



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

Rules of procedure*

* In accordance with article 10 (2) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted its rules of procedure at its eighteenth session and amended them its thirty-sixth session.

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I. Sessions

Rule 1

Meetings of the Subcommittee

The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall hold meetings as may be required for the satisfactory performance of its functions in accordance with the Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Rule 2

Regular sessions

1. The Subcommittee shall normally hold three regular sessions each year.
2. Regular sessions of the Subcommittee shall be convened at dates decided by the Subcommittee in consultation with the Secretary-General of the United Nations, taking into account the calendar of conferences as approved by the General Assembly.
3. The Subcommittee and the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall be in session simultaneously at least once each calendar year, in accordance with article 10 (3) of the Optional Protocol, in order to facilitate a joint meeting.

Rule 3

Special sessions

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

Rule 4

Place of sessions

Sessions of the Subcommittee shall normally be held at the United Nations Office at Geneva. Sessions may be held elsewhere by decision of the Subcommittee, in consultation with the Secretary-General, taking into account the calendar of conferences approved by the General Assembly and rule 26 of the present rules of procedure.

Rule 5

Notification of sessions

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

II. Agenda

Rule 6

Provisional agenda for regular sessions

The provisional agenda for each regular session shall be prepared in the working languages of the Subcommittee by the Secretary-General, in consultation with the Chair, no later than two weeks prior to the beginning of the session. It shall contain the issues decided upon for discussion by the Subcommittee at its previous session, as well as other issues proposed by the Chair, the Bureau or the Secretary-General. The provisional agenda and draft programme of work shall be transmitted to the members one week prior to the session.

Rule 7

Provisional agenda for special sessions

The provisional agenda for a special session of the Subcommittee shall consist only of those items that are proposed for consideration at that special session. It shall be transmitted to the members at the time of notification of the special session.

Rule 8

Adoption of the agenda

After the opening of the session, the first item on the provisional agenda of any session shall be the adoption of the agenda and the programme of work, except for the solemn declaration by new members when required under rule 14.

Rule 9

Revision of the agenda

During a session, the Subcommittee may revise the agenda and programme of work. It may only decide to add to the agenda items it considers urgent and important. It may delete items from the agenda or defer items to subsequent sessions, as appropriate.

Rule 10

Transmission of documentation

The official documents relating to each session shall be made available in the working languages of the Subcommittee, and shall be shared by the Secretary-General with the members of the Subcommittee as early as possible, by appropriate means and with due consideration for the requirements of confidentiality.

III. Members of the Subcommittee

Rule 11

Members

Members of the Subcommittee shall be the 25 experts elected in accordance with article 5 (1) and appointed in accordance with article 8 of the Optional Protocol.

Rule 12

Term of office

1. The term of office of the members of the Subcommittee elected in accordance with article 5 (1) of the Optional Protocol shall commence on 1 January of the year following the date of their election at the meeting of the States parties.
2. In accordance with article 8 of the Optional Protocol, the term of office of a member appointed to fill a casual vacancy shall begin on the date that the appointment is approved and shall end on the date of expiration of the term of office of the member who is being replaced.

3. The members of the Subcommittee shall assume their duties upon making the solemn declaration at the first session of the Subcommittee that he or she attends, in accordance with rule 14.

4. Newly elected or appointed members shall make a written declaration, subject to making the solemn declaration at their first session of the Subcommittee, to enable the Secretary-General and the Subcommittee to engage and share confidential documentation with such members.

Rule 13

Casual vacancies

1. In accordance with article 8 of the Optional Protocol, if for any reason a member of the Subcommittee is no longer able to perform his or her duties, the Chair shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of the notification and shall inform the State party that nominated the member.

2. The State party shall nominate, within two months from the date the seat is declared vacant, another eligible candidate, subject to the approval of the majority of States parties. The approval shall be considered given unless half or more of the States parties respond negatively within six weeks of having been informed of the proposed nominee.

3. If a member of the Subcommittee is consistently unable to carry out his or her duties for any reason other than absence of a temporary nature, he or she shall resign. Written notification of the resignation shall be submitted to the Subcommittee and the Secretary-General. The Secretary-General shall declare the seat vacant and inform the State party that nominated the member, so that action may be taken in accordance with article 8 of the Optional Protocol.

4. The Secretary-General shall inform the States parties of the name of the member filling the casual vacancy as soon as possible after approval.

5. In cases in which approval of a replacement under paragraphs 1 and 3 of the present rule is denied, the State party that nominated the member shall be invited to nominate another eligible candidate.

Rule 14

Solemn declaration

Before assuming his or her duties after his or her first election or nomination, each member of the Subcommittee shall make the following solemn declaration at the first meeting that he or she attends following election or nomination:

“I solemnly declare that I will perform my duties and exercise my powers as a member of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment impartially, independently, conscientiously and efficiently, fully respecting the ‘do no harm’ principle and the obligation of confidentiality, both during and after my period of membership, and acting in accordance with the mandate of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.”

Rule 15

Independence and impartiality of members

1. The members of the Subcommittee shall serve in their personal capacity and shall act not only in accordance with the terms of their solemn declaration, but also transparently, so as to be seen to be so by a reasonable observer. To that end, the members of the Subcommittee shall conduct themselves in accordance with the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines). In particular:

(a) No member of the Subcommittee shall participate in activities that may imply, or may be seen to imply, a conflict of interest with his or her capacity as an independent and impartial member of the Subcommittee;

(b) Members of the Subcommittee shall avoid any action that might give the impression that any given State party is receiving more or less favourable treatment than that accorded to other States parties;

(c) Members of the Subcommittee who hold multiple nationalities shall, on their own initiative, inform the Chair of the Subcommittee.

2. No member of the Subcommittee shall participate in the preparation or conduct of a visit or be involved in the consideration of a report arising from a visit concerning a State party under the nationality of which he or she was nominated or elected, or of which he or she is a national.

3. If for any reason a member of the Subcommittee considers that he or she is in a situation involving a real or perceived conflict of interest, he or she shall promptly inform the Chair of the Subcommittee, who shall advise on the real or perceived conflict of interest, taking into account the Addis Ababa guidelines. The Subcommittee shall ultimately, as a whole, take all measures necessary to safeguard the requirements of independence and impartiality of its members.

IV. Bureau

Rule 16

Composition of the Bureau

1. The Subcommittee shall elect from among its members a Chair and four Vice-Chairs, who shall constitute the Bureau of the Subcommittee. One of the Vice-Chairs shall act as Rapporteur of the Subcommittee. In electing its officers, the Subcommittee shall give consideration to equitable geographical distribution, professional background and appropriate gender balance.

2. Three members of the Bureau shall constitute a quorum.

Rule 17

Election of the Bureau

1. Elections to the Bureau shall normally be held on the final day of the first session of the Subcommittee in alternate calendar years. The timetable for the election process shall be agreed by the outgoing Bureau and communicated to the members on the first morning of the session in which an election is to take place.

2. Candidates must give their consent to be nominated, and all candidates must have a nominator and a seconder. A member may nominate and/or second to the same office as many candidates as there are vacancies.

3. The Subcommittee shall first consider whether the election of the Chair, and then the election of the four Vice-Chairs, can be by consensus.

4. If consensus cannot be reached as provided for in paragraph 3 of the present rule, the election of the Bureau shall be conducted by secret ballot in accordance with rules 22 and 23 of the present rules of procedure, and the candidates who secure most votes shall be elected.

5. Members of the Bureau shall be elected for a term of two years and shall be eligible for re-election.

Rule 18

Functions of the Bureau

1. The Bureau shall direct the work of the Subcommittee and shall perform all other functions conferred upon it by the present rules of procedure and the decisions of the Subcommittee. In particular, when the Subcommittee is not in session, the Bureau may take decisions on urgent or delegated matters on behalf of the Subcommittee. The members of the Subcommittee shall be consulted on such decisions whenever the Bureau considers it

necessary or appropriate to do so and in such cases, each decision shall be communicated to the members as soon as possible, taking due account of the requirement of confidentiality. The Bureau shall report to the Subcommittee at each session on any decisions or actions of an urgent or delegated nature taken on behalf of the Subcommittee since its previous session.

2. The Bureau shall meet as required in order to fulfil its obligations and the mandate of the Subcommittee.

Rule 19

Powers and duties of the Chair and Vice-Chairs

1. The Chair shall exercise his or her functions under the authority of the Subcommittee.

In accordance with the present rules of procedure, the Chair shall ensure the orderly conduct of the meetings of the Subcommittee, including observance of the present rules of procedure.

2. The Chair shall represent the Subcommittee at United Nations and other official meetings. If the Chair is unable to represent the Subcommittee at a meeting, he or she may designate one of the Vice-Chairs to represent the Subcommittee. If no Vice-Chair is available, a member of the Subcommittee may be designated by the Bureau to represent the Subcommittee.

3. The Vice-Chairs and other members of the Subcommittee shall undertake such specific functions as are entrusted to them by the Chair.

Rule 20

Acting Chair and Vice-Chairs

1. If, during a session, the Chair is unable to be present at a meeting or any part thereof, the Chair shall designate a Vice-Chair to act in his or her place.

2. If the Chair and Vice-Chairs are simultaneously unable to carry out their duties, or if none have been elected or are otherwise unavailable, the Subcommittee shall entrust such duties to any member of the Subcommittee until such time as the Chair or Vice-Chairs become available, assume their functions or are elected. The Secretary-General may, if necessary and in consultation with the Subcommittee, call a meeting for that purpose.

3. If it is proposed that more than one member of the Subcommittee undertake the functions of the Chair temporarily and a consensus is not reached, the member who is most senior in terms of Subcommittee membership shall preside as Acting Chair. In cases in which any two or more proposed members have the same length of service in the Subcommittee and a consensus is not reached, then the most senior member by age shall preside as Acting Chair.

4. Any member of the Subcommittee acting as Chair shall have the same powers and duties as the Chair.

5. In the event that the Chair or any Vice-Chair is no longer a member of the Subcommittee, or in the event that the quorum of the Bureau is not attained for whatever reason, the Subcommittee shall entrust a member to act in that capacity as required, temporarily, in accordance with the process provided for in paragraphs 2 and 3 of the present rule.

V. Other positions

Rule 21

Rapporteur on reprisals and other positions

1. The Subcommittee shall appoint a member, for a period of two years, if possible by consensus, to act as its rapporteur on reprisals.

2. The Subcommittee may from time to time appoint members of the Subcommittee or establish other positions of an elective nature. Elections to such positions will be conducted in accordance with the procedures set out in section VI.

VI. Elections to elective positions

Rule 22

Conduct of elections when only one elective position is to be filled

1. When there is only one candidate for an elective position, the Subcommittee may decide to elect that person by consensus.
2. When there are two or more candidates for an elective position and the Subcommittee decides to proceed with a ballot, the candidate who obtains a majority (that is, over 50 per cent) of the votes cast by members present and voting shall be elected.
3. If no single candidate receives a majority of votes as provided for in paragraph 2 of the present rule, the members of the Subcommittee shall endeavour to reach a consensus before holding a second ballot.
4. When the Subcommittee is unable to reach a consensus after an inconclusive first ballot, a second ballot, restricted to the two candidates who obtained the greatest number of votes, shall be held. The candidate who obtains a majority (that is, over 50 per cent) of the votes cast by members present and voting shall be elected.
5. When no candidate receives a majority as provided for in paragraph 4 of the present rule, the process shall be repeated until a candidate does so.

Rule 23

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

1. When two or more elective positions are to be filled at one time and the number of candidates is the same as the number of positions to be filled, the Subcommittee may decide to elect those persons by consensus.
2. When two or more elective positions are to be filled at one time and the number of candidates exceeds the number of positions to be filled, the candidates who obtain a majority (that is, over 50 per cent) of the votes cast by members present and voting in the first ballot shall be elected.
3. If the number of candidates who obtain a majority (that is, over 50 per cent) of the votes cast by members present and voting is smaller than the number of positions to be filled, additional ballots shall be held to fill the remaining positions. In such cases, the ballots shall be restricted to the candidates who obtained the greatest number of votes in the previous ballot; the number of those candidates should not be more than double the number of positions remaining to be filled. Candidates who obtain a majority (that is, over 50 per cent) of the votes cast by members present and voting in the additional ballot shall be elected.
4. If all the positions are not filled in the first ballot, the members of the Subcommittee shall endeavour to reach a consensus before holding each subsequent ballot.

VII. Secretariat

Rule 24

Provision of the secretariat

In accordance with article 25 (2) of the Optional Protocol, the Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee. As such, the Subcommittee shall be provided with a dedicated secretariat, including a secretary and an adequate number of staff to properly support the work of the Subcommittee, as mandated by the Optional Protocol.

Rule 25

Duties of the Secretary-General

1. The Secretary-General shall be responsible for undertaking all necessary arrangements for the sessions and work of the Subcommittee, as decided by the Subcommittee and recorded in sessional lists of decisions.
2. Officials of the Secretary-General shall attend the sessions of the Subcommittee, participate in its visits, provide technical and substantive assistance and advice to the Subcommittee in fulfilling its mandate, and may support other official engagements of the Subcommittee, including participation in deliberations, as appropriate.
3. The Secretary-General shall prepare and submit to the Subcommittee all working documents in advance of its sessions to enable the Subcommittee to address all items of the provisional agenda and to carry out its work effectively. The Secretary-General shall provide the Subcommittee with all the information that it needs to fulfil its mandate effectively.

Rule 26

Financial implications of proposals

1. The expenditure incurred by the Subcommittee in the implementation of the Optional Protocol shall be borne by the United Nations.
2. Before the Subcommittee approves any proposal involving expenditure in excess of that already approved by the General Assembly, the Secretary-General shall, as early as possible, prepare and circulate to the Chair of the Subcommittee an estimate of the cost involved in the proposal, indicating the additional expenditure.

VIII. Correspondence

Rule 27

Incoming and outgoing correspondence

1. The Secretary-General shall bring to the attention of the Subcommittee, through its appropriate officers, all correspondence requiring the consideration of the Subcommittee. The Secretary-General shall also be responsible for informing the Subcommittee, through its relevant officers, of any issues brought before it for consideration or any other developments that may be of relevance to it.
2. Correspondence received by members of the Subcommittee that relates to the mandate of the Subcommittee shall be forwarded to the Secretary-General and shared with other members of the Subcommittee, as appropriate.
3. The Secretary-General shall keep a record of all correspondence relevant to the mandate of the Subcommittee and shall, when appropriate, send an acknowledgement of receipt.
4. The Secretary-General shall store correspondence relevant to the mandate of the Subcommittee as decided by it.
5. The Secretary-General shall make available to members on request, all correspondence relevant to the work of the Subcommittee.

Rule 28

Informal meetings with States parties

The Subcommittee shall hold informal meetings with States parties during its plenary sessions from time to time.

IX. Languages

Rule 29

Official and working languages

1. Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Subcommittee. Official documents, including visit reports, drafted in an official language shall be translated into the other official languages.
2. English, French and Spanish shall be the working languages of the Subcommittee. A fourth working language, when necessary, shall be used to facilitate communication among members or to interact with a State party in any of the six official languages of the United Nations. The working languages of the Subcommittee may be changed by its decision.

X. Confidentiality

Rule 30

In camera sessions

1. During its sessions, the Subcommittee shall meet in camera and its deliberations shall remain confidential.
2. The Subcommittee may hear any person whom it considers to be in a position to assist it in the performance of its functions under the Optional Protocol. Persons who participate in such a capacity in meetings of the Subcommittee at its invitation, in consultation with the Secretary-General, shall be bound by strict confidentiality.
3. The Subcommittee may decide on an ad hoc basis that a meeting shall be public.

Rule 31

Documents

All documentation of, and information concerning the work of, the Subcommittee shall be kept and treated as strictly confidential by the Secretary-General and by the Subcommittee members, unless the Subcommittee decides otherwise in relation to a particular document or matter.

XI. Documentation

Rule 32

Work of and decisions adopted by the Subcommittee

1. A report containing a summary of the work of and the decisions adopted by the Subcommittee during each session shall be prepared by the Secretary-General, in consultation with the Bureau, a draft of which shall be presented to the Subcommittee for adoption on the last day of that session.
2. The summary records of each session of the Subcommittee shall be made available to its members.

Rule 33

Annual report

1. The Subcommittee shall prepare an annual report on its activities which shall be a public document available in all the official languages of the United Nations.
2. The annual report shall be presented to the Committee against Torture, in accordance with article 16 (3) of the Optional Protocol.

Rule 34

Guidelines of the Subcommittee in relation to visits

The visit guidelines of the Subcommittee shall be formulated and made available as a separate document.

Rule 35

General comments and other forms of statement

The Subcommittee may prepare and adopt general comments and other forms of statement on the provisions of the Optional Protocol with a view to promoting its further implementation and to assisting States parties and national preventive mechanisms in fulfilling their obligations under the Optional Protocol.

XII. Conduct of work

Rule 36

Quorum

Fourteen members of the Subcommittee shall constitute a quorum.

Rule 37

Adoption of decisions

1. The Subcommittee shall endeavour to reach all of its decisions by consensus. If a consensus cannot be reached, decisions of the Subcommittee shall be put to a vote and adopted on the basis of a simple majority of votes from the members present and voting.
2. Each member of the Subcommittee shall have one vote.
3. When not in session, and if so decided by the Bureau, decisions may be taken through electronic means.

Rule 38

Working groups and rapporteurs

1. The Subcommittee may appoint rapporteurs and establish both permanent and ad hoc working groups comprising a limited number of its members. The terms of reference of such rapporteurs and working groups shall be determined by the Subcommittee. Membership of working groups shall be determined by the Bureau, following consultations with members when appropriate.
2. Chairs of working groups shall be designated by the Bureau, following consultations with the members of the working group in question.

Rule 39

Regional teams and country rapporteurs

1. The Bureau may designate members to work in regional teams to undertake work related to the mandate of the Subcommittee in relation to a defined region.
2. The work of each regional team shall be led by the head of the regional team who shall be designated by the Bureau following consultations with members of the regional team. Members of the Bureau may not also be heads of regional teams.
3. The regional team shall, following consultations with members of the regional team, designate country rapporteurs for each State party and, if appropriate, signatory States, from among its membership.

Rule 40

Rapporteur and focal points on reprisals

1. The Subcommittee shall appoint a rapporteur on reprisals, who shall be elected in accordance with rule 21.

2. The terms of reference of the rapporteur on reprisals shall be defined by the Subcommittee, and shall include the guidelines for overseeing the implementation of the policy on reprisals (CAT/OP/6/Rev.1), coordinating the Subcommittee's activities relating to reprisals and liaising with relevant national, regional and international bodies.
3. Focal points for reprisals concerning each visit shall be appointed by each visit delegation.

XIII. National preventive mechanisms

Rule 41

Relations with States parties concerning the establishment or designation and maintenance of national preventive mechanisms and their functioning

1. The Subcommittee shall advise and assist States parties, when necessary, to establish, designate or maintain national preventive mechanisms.
2. The Subcommittee shall make recommendations and provide observations to States parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment of persons deprived of their liberty.
3. The Subcommittee may adopt public listings of States parties or national preventive mechanisms, as necessary for the fulfilment of its mandate.

Rule 42

Collaboration with national preventive mechanisms

1. The Subcommittee shall maintain direct and, if necessary, confidential contact with national preventive mechanisms, in accordance with articles 11 (b) and 20 (f) of the Optional Protocol.
2. The Subcommittee shall advise and assist the national preventive mechanisms in the evaluation of the means necessary to strengthen its functioning and the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment.
3. The Subcommittee may facilitate for national preventive mechanisms, including through the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights, training and technical assistance with a view to strengthening their capacities.

XIV. Cooperation with United Nations organs and mechanisms and other national, regional and international institutions or organizations

Rule 43

Cooperation with the Committee against Torture

The Subcommittee may decide on the process by which a request under article 16 (4) of the Optional Protocol and recommendations under article 24 (2) of the Optional Protocol may be made to the Committee against Torture.

Rule 44

Cooperation with others

1. The Subcommittee may receive for consideration or invite relevant individuals and bodies to submit information, documentation and written statements on matters covered by the Optional Protocol that fall within the scope of its activities.

2. In accordance with article 31 of the Optional Protocol, the Subcommittee may consult with bodies established under regional conventions with a view to cooperating with them and avoiding duplication in effectively promoting the objectives of the Optional Protocol.

3. The Subcommittee shall cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms, as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

XV. Interpretation

Rule 45

Interpretation of the rules of procedure

For the purpose of interpreting the present rules, the headings, which have been inserted for reference purposes only, shall be disregarded.

XVI. Amendment of the present and complementary rules

Rule 46

Suspension

Any of the present rules may be suspended by decision of the Subcommittee, provided the suspension is not inconsistent with the provisions of the Optional Protocol.

Rule 47

Amendments

The present rules may be amended by decision of the Subcommittee, at least 24 hours after the proposal for such an amendment has been circulated, provided that the amendment is not inconsistent with the provisions of the Optional Protocol.

Rule 48

Complementary documents

1. The present public rules are complemented by separate public or confidential documents.
2. A document compiling all of the Subcommittee's working methods shall be adopted by the Subcommittee and updated by the Secretary-General to take account of decisions regarding working methods taken by the Subcommittee during its sessions.
