



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

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## Committee against Torture

### **Statement of the Committee against Torture, adopted at its forty-ninth session (29 October–23 November 2012), on the guidelines on the independence and impartiality of members of the human rights treaty bodies (“the Addis Ababa Guidelines”)**

1. The members of the Committee against Torture discussed, during its forty-ninth session, the guidelines on the independence and impartiality of treaty body members (the “Addis Ababa Guidelines”, A/67/222, annex I, and Corr.1), which consolidate and reaffirm the rules of procedure and best practices of the 10 United Nations human rights treaty bodies.<sup>1</sup> The members of the Committee welcome the initiative taken by the twenty-third and twenty-fourth meetings of the chairpersons of treaty bodies, which prepared these guidelines and recommended them to each committee’s consideration.
2. The members of Committee also welcome the report of the United Nations High Commissioner for Human Rights on the strengthening the human rights treaty bodies (A/66/860), in which the High Commissioner recalls “the powers of the treaty bodies to decide on their own working methods and rules of procedure, and guarantee their independence as defined in the respective treaties” (p. 11). The High Commissioner’s report affirms that “achieving such a standard of independence and impartiality is a precondition for attaining the ultimate objective of the treaty body system, namely to provide the most objective and respected assessment and guidance to States parties in fulfilling their human rights treaty obligations” (p. 75).
3. The Committee members recall that the Committee is required, in article 18 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

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<sup>1</sup> Each treaty body (except the Committee on Economic, Social and Cultural Rights) is tasked by the treaty itself to adopt its own rules of procedure. See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 18, para. 2; International Covenant on Civil and Political Rights, art. 39, para. 2; International Convention on the Elimination of All Forms of Racial Discrimination, art. 10, para. 1; Convention on the Elimination of All Forms of Discrimination against Women, art. 19, para. 1; Convention on the Rights of Persons with Disabilities, art. 34, para. 10; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 75, para. 1; Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 10, para. 2; International Convention for the Protection of All Persons from Enforced Disappearance, art. 26, para. 6. Note, the rules of procedure are not discussed in International Covenant on Economic, Social and Cultural Rights, but the Committee has adopted its own rules of procedure, see E/C.12/1990/4/Rev.1.

Punishment, to “establish its own rules of procedure” and that, in exercise of this treaty provision, the Committee has set a high standard of independence and impartiality for its members in its rules of procedure (CAT/C/3/Rev.5). Notably, rule 15 addresses the “independence of members” and rule 73 addresses “obligatory non-participation or non-presence of a member in the consideration of a report”.

4. The Committee members note that the Addis Ababa Guidelines echo and affirm the Committee’s rules of procedure, including rule 15, paragraph 1, regarding accountability of its members “to the Committee and to their own conscience”. The guidelines also point out that members “may not be subject to direction or influence of any kind, or to pressure” from their own State or any other State or its agencies. They call for individual members, the Chair and the Committee as a whole “to safeguard the requirements of independence and impartiality of its members”.

5. The members of the Committee against Torture affirm their strong support for the independence and impartiality of all its members, as affirmed in the Addis Ababa Guidelines and look forward to further discussing ways to give effect to these guidelines during the Committee’s upcoming fiftieth session (from 6 to 31 May 2013), including by amending rule 14 of its rules of procedure. The amendment would add the word “independently” to the solemn declaration required of Committee members before assuming their duties following their first election to the Committee.

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