant right, in addition to the information provided under appendix 3 of the harmonized guidelines and taking into account the framework and tables of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (HRI/MC/2008/3);
 - (c) Mechanisms in place to ensure that a State party's obligations under the Covenant are fully taken into account in its actions as a member of international organizations and international financial institutions, as well as when negotiating and ratifying international agreements, in order to ensure that economic, social

and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined;

- (d) The incorporation and direct applicability of each Covenant right in the domestic legal order, with reference to specific examples of relevant case law;
- (e) The judicial and other appropriate remedies in place enabling victims to obtain redress in case their Covenant rights have been violated;
- (f) Structural or other significant obstacles arising from factors beyond the State party's control which impede the full realization of the Covenant rights;
- (g) Statistical data on the enjoyment of each Covenant right, disaggregated by age, gender, ethnic origin, urban/rural population and other relevant status, on an annual comparative basis over the past five years.

4. The treaty-specific document should be accompanied by a sufficient number of copies in one of the working languages of the Committee (English, French, Russian and Spanish) of all other supplementary documentation which the State party may wish to have distributed to all members of the Committee to facilitate the consideration of the report.

5. If a State party is party to any of the ILO Conventions listed in appendix 2 of the harmonized guidelines, or to any other relevant conventions of United Nations specialized agencies, and has already submitted reports to the supervisory committee(s) concerned that are relevant to any of the rights recognized in the Covenant, it should append the respective parts of those reports rather than repeat the information in the treaty-specific document. However, all matters which arise under the Covenant and are not fully covered in those reports should be dealt with in the present treaty-specific document.

6. Periodic reports should address directly the suggestions and recommendations of the previous concluding observations.

B. Part of the treaty-specific document submitted to the Committee relating to general provisions of the Covenant

Article 1 of the Covenant

7. In what manner has the right to self-determination been implemented?

8. Indicate the ways and means by which the State party recognizes and protects the rights of indigenous communities, if any, to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood.² Also indicate the extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought, in any decision-making processes affecting their rights and interests under the Covenant, and provide examples.

² General comment 12, para. 13; general comment 14, para. 27.

Article 2

9. Indicate the impact of international economic and technical assistance and co-operation, whether received or provided by the State party, on the full realization of each of the Covenant rights in the State party or, as the case may be, in other countries, especially developing countries.

10. In addition to information provided in the common core document (paras. 50 to 58 of the harmonized guidelines), provide disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal enjoyment of each of the Covenant rights by all, in particular the disadvantaged and marginalized individuals and groups.

11. If the State party is a developing country, provide information on any restrictions imposed under article 2, paragraph 3, of the Covenant, on the enjoyment by non-nationals of the economic rights recognized in the Covenant.

Article 3

12. What steps have been taken to eliminate direct and indirect discrimination based on sex in relation to each of the rights recognized in the Covenant, and to ensure that men and women enjoy these rights on a basis of equality, in law and in fact?

13. Indicate whether the State party has adopted gender equality legislation and the progress achieved in the implementation of such legislation. Also indicate whether any gender-based assessment of the impact of legislation and policies has been undertaken to overcome traditional cultural stereotypes that continue to negatively affect the equal enjoyment of economic, social and cultural rights by men and women.

Articles 4 and 5

14. See paragraph 40 (c) of the harmonized guidelines on a common core document.

C. Part of the report relating to specific rights

Article 6

15. Provide information on effective measures taken to reduce unemployment including on:

(a) The impact of targeted employment programmes in place to achieve full and productive employment among persons and groups considered particularly disadvantaged, in particular women, young persons, older persons, persons with disabilities and ethnic minorities, in rural and deprived urban areas; and

(b) The impact of measures to facilitate re-employment of workers, especially women and long-term unemployed workers, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises.

16. Provide information on work in the informal economy in the State party, including its extent and the sectors with a large percentage of informal workers, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure access by informal workers, in particular older workers and women, to basic services and social protection.

17. Describe the legal safeguards in place to protect workers from unfair dismissal.

18. Indicate what technical and vocational training programmes are in place in the State party and their impact on empowering the workforce, especially disadvantaged and marginalized individuals, to enter or re-enter the labour market.

Article 7

19. Indicate whether a national minimum wage has been legally established, and specify the categories of workers to which it applies, as well as the number of persons covered by each category. If any category of workers is not covered by the national minimum wage, explain the reasons why. In addition, indicate:

(a) Whether a system of indexation and regular adjustment is in place to ensure that the minimum wage is periodically reviewed and determined at a level sufficient to provide all workers, including those who are not covered by a collective agreement, and their families, with an adequate standard of living; and

(b) Any alternative mechanisms in place, in the absence of a national minimum wage, to ensure that all workers receive wages sufficient to provide an adequate standard of living for themselves and their families.

20. Provide information on working conditions for all workers, including overtime, paid and unpaid leave and on the measures taken to reconcile professional, family and personal life.

21. Indicate the impact of the measures taken to ensure that women with the same qualifications do not work in lower-paid positions than men, in accordance with the principle of equal pay for work of equal value.

22. Indicate whether the State party has adopted and effectively implemented legislation that specifically criminalizes sexual harassment in the workplace, and describe the mechanisms to monitor such implementation. Also indicate the number of registered cases, the sanctions imposed on perpetrators and the measures taken to compensate and assist victims of sexual harassment.

23. Indicate what legal, administrative or other provisions have been taken to ensure safety and healthy conditions at the workplace and their enforcement in practice.

Article 8

24. Indicate:

(a) What substantive or formal conditions, if any, must be fulfilled to form or join the trade union of one's choice. Also indicate whether there are any restrictions on the exercise of the right to form or join trade unions by workers, and how they have been applied in practice; and (b) How trade unions are guaranteed independence to organize their activities without interference, as well as to federate and join international trade union organizations, and the legal and de facto restrictions, if any, on the exercise of this right.

25. Provide information on collective bargaining mechanisms in the State party and their impact on labour rights.

26. Indicate:

(a) Whether the right to strike is constitutionally or legally guaranteed and to what extent such guarantees are observed in practice;

(b) Any restrictions on the right to strike in the public and private sectors and their application in practice; and

(c) The definition of essential services for which strikes may be prohibited.

Article 9

27. Indicate whether there is universal social security coverage in the State party. Also indicate which of the following branches of social security are covered: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, and survivors and orphans.³

28. Indicate whether there are legally established and periodically reviewed minimum amounts of benefits, including pensions, and whether they are sufficient to ensure an adequate standard of living for recipients and their families.⁴

29. Indicate whether the social security system also guarantees non-contributory social assistance allowances for disadvantaged and marginalized individuals and families who are not covered by the contributory schemes.⁵

30. Indicate whether the public social security schemes described above are supplemented by any private schemes or informal arrangements.⁶ If so, describe these schemes and arrangements and their inter-relationship with the public schemes.

³ General comment 19, para. 12 (a) to (i).

⁴ Ibid., paras. 22 and 59 (a).

⁵ Ibid., paras. 4 (b) and 50.

⁶ Ibid., para. 5.

31. Indicate if there is equal enjoyment by men and women of pension rights as regards the age of access,⁷ qualifying periods and amounts.

32. Provide information on social security programmes, including informal schemes, to protect workers in the informal economy, in particular in relation to health care, maternity and old age.⁸

33. Indicate to what extent non-nationals benefit from non-contributory schemes for income support, access to health care and family support.⁹

Article 10

34. Indicate how the State party guarantees the right of men and, particularly, women to enter into marriage with their full and free consent and to establish a family.

35. Provide information on the availability, coverage and funding of social services to support families, as well as on legal provisions in place to ensure equal opportunities for all families, in particular poor families, families from ethnic minorities, and single parent families, in relation to:

(a) Child care;¹⁰ and

(b) Social services that enable older persons and persons with disabilities to remain in their normal living environment for as long as possible¹¹ and to receive adequate health and social care when they are dependent.

36. Provide information on the system of maternity protection in the State party, including working conditions and prohibition of dismissal during pregnancy. In particular, indicate:

(a) Whether it also applies to women involved in atypical work¹² and women who are not covered by work-related maternity benefits;

(b) The duration of paid maternity leave before and after confinement and the cash, medical and other support measures provided during pregnancy, confinement and after childbirth;¹³ and

(c) Whether paternity leave is granted to men, and parental leave to men and women.¹⁴

37. Indicate the measures of protection and assistance taken on behalf of children and young persons, including:

⁷ General comment 16, para. 26 and general comment 19, para. 32.

⁸ General comment 19, paras. 16 and 34.

⁹ Ibid., para. 37.

¹⁰ Ibid., paras. 18 and 28; general comment 5, para. 30; general comment 6, para. 31.

¹¹ General comment 19, paras. 15, 18 and 20; general comment 5, para. 30; general comment 6, para. 31.

¹² General comment 19, para. 19.

¹³ Idem.

¹⁴ General comment 16, para. 26; see also **draft** general comment 20, paras. 10 (b) (vii) and 16.

(a) Age limits below which the paid employment of children in different occupations is prohibited under the law of the State party and the application of criminal law provisions in place punishing the employment of under-aged children and the use of forced labour of children;¹⁵

(b) Whether any national survey has been undertaken in the State party on the nature and extent of child labour and whether there is a national action plan to combat child labour; and

(c) The impact of measures taken to protect children against work in hazardous conditions harmful to their health and against exposure to various forms of violence and exploitation.¹⁶

38. Provide information on the legislation and mechanisms in place to protect the economic, social and cultural rights of older persons in the State party, in particular on the implementation of laws and programmes against abuse, abandon, negligence and ill-treatment of older persons.

39. Provide information on the economic and social rights of asylum seekers and their families and on legislation and mechanisms in place for family reunification of migrants.

40. Indicate:

(a) Whether there is legislation in the State party that specifically criminalizes acts of domestic violence, in particular violence against women and children,¹⁷ including marital rape and sexual abuse of women and children and the number of registered cases, as well as the sanctions imposed on perpetrators;

(b) Whether there is a national action plan to combat domestic violence, and the measures in place to support and rehabilitate victims;¹⁸ and

(c) Public awareness-raising measures and training for law enforcement officials and other involved professionals on the criminal nature of acts of domestic violence.

41. Indicate:

(a) Whether there is legislation in the State party that specifically criminalizes trafficking in persons and the mechanisms in place to monitor its strict enforcement. Also indicate the number of reported trafficking cases from, to and through the State party, as well as the sentences imposed on perpetrators; and

(b) Whether there is a national plan of action to combat trafficking and the measures taken to support victims, including medical, social and legal assistance.

¹⁵ General comment 18, para. 24.

¹⁶ Ibid., para. 15.

¹⁷ General comment 16, para. 27; general comment 14, paras. 21 and 51.

¹⁸ General comment 16, para. 27.

Article 11

A. The right to the continuous improvement of living conditions

42. Indicate whether the State party has defined a national poverty line and on what basis it is calculated. In the absence of a poverty line, what mechanisms are used for measuring and monitoring the incidence and depth of poverty?

43. Indicate:

(a) Whether the State party has adopted a national action plan or strategy to combat poverty that fully integrates economic, social and cultural rights¹⁹ and whether specific mechanisms and procedures are in place to monitor the implementation of the plan or strategy and evaluate the progress achieved in effectively combating poverty; and

(b) Targeted policies and programmes to combat poverty, including among women and children, and the economic and social exclusion of individuals and families belonging to the disadvantaged and marginalized groups, in particular ethnic minorities, indigenous peoples and those living in rural and deprived urban areas.

B. The right to adequate food

44. Provide information on the measures taken to ensure the availability of affordable food in quantity and quality sufficient to satisfy the dietary needs of everyone, free from adverse substances, and culturally acceptable.²⁰

45. Indicate the measures taken to disseminate knowledge of the principles of nutrition, including of healthy diets.

46. Indicate the measures taken to promote equality of access by the disadvantaged and marginalized individuals and groups, including landless peasants and persons belonging to minorities, to food, land, credit, natural resources and technology for food production.²¹

47. Indicate whether the State party has adopted or envisages the adoption, within a specified time frame, of the 'Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security'.²² If not, explain the reasons why.

¹⁹ See Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001).

²⁰ General comment 12, para. 8.

²¹ General comment 15, para. 7.

²² Adopted by the 127th session of the Council of the Food and Agriculture Organization of the United Nations, November 2004.

C. The right to water

48. Indicate:

(a) The measures taken to ensure adequate and affordable access to water that is sufficient and safe for personal and domestic uses for everyone;²³

(b) The percentage of households without access to sufficient and safe water in the dwelling or within its immediate vicinity, disaggregated by region and urban/rural population²⁴ and the measures taken to improve the situation;

(c) The measures taken to ensure that water services, whether privately or publicly provided, are affordable for everyone;²⁵ and

(d) The system in place to monitor the quality of water.²⁶

49. Provide information on education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.²⁷

D. The right to adequate housing

50. Indicate whether a national survey on homelessness and inadequate housing has been undertaken, as well as its findings, in particular the number of individuals and families who are homeless or inadequately housed and without access to basic infrastructures and services such as water, heating, waste disposal, sanitation, and electricity, as well as the number of persons living in over-crowded or structurally unsafe housing.

51. Indicate:

(a) The measures taken to ensure access to adequate and affordable housing with legal security of tenure for everyone, irrespective of income or access to economic resources;

(b) The impact of social housing measures, such as the provision of low-cost social housing units for disadvantaged and marginalized individuals and families, in particular in rural and deprived urban areas, whether there are waiting lists for obtaining such housing and the average length of waiting time;

(c) Measures taken to make housing accessible and habitable for persons with special housing needs, such as families with children, older persons²⁸ and persons with disabilities.²⁹

²³ General comment 15, paras. 12 (a) and 37 (a); general comment 14, para. 43 (c).

²⁴ General comment 15, paras. 12 (c) (i) and 37 (c).

²⁵ Ibid., paras. 24 and 27.

²⁶ Ibid., para. 12 (b).

²⁷ Ibid., para. 25.

²⁸ GCGeneral comment 6, para. 33.

²⁹ Idem.

52. Indicate the legislative and other measures in place to ensure that housing is not built on polluted sites or in immediate proximity of pollution sources that threaten the health of inhabitants.³⁰

53. Indicate whether there are any disadvantaged and marginalized individuals and groups, such as ethnic minorities, who are particularly affected by forced evictions and the measures taken to ensure that no form of discrimination is involved whenever evictions take place.³¹

54. Indicate the number of persons and families evicted within the last five years and the legal provisions defining the circumstances in which evictions may take place and the rights of tenants to security of tenure and protection from eviction.³²

Article 12

55. Indicate whether the State party has adopted a national health policy and whether a national health system with universal access to primary health care is in place.

56. Provide information on the measures taken to ensure:

(a) That preventive, curative, and rehabilitative health facilities, goods and services are within safe reach and physically accessible for everyone, including older persons and persons with disabilities;³³

(b) That the costs of health-care services and health insurance, whether privately or publicly provided, are affordable for everyone, including for socially disadvantaged groups;³⁴

(c) That drugs and medical equipment are scientifically approved and have not expired or become ineffective; and

(d) Adequate training of health personnel, including on health and human rights.³⁵

57. Provide information on the measures taken:

(a) To improve child and maternal health, as well as sexual and reproductive health services and programmes, including through education, awareness-raising, and access to family planning, pre- and post-natal care and emergency obstetric services, in particular in rural areas and for women belonging to disadvantaged and marginalized groups;³⁶

³⁰ General comment 4, para. 8 (f).

³¹ General comment 7, para. 10.

³² Ibid., paras. 9, 13-15, 16 and 19; see also Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex 1).

³³ General comment 14, para. 12 (b).

³⁴ Ibid., paras. 12 (b), 19 and 36.

³⁵ Ibid., paras. 12 (d) and 44 (e).

³⁶ Ibid., paras. 14, 21-23 and 44 (a).

(b) To prevent, treat and control diseases linked to water and ensure access to adequate sanitation;³⁷

(c) To implement and enhance immunization programmes and other strategies of infectious disease control;³⁸

(d) To prevent the abuse of alcohol and tobacco, and the use of illicit drugs and other harmful substances, in particular among children and adolescents, ensure adequate treatment and rehabilitation of drug users, and support their families;³⁹

(e) To prevent HIV/AIDS and other sexually transmitted diseases, educate high-risk groups, children and adolescents as well as the general public on their transmission, provide support to persons with HIV/AIDS and their families, and reduce social stigma and discrimination;⁴⁰

(f) To ensure affordable access to essential drugs, as defined by the WHO, including anti-retroviral medicines and medicines for chronic diseases;⁴¹ and

(g) To ensure adequate treatment and care in psychiatric facilities for mental health patients, as well as periodic review and effective judicial control of confinement.

Article 13

58. Indicate to what extent the form and substance of education in the State party are directed towards the aims and objectives identified in article 13, paragraph 1,⁴² and whether school curricula include education on economic, social and cultural rights.

59. Indicate how the obligation to provide primary education that is compulsory and available free for all is implemented in the State party, in particular:

(a) The level or grade until which education is compulsory and free for all;

(b) Any direct costs such as school fees, as well as the measures taken to eliminate them; and

(c) Any indirect costs (e.g. expenses for school books, uniforms, transport, special fees such as exam fees, contributions to district education boards, etc.) and the measures taken to alleviate the impact of such costs on children from poorer households.

60. Indicate the measures taken to make secondary education in its different forms, including technical and vocational education, generally available and accessible to all, including:

³⁷ General comment 15, paras. 8 and 37 (i).

³⁸ General comment 14, paras. 16 and 44 (b)

³⁹ Ibid., para. 16.

⁴⁰ Ibid., para. 16.

⁴¹ Ibid., para. 43 (d).

⁴² General comment 13, paras. 4-5 and 49.

(a) Concrete steps taken by the State party towards progressively achieving free secondary education;⁴³ and

(b) The availability of technical and vocational education, and whether it enables students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability.⁴⁴

61. Indicate the measures taken to make higher education equally accessible to all and without discrimination, on the basis of capacity,⁴⁵ and the concrete steps taken towards progressively achieving free higher education.⁴⁵

62. Indicate the measures taken to promote literacy, as well as adult and continuing education, in a life-long perspective.

63. Indicate whether minority and indigenous children have adequate opportunities to receive instruction in or of their native language and the steps taken to prevent lower educational standards for these children,⁴⁶ their segregation in special classes, and their exclusion from mainstream education.

64. Indicate the measures taken to ensure the same admission criteria for boys and girls at all levels of education,⁴⁷ and to raise awareness among parents, teachers and decision-makers on the value of educating girls.⁴⁸

65. Indicate the measures taken to reduce the drop-out rates, at the primary and secondary levels, for children and young persons, in particular girls, children from ethnic minorities, indigenous communities and poorer households, as well as migrant, refugee and internally displaced children.

Article 14

66. If compulsory and free primary education is not currently enjoyed in the State party, provide information on the required plan of action⁴⁹ for the progressive implementation, within a reasonable number of years fixed in this plan, of this right. Also indicate any particular difficulties encountered, in the adoption and implementation of this plan of action, as well as the measures taken to overcome these difficulties.

Article 15

67. Provide information on the institutional infrastructure to promote popular participation in, and access to, cultural life, especially at the community level, including in rural and deprived urban areas. In this regard, indicate the measures taken to promote

⁴³Ibid., para. 14.

⁴⁴Ibid., paras. 15-16.

⁴⁵ Ibid., para. 20.

⁴⁶Ibid., para. 30.

⁴⁷ General comment 16, para. 30.

⁴⁸ Idem.

⁴⁹ In general comment 11, paragraph 11, the Committee asks States parties to submit their plans of action as an integral part of the reports required under the Covenant.

broad participation in, and access to, cultural goods, institutions and activities, including measures taken:

- (a) To ensure that access to concerts, theatre, cinema, sport events and other cultural activities is affordable for all segments of the population;
- (b) To enhance access to the cultural heritage of mankind, including through new information technologies such as the Internet;
- (c) To encourage participation in cultural life by children, including children from poorer families, and migrant or refugee children; and
- (d) To eliminate physical, social and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life.⁵⁰

68. Indicate the measures taken to protect cultural diversity, promote awareness of the cultural heritage of ethnic, religious or linguistic minorities and of indigenous communities, and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

69. Provide information on school and professional education in the field of culture and the arts.

70. Indicate:

- (a) The measures taken to ensure affordable access to the benefits of scientific progress and its applications for everyone, including disadvantaged and marginalized individuals and groups; and
- (b) The measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity and human rights.

71. Indicate the measures taken to ensure the effective protection of the moral and material interests of creators,⁵¹ in particular:

- (a) To protect the right of authors to be recognized as the creators and for the protection of the integrity of their scientific, literary and artistic productions;⁵²
- (b) To protect the basic material interests of authors resulting from their productions, which enable them to enjoy an adequate standard of living;⁵³
- (c) To ensure the protection of the moral and material interests of indigenous peoples relating to their cultural heritage and traditional knowledge;⁵⁴ and

⁵⁰ General comment 5, paras. 36-38; general comment 6, paras. 39-41.

⁵¹ General comment 17, paras. 39 (a).

⁵² Ibid., para. 39 (b).

⁵³ Ibid., para. 39 (c).

⁵⁴ Ibid., para. 32.

(d) To strike an adequate balance between the effective protection of the moral and material interests of authors and the State party's obligations in relation to the other rights recognized in the Covenant.⁵⁵

72. Indicate the legal provisions in place to protect the freedom indispensable for scientific research and creative activity and any restrictions on the exercise of this freedom.

73. Indicate the measures taken for the conservation, development and diffusion of science and culture and to encourage and develop international contacts and co-operation in the scientific and cultural fields.

⁵⁵Ibid., para. 39 (e).

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Rules of procedure of the Human Rights Committee*

* 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 51¹

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 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.

¹ 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.

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;²

(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 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.

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

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.

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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)

GE.93-18398 (E)

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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.
