



# International Covenant on Civil and Political Rights

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Human Rights Committee

## Rules of procedure of the Human Rights Committee\*\*

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\* Reissued for technical reasons on 27 March 2019.

\*\* 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, 100th and 103rd sessions. The current version of the rules was adopted at the Committee's 3567th meeting during its 124th session.

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## **Part I**

### **General rules**

#### **I. Sessions**

##### **Rule 1**

The Human Rights 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.

##### **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, taking into account the calendar of conferences and meetings.

##### **Rule 3**

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chair may convene special sessions after consulting with the other officers of the Committee. The Chair of the Committee shall also convene special sessions at the request of a majority of the members of the Committee and may do so 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 Chair 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 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 Chair of the Committee, in conformity with the relevant provisions of the Covenant and of the first Optional Protocol to the International Covenant on Civil and Political Rights, and shall include:

- (a) Any item the inclusion of which has been decided upon by the Committee at a previous session;
- (b) Any item proposed by the Chair 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 Optional Protocol or the present 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 16 of these rules.

### **Rule 9**

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

### **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 shall begin on the day after the date of expiry of the term of office of the members 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 Chair 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 Chair 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 Chair 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.

3. A vacancy declared in accordance with paragraphs 1 and 2 of the present rule shall be dealt with in accordance with article 34 of the Covenant.

4. 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 14**

Before assuming duties as a member, each member of the Committee shall make the following solemn undertaking in open Committee:

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

### **Rule 15**

The guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines), excepting the preamble, replace the Committee’s own 1998 guidelines on the exercise of the functions of the Committee.

## **IV. Officers**

### **Rule 16**

The Committee shall elect from among its members a Chair, three Vice-Chairs and a Rapporteur, who is responsible for preparing the Committee’s annual report. In electing its officers, the Committee shall give consideration to equitable geographical distribution and appropriate gender balance and, to the extent possible, rotation among members.

### **Rule 17**

The Chair, the three Vice-Chairs and the Rapporteur shall constitute the Bureau of the Committee. The Chair shall consult with the other members of the Bureau on matters relating to the organization of work of the Committee, and the Bureau shall determine the agenda for meetings dedicated to reviewing the Committee’s methods of work and shall approve the programme of work for future sessions of the Committee. All recommendations and decisions adopted by the Bureau shall be notified to the Committee and, where requested by any member of the Committee, shall be reviewed by the Committee, which may approve or reject them.

### **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**

1. The Chair shall perform the functions conferred upon him or her by the Covenant, the rules of procedure and the decisions of the Committee. In the exercise of those functions, the

Chair shall remain under the authority of the Committee and shall consult as broadly as possible with the officers of the Committee (Bureau) and other members of the Committee.

2. The Chair shall represent the Committee at United Nations meetings in which the Committee is officially invited to participate. If the Chair is unable to represent the Committee at such a meeting, she or he may designate another officer of the Committee or, if no officer is available, another member of the Committee, to attend on her or his behalf.

## **Rule 20**

If during a session the Chair is unable to be present at a meeting or any part thereof, the Chair, or if he or she is unable to do so, the remaining members of the Bureau, shall designate one of the Vice-Chairs to act as Chair.

## **Rule 21**

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

## **Rule 22**

If any of the officers of the Committee ceases to serve or declares himself or herself 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.

## **Rule 23**

When the Committee is working in two chambers, the Chair shall act as Chair of one of the chambers, and one of the Vice-Chairs shall act as Chair of the other chamber. The Chair, in consultation with the Bureau, will designate the Vice-Chair who will chair the second chamber.

# **V. Secretariat**

## **Rule 24**

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 necessary staff and facilities for the effective performance of the functions of the Committee under the Covenant.

## **Rule 25**

The Secretary-General or a representative of the Secretary-General shall attend all meetings of the Committee. Subject to rule 40 of the present rules, the Secretary-General or the representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

## **Rule 26**

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

### **Rule 27**

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 28**

Before any proposal that 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 Chair to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or a subsidiary body.

## **VI. Languages**

### **Rule 29**

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee. The working languages of the Committee relating both to translation of documentation and interpretation, will be determined by the Committee depending on the membership of the Committee. This is without prejudice to the right of each State party and authors of communications to provide information to the Committee in any of the six official languages of the United Nations.

### **Rule 30**

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 31**

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 32**

Summary records of the meetings of the Committee shall be drawn up in the working languages, as determined by the Committee.

### **Rule 33**

All official documents and formal decisions of the Committee shall be made available in the official languages and in accessible formats.

### **Rule 34**

Any draft document relating to the Committee's activities under the Covenant and requiring discussion and adoption by the Committee must be translated into the working languages of the Committee. Such documents would include any document related to reporting (such as draft concluding observations, draft lists of issues, draft lists of issues prior to reporting and

draft reports on follow-up to concluding observations), individual and inter-State communications (such as draft decisions and views and draft reports on follow-up to views), legal interpretations (such as draft general comments) and working methods and other matters (such as draft working methods, draft annual reports, draft rules of procedure and draft guidelines).

## **VII. Meetings of the Committee**

### **Rule 35**

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 Optional Protocol that the meeting should be held in private. The adoption of concluding observations under article 40 shall take place in closed meetings.

### **Rule 36**

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué.

## **VIII. Records**

### **Rule 37**

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed as soon as possible to the members of the Committee and to any others participating in the meeting. All such participants may, within six working days after receipt of the record of the meeting, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be settled by the Chair of the Committee or the Chair 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 38**

1. The summary records of public meetings of the Committee in their final form and recordings of public meetings shall be accessible to the public 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 the decision of the Committee at such time and under such circumstances as the Committee may decide.

## **IX. Conduct of business**

### **Rule 39**

Twelve members of the Committee shall constitute a quorum for plenary meetings of the Committee. The Committee may decide to conduct meetings dedicated to the examination of State reports or communications in chambers and determine, in that case, the quorum requirements for such meetings.

## **Rule 40**

The Chair shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The Chair, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chair 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 Chair 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 Chair may call a speaker to order if that speaker's remarks are not relevant to the subject under discussion.

## **Rule 41**

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 Chair in accordance with the rules of procedure. Any appeal against the ruling of the Chair shall immediately be put to the vote, and the ruling of the Chair 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 42**

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

## **Rule 43**

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

## **Rule 44**

1. When the debate on an item is concluded because there are no other speakers, the Chair 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, make a motion for 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 45**

During the discussion of any matter, a member may make a motion for 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 46**

Subject to rule 41 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 47**

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, or to a later date decided by the Committee.

**Rule 48**

Subject to rule 46 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 49**

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 50**

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 51**

Each member of the Committee shall have one vote.

**Rule 52<sup>1</sup>**

Except as otherwise provided in the Covenant or elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present.

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<sup>1</sup> The Committee decided, at its first session, that in a footnote to rule 52 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 should normally 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.

### **Rule 53**

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

### **Rule 54**

Subject to rule 60 of the present 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 Chair.

### **Rule 55**

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

### **Rule 56**

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 Chair before the voting has commenced or after the voting has been completed.

### **Rule 57**

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 58**

1. When an amendment to a proposal is moved for, 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 the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

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

### **Rule 59**

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.

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2. Bearing in mind paragraph 1 above, the Chair at any meeting may, and at the request of any member shall, put the proposal to a vote.

## **XI. Elections**

### **Rule 60**

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 61**

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 62**

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.

## **XII. Subsidiary bodies**

### **Rule 63**

1. The Committee may, taking into account the provisions of the Covenant and the first Optional 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 Optional 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.
3. The Committee may also designate one or more of its members as rapporteurs to assist it in any manner in which the Committee may decide, including by making recommendations to the Committee.

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

### **Rule 64**

As prescribed in article 45 of the Covenant, the Committee shall submit to the General Assembly of the United Nations an annual report on its activities, including a summary of its activities under the Optional Protocol as prescribed in article 6 thereof. The report shall be prepared by the Bureau member designated as Committee Rapporteur.

## **XIV. Information and documentation**

### **Rule 65**

1. Without prejudice to the provisions of rule 38 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 Optional 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.

## **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 (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 particular, the Committee may request a State to submit a special report in situations requiring immediate attention to appropriately address serious violations of the Covenant. In the case of an exceptional situation when the Committee is not in session, a request may be made through the Chair, acting in consultation with the members of the Committee.
3. Whenever the Committee requests States parties to submit reports under article 40 (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 are expected to be present at the meetings of the Committee when their reports are examined. The Committee shall, during the meetings in which State reports are examined, seek further information about the implementation of the Covenant from the State representatives present at the meeting. Such representatives should be able to answer questions which may be put to them by the Committee and make statements on reports already submitted by the State party concerned. They may also submit additional information from that State party during the meeting or, in a brief written memorandum submitted within two working days after the meeting.
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 74, paragraph 1, of the present rules of procedure. The concluding observations will specify the date of the following periodic report that shall be submitted under rule 66 of the present rules.

## **Rule 69**

The Committee may conduct examinations of reports in plenary or chambers, according to the decision of the Committee. The concluding observations composed pursuant to rule 74, paragraph 1, shall be approved in all cases by the plenary of the Committee.

## **Rule 70**

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, 72 and 74 of the present 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 the present rule, the State party does not submit the report or additional information required under rules 66, 72 and 74 of the present rules, the Committee shall so state in the annual report which it submits to the General Assembly.

## **Rule 71**

1. In cases where the Committee has been notified under rule 70, paragraph 1, of the present rules of the failure of a State to submit under rule 66, paragraph 3, any report under article 40 (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 the present rule, it shall transmit to the State party, in advance of the date or session specified, a list of issues, indicating the topics related to the implementation of the Covenant on which the Committee wishes the State to provide specific information, in accordance with rule 73, paragraph 1.

3. The concluding observations shall be communicated to the State party, in accordance with rule 74, paragraph 3, of the present rules, and made public. The State party shall present its next report within two years of the adoption of the concluding observations.

## **Rule 72**

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 the present rules.

2. If a report of a State party under article 40 of the Covenant does not, in the opinion of the Committee, 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.

## **Rule 73**

1. In order to facilitate a constructive dialogue between the Committee and representatives of the State party whose report is to be reviewed, the Committee shall forward to the State party prior to the meeting a list of issues, which will indicate the topics related to the implementation of the Covenant on which the Committee wishes the State to provide specific information. The State party will be invited to submit its responses to the list of issues in writing by a specified date, before the meeting with the Committee.

2. States parties whose initial report has already been reviewed by the Committee may notify the Secretary-General that they are interested in adhering to a simplified reporting procedure. In that case, the Committee will prepare for the State party a list of issues prior to reporting on the basis of the information it received during and after the last periodic review from all sources. The replies of the State party to the list of issues shall constitute for the period under review the State party report under article 40 of the Covenant. The meeting with representatives of the State party shall take place within 12 months from the date in which its replies to the list of issues prior to reporting were submitted to the Committee.

## **Rule 74**

1. 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.

2. 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.

## **Rule 75**

1. The Committee may request the State party to give priority to certain aspects of its concluding observations and, thus, request the State party to provide the Committee with follow-up information by a specified date. For that purpose, the Committee may designate one or more of its members as Rapporteurs to follow up with the State party on its implementation of the concluding observations.

2. The follow-up Rapporteur(s) shall assess the information provided by the State party and from other sources and report to the Committee on her/his activities. The Committee may set guidelines for such assessments.

## **XVI. General comments**

### **Rule 76**

1. The Committee may decide to prepare and adopt general comments on specific topics addressing aspects of the Covenant or its Optional Protocols with a view to assisting States parties in fulfilling their obligations under the Covenant and its Optional Protocols.
2. Before work on the formulation of a general comment begins, the Chair shall invite members of the Committee to propose suitable topics for a general comment. The Committee shall select from among the proposals a topic and appoint one or more members of the Committee to serve as rapporteur(s) entrusted with facilitating the preparation of the general comment.
3. The rapporteur(s) will submit an initial proposal for a general comment to the Committee, which will then discuss the proposal and approve it in first reading, in a preliminary manner, with any necessary changes.
4. The preliminary draft of the general comment will be circulated to the States parties and other relevant stakeholders for comments. The Committee will discuss, in a second reading, any further changes in the general comment. It shall then consider formally adopting the general comment.

### **Rule 77**

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

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

### **Rule 78**

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 the present rule shall contain or be accompanied by information regarding:
  - (a) Steps taken to seek adjustment of the matter in accordance with article 41 (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 79**

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

## **Rule 80**

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 78 of the present rules and shall transmit to them as soon as possible copies of the notice and relevant information.

## **Rule 81**

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 82**

A communication shall not be considered by the Committee unless:

- (a) Both States parties concerned have made declarations under article 41 (1) of the Covenant that are applicable to the communication;
- (b) The time limit prescribed in article 41 (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 83**

Subject to the provisions of rule 78 of the present 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 84**

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 85**

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 86**

1. Within 12 months of the date on which the Committee received the notice referred to in rule 78 of the present rules, the Committee shall adopt a report in accordance with article 41 (1) (h) of the Covenant.
2. The provisions of paragraph 1 of rule 85, 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 87**

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.

# **XVIII. Procedure for the consideration of communications received under the Optional Protocol**

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

### **Rule 88**

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 if it (a) concerns a State which is not a party to the Optional Protocol; (b) is not in writing; or (c) is anonymous.
4. Communications shall be submitted in one of the official languages of the Committee indicated in rule 29, preferably the United Nations language of the State party against which the communication is addressed.

### **Rule 89**

1. The Secretary-General shall maintain a permanent record of all communications submitted under the Optional Protocol.
2. The Secretary-General shall prepare a list of the communications registered by the Committee, together with a brief summary of their contents, and will make it public while keeping the author's name confidential.
3. The full text of any registered communication may be made available in the language of submission to any member of the Committee upon request by that member.

### **Rule 90**

1. The Secretary-General may request clarification or additional information from the author of a communication, including:

- (a) The name, address, date of birth 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 and evidence to substantiate them;
  - (f) Steps taken by the author to exhaust domestic remedies;
  - (g) The extent to which the same matter is being or has been examined under another procedure of international investigation or settlement.
2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time limit to the 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.

## **Rule 91**

Communications may be submitted by or on behalf of one or several individuals, whose names should be provided. Where a communication is submitted on behalf of one or several individuals, this shall be with their consent, unless the author(s) can justify acting on their behalf without such consent.

## **B. Registration of communications and submission of observations and comments by the parties**

### **Rule 92**

1. As soon as possible after the communication has been received, the Committee, through its special rapporteur designated under rule 107, paragraph 2, of the present rules, shall decide whether the communication brought to its attention should be registered.
2. After the decision to register has been taken the communication shall be brought to the attention of the State party concerned, with a request that the State party submit a written reply within six months.
3. The special rapporteur may decide that in order to reach a determination on the admissibility of a registered communication, its transmission to the State party is not required. However, the decision shall be transmitted to the Committee plenary for discussion. Inadmissibility decisions on registered cases can be taken by the Committee without prior transmission of the communication to the State concerned for observations.
4. A request addressed to a State party under paragraph 2 of the present 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 or the merits of the communication.
5. Within six months of receipt of the Committee's request under the present rule, the State party shall submit to the Committee written explanations or statements that shall relate both to the admissibility of the communication and its merits, as well as to any remedy that may have been provided in the matter, unless the Committee or the special rapporteur decides, in view of the circumstances of the case and any remedy requested by the author, 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 the six-month period, a written reply that shall relate to both the admissibility and the merits of the communication.
6. The author may submit a reply and the State party a rejoinder.

7. Upon the request of one of the parties, additional written submissions may be authorized by the special rapporteur, on an exceptional basis, with due consideration given to the circumstances of the case.

8. The reply and the rejoinder, and additional submissions that may be authorized by the special rapporteur, shall focus on addressing the issues still in contention.

9. Notwithstanding the six-month period for the State party's first submission, as set out in article 4 of the Optional Protocol, the Committee will establish a definite date for the completion of further steps in the proceedings.

10. No written observations or other documents filed outside the time limit for their submission shall be included in the case file, unless the special rapporteur decides otherwise.

11. A party seeking an extension of the time limit must make a request as soon as it has become aware of the circumstances justifying such an extension and, in any event, before the expiry of the time limit. It should state the reason for the request for an extension. The decision to extend the time limit is at the discretion of the special rapporteur.

12. Before draft views are presented to the working group for discussion, the special rapporteur may request the parties to provide updates on the current status of the case.

### **Rule 93**

1. A State party that has received a request for a written reply under paragraph 2 of rule 92 on both admissibility and the merits of the communication may apply in writing, within two months, for the question of admissibility to be examined separately from the merits. The Committee, through its special rapporteur, will decide on the State party's request. If the Special Rapporteur agrees to the request the State party will not need to submit explanations or statements on the merits until the Committee decides otherwise.

2. The author may submit a reply to the State party's objection on admissibility.

3. Upon the request of one of the parties, additional written submissions may be authorized by the special rapporteur, on an exceptional basis, with due consideration for the circumstances of the case.

### **Rule 94**

1. At any time after the registration of a communication and before a determination on the merits has been reached, the Committee may request that the State party concerned take on an urgent basis such interim measures as the Committee considers necessary to avoid possible actions which could have irreparable consequences for the rights invoked by the author.

2. When the Committee requests interim measures under the present rule it will indicate that the request does not imply a determination on the admissibility or the merits of the communication, but that failure to implement such measures is incompatible with the obligation to respect in good faith the procedure of individual communications established under the Optional Protocol.

3. At any stage of the proceedings the Committee will examine any arguments presented by the State concerned on the request to take interim measures, including reasons that would justify the lifting of the measures.

4. The Committee may withdraw a request for interim measures on the basis of information submitted by the State party and the author(s) of the communication.

### **Rule 95**

Upon receiving information from the author of the communication, the Committee may also request the State party to take protection measures in favour of individuals, including the

author(s), his/her counsel and family members, who might suffer acts of intimidation or reprisals as a result of the submission of the communication or cooperation with the Committee. The Committee may seek from the State party written explanations or statements clarifying the matter and describing any action taken in that regard.

### **Rule 96**

1. When considering communications under the Optional Protocol, the Committee or its special rapporteur may accept information and documentation submitted by third parties which may be relevant for the proper determination of the case.
2. The Committee will establish guidelines for the requirements to be observed for third-party submissions.
3. The Committee shall forward third-party submissions to the parties to the communication, who are entitled to submit written observations and comments in reply.
4. Individuals or entities that are third parties shall not be considered parties to the communication.

## **C. Procedure to determine the admissibility and the merits of communications**

### **Rule 97**

1. Communications shall be examined by the Committee, as to their admissibility and/or merits in the order in which they were received by the Secretariat, unless the Committee decides otherwise in view of the circumstances and issues involved.
2. Prior to examining the merits of a communication, the Committee shall decide whether the communication is admissible.
3. Two or more communications may be dealt with jointly, if deemed appropriate by the Committee.
4. Decisions on admissibility and the merits shall be taken by the Committee by a simple majority, in accordance with the present rules. A majority of members present and voting shall be required for finding a communication admissible and for any finding of violation of the Covenant.
5. The Committee may decide to review communications in chambers.

### **Rule 98**

1. Prior to their examination by the Committee plenary, communications will be examined by one or more working groups established under rule 107, paragraph 1, of the present rules and consisting of at least five members. A rapporteur from among the members of the working group will be designated to assist in the handling of communications.
2. The rules of procedure of the Committee shall apply as relevant to the meetings of the working group. Four members constitute a quorum for the meetings.
3. The working group shall make recommendations to the Committee concerning the fulfilment of the conditions of admissibility laid down in the Optional Protocol. The working group may also make recommendations to the Committee concerning the merits of the communications under examination.
4. The working group may declare a communication inadmissible when all the members so agree. However, 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.

5. Decisions to declare a communication admissible separate from its examination on the merits may be taken by the working group when all its members so agree, provided that the number of voting members is at least five.

## Rule 99

With a view to reaching a decision on the admissibility of a communication, the Committee, or a working group established under rule 107, paragraph 1, of the present 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 five years after the exhaustion of domestic remedies by the author of the communication, or, where applicable, three years from the conclusion of another procedure of international investigation or settlement, unless there are reasons justifying the delay, taking into account all the circumstances of the communication;<sup>2</sup>
- (d) That the communication is not incompatible with the provisions of the Covenant;
- (e) That the same matter is not being examined under another procedure of international investigation or settlement;
- (f) That the individual has exhausted all available domestic remedies.

## Rule 100

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 (2) of the Optional Protocol, that 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 (2) no longer apply.

## Rule 101

1. In those cases in which the issue of admissibility is decided before receiving the State party's reply on the merits and the Committee, or a working group established under rule 107, paragraph 1, of the present rules, decides that the communication is admissible, that decision shall be transmitted, through the Secretary-General, to the author of the communication and the State party concerned.

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<sup>2</sup> The present rule in its amended form applies to communications received by the Committee as of 1 January 2012.

2. Within six months, the State party concerned shall submit to the Committee written explanations or statements on the merits 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 the present 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. The Committee may decide in exceptional cases to invite the parties to comment on each other's submissions orally, in accordance with its guidelines on making oral comments concerning communications (CCPR/C/159/Rev.1).
5. 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 102**

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 the information made available to it and shall formulate its Views thereon.
2. The Committee shall not decide on the merits of the communication without having considered the applicability of all the grounds of admissibility referred to in the Optional Protocol.
3. The Committee's findings on the merits shall be known as "Views". The Secretary-General shall transmit the Views of the Committee, to the author of the communication and to the State party concerned.

## **Rule 103**

Any member of the Committee who has participated in a decision may write a separate opinion that should be appended to the Committee's Views or decision.

## **Rule 104**

The Committee may discontinue the consideration of a communication when the reasons for its submission under the Optional Protocol have become moot, or on other relevant grounds.

## **Rule 105**

1. The Committee may appoint one or two members as rapporteur(s) for repetitive communications.
2. The rapporteur(s) for new communications and interim measures may refer cases which raise facts and legal questions of substantially the same nature as those already decided by the Committee in previous cases to the rapporteur(s) for repetitive communications.
3. The rapporteur(s) for repetitive communications shall propose a draft recommendation to the Working Group established under rule 107, paragraph 1. Unless one or more members of the Working Group objects, the recommendation of the rapporteur(s) for repetitive communications shall be submitted to the Committee for adoption. The Working Group may, if it so decides, modify or reject the recommendation.
4. Unless one or more members of the Committee objects, recommendations of the rapporteur(s) for repetitive communications shall be considered to be adopted as Views of the Committee.

## Rule 106

1. The Committee shall designate a Special Rapporteur for follow-up on Views adopted under article 5 (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 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.

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

## Rule 107

1. In any matter related to communications under the Optional Protocol, the Committee may establish a working group and may designate a rapporteur to assist in any manner in which the Committee decides.
2. The Committee will designate one or more special rapporteurs to process new communications and requests for interim measures as they are received, as well as to deal with other procedural matters as authorized by the Committee.<sup>3</sup>

## Rule 108

1. A member shall not take part in the examination of a communication by the Committee:
  - (a) If he or she is a national of the State party or has the same nationality as the alleged victim;
  - (b) If he or she has any personal or professional conflict of interest in the case;
  - (c) If he or she 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 of the present rule shall be decided by the Committee. The member concerned shall not take part in the decision.

## Rule 109

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 Chair of his or her withdrawal.

## Rule 110

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.

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<sup>3</sup> The functions of the Special Rapporteur on new communications and interim measures are set out in document CCPR/C/110/3.

## Rule 111

1. Communications under the Optional Protocol shall be examined by the Committee and a working group established pursuant to rule 107, paragraph 1, of the present rules in closed session. Oral deliberations and summary records shall remain confidential.
2. The Committee may decide ex officio or upon request of the author or alleged victim that the names of the author or the alleged victim be kept confidential in the final decision of the Committee disposing of the communication.
3. All working documents issued by the Secretariat for the Committee, the Working Group established pursuant to rule 107, paragraph 1, or the Special Rapporteur designated pursuant to rule 107, paragraph 2, shall remain confidential, unless the Committee decides otherwise.
4. Paragraph 1 of the present rule 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 or the Special Rapporteur 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.
5. When a decision has been taken on confidentiality, pursuant to paragraph 4 of the present rule, the Committee may decide that all or part of the submissions shall remain confidential after the Committee's decision on inadmissibility, the merits or discontinuance has been adopted.
6. The Committee's decisions on inadmissibility, the merits and discontinuance shall be made public after having been brought to the attention of the author and the State party concerned. Decisions taken under rule 94 by the Committee or the Special Rapporteur designated pursuant to rule 107, paragraph 2, of the present rules shall be made public if the Committee or the Special Rapporteur consider it appropriate.
7. The Secretariat is responsible for the distribution of the Committee's final decisions. The Secretariat shall not be responsible for the reproduction and distribution of submissions concerning communications.

## Rule 112

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.

## Rule 113

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.

## XIX. Amendments

### Rule 114

The present rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Covenant and the Optional Protocol.