



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Rules of procedure**



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## Introduction

1. At its first and second sessions, the Committee on the Elimination of Racial Discrimination adopted 78 provisional rules of procedure based on texts prepared by the Secretary-General.<sup>1</sup>
2. At its fourth session, the Committee, by decision 1 (IV), amended rule 36 (previously provisional rule 35).<sup>2</sup>
3. At its fifth session, the Committee, by decision 1 (V), adopted rule 64 (previously provisional rule 64 A).<sup>3</sup>
4. At the same session, the Committee, by decision 2 (V), adopted rule 67 (previously provisional rule 66 A).<sup>4</sup>
5. At its seventh session, the Committee, by decision 2 (VII), amended rule 13.<sup>5</sup>
6. At the same session, the Committee, by decision 1 (VII), amended rule 58 (previously provisional rule 56).<sup>6</sup>
7. At its seventeenth session, the Committee, by decision 1 (XVII), amended rule 34.<sup>7</sup>
8. At the same session, the Committee, by decision 2 (XVII), amended rule 35 (previously provisional rule 62).<sup>8</sup>
9. At its twenty-seventh session, the Committee adopted rules 80 to 93, with the exception of subparagraph (a) and the second part of subparagraph (b) of rule 91, which were adopted at the twenty-eighth session (previously provisional rules 79 to 92).<sup>9</sup>
10. At the same session, the Committee adopted paragraphs 1 to 4 of rule 94 (previously provisional rule 93).<sup>10</sup>
11. At its twenty-eighth session, the Committee adopted subparagraph (a) and the second part of subparagraph (b) of rule 91 and paragraphs 5 and 6 of rule 94, which had been left pending at its twenty-seventh session.<sup>11</sup>
12. At the same session, the Committee adopted rules 95 to 97 (previously provisional rules 94 to 96).<sup>12</sup>
13. At its twenty-ninth session, the Committee decided to delete the word “provisional” from its rules of procedure.<sup>13</sup>
14. At the same session, the Committee amended rules 27 and 28.<sup>14</sup>
15. At the same session, the Committee adopted rule 98.<sup>15</sup>

<sup>1</sup> *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027), annex II.*

<sup>2</sup> *Ibid.*, *Twenty-sixth Session, Supplement No. 18 (A/8418)*, chap. VII, sect. B.

<sup>3</sup> *Ibid.*, *Twenty-seventh Session, Supplement No. 18 (A/8718)*, chap. IX, sect. A.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 18 (A/9018)*, chap. X, sect. A.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Official Records of the General Assembly, Thirty-third Session, Supplement No. 18 (A/33/18)*, chap. X, sect. A.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 18 (A/38/18)*, annex III.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 18 (A/39/18)*, chap. III.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

16. At the same session, the Committee also took the following decisions:
- (a) To include a new part three, entitled “Interpretation and amendments”, at the end of its rules of procedure, incorporating under this new part provisional rule 63, which became rule 99;
  - (b) To incorporate titles into the rules of procedure, as well as a table of contents.<sup>16</sup>
17. At its forty-second session, the Committee amended its rules procedure with respect to its working methods under article 14 of the Convention, specifically rules 87, 92 and 94.<sup>17</sup>
18. At its sixty-fourth session, the Committee adopted amendments to rule 65.<sup>18</sup>
19. At its sixty-seventh session, the Committee adopted amendments to rule 95.<sup>19</sup>
20. At its sixty-ninth session, the Committee adopted amendments to rule 26.<sup>20</sup>
21. At its seventy-first session, the Committee adopted amendments to rule 40.<sup>21</sup>
22. At its ninety-eighth session, the Committee adopted rules of procedure specific to its hearings of States as part of its consideration of inter-State communications, for inclusion in a future revision of the Committee’s rules of procedure.<sup>22</sup>
23. At its 101st session, the Committee adopted amendments to rules 5 and 50.<sup>23</sup>
24. At its 106th session, the Committee established a task force to review its rules of procedure and improve its methods of work.<sup>24</sup> Following three readings, at its 107th to 115th sessions, the Committee adopted the revised rules of procedure at its 115th session.<sup>25</sup>

## Explanatory note

Attention is drawn to rule 121, which provides that the headings of the rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

<sup>16</sup> Ibid.

<sup>17</sup> *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18)*, annex V.

<sup>18</sup> Ibid., *Fifty-ninth Session, Supplement No. 18 (A/59/18)*, annex III.

<sup>19</sup> Ibid., *Sixtieth Session, Supplement No. 18 (A/60/18)*, annex IV.

<sup>20</sup> Ibid., *Sixty-first Session, Supplement No. 18 (A/61/18)*, annex III.

<sup>21</sup> Ibid., *Sixty-second Session, Supplement No. 18 (A/62/18)*, annex IX.

<sup>22</sup> Ibid., *Seventy-fourth Session, Supplement No. 18 (A/74/18)*, annex II.

<sup>23</sup> See *ibid.*, *Seventy-sixth Session, Supplement No. 18 (A/76/18)*, chap. VI.

<sup>24</sup> See *ibid.*, *Seventy-seventh Session, Supplement No. 18 (A/77/18)*, chap. VI.

<sup>25</sup> See *ibid.*, *Seventy-eighth Session, Supplement No. 18 (A/78/18)*, chap. VI; *ibid.*, *Seventy-ninth Session, Supplement No. 18 (A/79/18 and A/79/18/Corr.1)*, chap. VI; and *ibid.*, *Eightieth Session, Supplement No. 18 (A/80/18)*, chap. VI.

## **Rules of procedure**

### **Part one General rules**

#### **I. Sessions**

##### **Rule 1 Regular sessions**

The Committee on the Elimination of Racial Discrimination (hereinafter referred to as “the Committee”), established under the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as “the Convention”), shall hold three regular sessions each year or as may be required for the satisfactory performance of its functions in accordance with the Convention.

##### **Rule 2 Dates of regular sessions**

Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General, taking into account the calendar of conferences as approved by the General Assembly.

##### **Rule 3 Special sessions**

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 of the Committee in consultation with the other members of the Bureau of the Committee. The Chair shall also convene special sessions:

- (a) At the request of a majority of the members of the Committee;
- (b) At the request of a State Party to the Convention.

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 members of the Bureau of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

##### **Rule 4 Notification of opening date of sessions**

The Secretary-General shall notify the members of the Committee 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 18 days in advance of the first meeting.

##### **Rule 5 Place of sessions**

Sessions of the Committee shall normally be held at United Nations Headquarters. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations on the subject. In exceptional circumstances that prevent the Committee from holding regular or special

sessions in person, the Committee, in consultation with the Secretary-General, may hold sessions or parts of sessions remotely, using available information and communications technology, in compliance with the policies and standards adopted by the Secretariat to ensure effective participation, security and confidentiality.

## **II. Agenda**

### **Rule 6 Provisional agenda for regular sessions**

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 articles 9, 11, 12, 13, 14 and 15 of the Convention, and shall include:

- (a) Any item 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 Convention, if rule 3 (1) (b) of the present rules applies;
- (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 Convention or the present rules of procedure.

### **Rule 7 Provisional agenda for special sessions**

The provisional agenda for a special session of the Committee shall consist only of those items that are proposed for its consideration at that special session.

### **Rule 8 Adoption of the agenda**

The first item on the provisional agenda for any session shall be the adoption of the agenda, except for the election of the members of the Bureau when required under rule 17.

### **Rule 9 Revision of the agenda**

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

### **Rule 10 Transmission of the provisional agenda and basic documents**

The provisional agenda for a regular session and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible, and at least four weeks before the date of the first meeting of the session. The provisional agenda for a special session shall be transmitted to the members of the Committee by the Secretary-General simultaneously with the notification of the opening date of the session under rule 4.

### **III. Members of the Committee**

#### **Rule 11 Members**

1. Members of the Committee shall be the 18 experts elected in accordance with article 8 of the Convention.
2. Members shall be independent experts of acknowledged impartiality serving in their personal capacity, in accordance with the solemn declaration that they take under rule 16 upon assuming their duties. They shall not be subject to direction or influence of any kind, or to pressure from the State of their nationality or any other State or any agency, and they shall neither seek nor accept instructions from anyone concerning the performance of their duties. Members are accountable only to their own conscience and the Committee, and not to the State of their nationality or any other State or any agency. In discharging their mandate, members shall abide by international human rights standards and principles, including gender equality.
3. The guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines) shall provide interpretive standards.<sup>26</sup>

#### **Rule 12 Beginning of the term of office**

The term of office of newly elected members shall begin on the day after the date of the expiry of the term of office of the members of the Committee whom they replace.

#### **Rule 13 Absence from sessions or meetings**

Any member who is unable to attend a session or specific meeting of the Committee shall inform the Chair and the Secretary-General as early as possible.

#### **Rule 14 Casual vacancies**

1. A casual vacancy may occur as a result of the death or resignation of a member of the Committee or the inability of a member to perform her or his functions as a member of the Committee.
2. The resignation of a member of the Committee shall be notified by the member in writing to the Chairperson or to the Secretary-General.

#### **Rule 15 Filling of casual vacancies**

1. When a casual vacancy occurs in the Committee, the Secretary-General shall immediately request the State Party that had nominated the expert who, under rule 14, has ceased to function as a member of the Committee to appoint another expert from among its nationals within two months to serve for the remainder of the predecessor's term. The name and the curriculum vitae of the expert so appointed shall be submitted by the Secretary-General to the Committee for approval by secret ballot.

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<sup>26</sup> [A/67/222](#) and [A/67/222/Corr.1](#), annex I.

2. After the approval of the expert by the Committee, the Secretary-General shall notify the States Parties to the Convention of the name of the member of the Committee filling a casual vacancy.

3. Except in the case of a vacancy arising from a member's death, the Secretary-General and the Committee shall act in accordance with the provisions of paragraphs 1 and 2 of the present rule only after receiving, from the member concerned, written notification of her or his decision to cease to function as a member of the Committee.

## **Rule 16**

### **Solemn declaration**

Upon assuming their duties in accordance with rule 12, members of the Committee shall make the following solemn declaration in writing, which shall be circulated to the other members of the Committee and posted on its web page, and then orally in open Committee at the first session following their election:

“I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously.”

## **IV. Bureau**

### **Rule 17**

#### **Composition and functions**

1. The Committee shall elect from among its own members a Chair, three Vice-Chairs and a Rapporteur. The Committee shall give due consideration to appropriate gender balance, geographical distribution and, to the extent possible, rotation among members.

2. 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.

3. The Bureau shall determine the agenda for meetings and shall approve the programme of work for future sessions for adoption by the Committee.

4. The Bureau shall present its recommendations to the Committee, which may approve or reject them.

5. The Bureau shall consider all requests made by members of the Committee regarding any aspect of the work of the Committee. If not acted upon, the proposal may be submitted to the Committee plenary for decision.

6. The members of the Bureau shall continue to perform their duties until new members of the Bureau are elected in accordance with the present rule.

### **Rule 18**

#### **Term of office**

The members of the Bureau shall be elected for a term of two years. They shall be eligible for re-election. No members of the Bureau may hold office if they cease to be members of the Committee.

### **Rule 19**

#### **Position of Chair in relation to the Committee**

1. In exercising her or his functions as Chair, the Chair shall remain under the authority of the Committee.

2. The Chair shall represent the Committee at United Nations meetings and other 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 member of the Bureau or another member of the Committee to attend on her or his behalf.

### **Rule 20**

#### **Acting Chair**

If the Chair is unable to be present at or temporarily withdraws from presiding over a meeting or any part thereof, she or he shall designate one of the Vice Chairs to act in her or his place.

### **Rule 21**

#### **Powers and duties of the Acting Chair**

A Vice-Chair acting as Chair shall have the same powers and duties as the Chair, provided for in rule 40.

### **Rule 22**

#### **Replacement of members of the Bureau**

If any of the members of the Bureau ceases to serve, or declares her or his inability to continue to serve, as a member of the Committee or for any reason is no longer able to act as a member of the Bureau, a new member of the Bureau shall be appointed as soon as possible for the unexpired term by the members of the Committee from the same regional group as her or his predecessor. The appointment shall be endorsed by the Committee.

### **Rule 23**

#### **Rapporteur**

The Rapporteur shall be responsible for drafting an annual report and presenting it to the Committee. In fulfilling her or his duties, the Rapporteur shall be assisted by the Secretariat.

## **V. Secretariat**

### **Rule 24**

#### **Duties of the Secretary-General**

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee shall be provided by the Secretary-General.
2. The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions under the Convention, in consultation with the Committee as regards the allocation of resources.

### **Rule 25**

#### **Statements**

The Secretary-General or her or his representative shall be present at all meetings of the Committee and may, subject to rule 40, make oral or written statements at such meetings or at meetings of subsidiary bodies of the Committee.

## **Rule 26**

### **Servicing of meetings**

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies. The Secretary-General shall inform the Bureau of the Committee in advance and in due time of the availability of all official documents of the Committee.

## **Rule 27**

### **Keeping the members informed**

The Secretary-General shall be responsible for keeping the members of the Committee informed of any questions that may be brought before it for consideration.

## **Rule 28**

### **Financial implications of proposals**

Before any proposal that involves expenditures 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 of 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 discussions on it when the proposal is considered by the Committee or subsidiary body.

## **VI. Languages**

### **Rule 29**

#### **Official and working languages**

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee. The Committee shall determine its working languages according to its membership.

### **Rule 30**

#### **Interpretation from an official language**

Statements made in any of the official languages shall be interpreted into the working languages.

### **Rule 31**

#### **Interpretation from other languages**

Any speaker addressing the Committee and using a language other than one of the official languages shall provide for interpretation into one of the working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation given in the first working language.

### **Rule 32**

#### **Languages of records**

Summary records of meetings of the Committee shall be issued in the working languages.

**Rule 33**  
**Languages of formal decisions and official documents**

1. All formal decisions of the Committee shall be made available in the official languages and in accessible formats. All official documents of the Committee shall be issued in the working languages and any of them may be issued in the other official languages upon decision of the Committee.
2. Any draft document relating to the Committee's activities under the Convention that is to be presented to the Committee for discussion and adoption shall be translated into the working languages of the Committee. Such documents shall include those relating to reporting procedures, individual and inter-State communications, general recommendations and working methods.

**VII. Public and private meetings****Rule 34**  
**Public and private meetings**

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 Convention that the meeting should be held in private.

**Rule 35**  
**Issue of communiqués concerning private meetings**

At the close of each private meeting, the Committee may issue a communiqué, through the Secretary-General.

**VIII. Records****Rule 36**  
**Correction of provisional summary records**

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Committee, and to any others participating in the meetings. All such participants may, within three working days of the receipt of the provisional records of the meetings, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be decided by the Chair of the Committee or the Chair of the subsidiary body to which the record relates or, in case of continued disagreement, by decision of the Committee or of the subsidiary body.

**Rule 37**  
**Distribution of summary records**

1. The summary records of public meetings in their final form shall be documents for general distribution.
2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide.

## **IX. Distribution of reports and other official documents of the Committee**

### **Rule 38 Distribution of official documents**

1. Without prejudice to the provisions of rule 37 of the present 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 for general distribution, unless the Committee decides otherwise.
2. Reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 11, 12, 13 and 14 of the Convention 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 under article 9 of the Convention shall be documents for general distribution, unless the State Party concerned requests otherwise.

## **X. Conduct of business**

### **Rule 39 Quorum**

A majority of the members of the Committee shall constitute a quorum. The presence of two thirds of the members of the Committee is, however, required for a decision to be taken.

### **Rule 40 Powers of the Chair**

1. In addition to exercising the powers conferred upon the Chair by the Convention and elsewhere by the present rules, 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 the present rules, shall have control of the proceedings of the Committee and over the maintenance of order at its meetings.
2. 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. The Chair may also propose the adjournment or the closure of the debate or the adjournment or the suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chair may call speakers to order if their remarks are not relevant to the subject under discussion.

### **Rule 41 Points of order**

During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chair in accordance with the present rules. A member raising point of order shall not speak on the substance of the matter under discussion. 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 and voting.

#### **Rule 42**

##### **Time limit for statements**

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

#### **Rule 43**

##### **List of speakers**

During the course of a debate, the Chair may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chair may, however, accord the right of reply to any member or representative if a speech delivered after she or he has declared the list closed makes this desirable. 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.

#### **Rule 44**

##### **Suspension or adjournment**

1. During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.
2. During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

#### **Rule 45**

##### **Closure of the debate**

A member may, at any time, move the closure of the debate or the item under discussion, whether or not any other member or participant has signified her or his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

#### **Rule 46**

##### **Order of motions**

Subject to rule 41 of the present 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**  
**Submission of proposals**

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

**Rule 48**  
**Decisions on competence**

Subject to rule 46 of the present 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**  
**Withdrawal of motions**

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

**Rule 50**  
**Reconsiderations of proposals**

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

**XI. Voting****Rule 51**  
**Voting rights**

Each member of the Committee shall have one vote.

**Rule 52**  
**Adoption of decisions**

Except as otherwise provided in the Convention and elsewhere in the present rules, decisions of the Committee shall be made by a majority of the members present and voting. For the purpose of the present rules, "members present and voting" refers to the members casting an affirmative or negative vote (members who abstain from voting are considered as not voting) and includes members attending the session remotely, should the Committee, owing to exceptional circumstances, hold a regular or special session partially or fully remotely.

**Rule 53**  
**Equally divided votes**

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

**Rule 54**  
**Method of voting**

Subject to rule 61 of the present rules, the Committee shall normally vote by show of hands, except that any member may request a roll call, which shall be taken in the English alphabetical order of the names of the members of the Committee.

**Rule 55**  
**Roll-call votes**

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

**Rule 56**  
**Conduct during voting and explanation of votes**

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely in explanations of their votes may be permitted by the Chair before the voting has commenced or after the voting has been completed.

**Rule 57**  
**Division of proposals**

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal that 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**  
**Order of voting on amendments**

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

**Rule 59**  
**Order of voting on proposals**

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 put to the vote before those proposals.

## **XII. Elections**

### **Rule 60**

#### **Method of elections**

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

### **Rule 61**

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

When only one elective place is to be filled and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the Chair shall decide between the candidates by drawing lots. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two thirds of the votes cast, provided that, after the third inconclusive ballot, votes may be cast for any eligible member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtain the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until the elective place is filled.

### **Rule 62**

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

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining 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, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtain the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

## **XIII. Subsidiary bodies**

### **Rule 63**

#### **Establishment of subsidiary bodies**

1. The Committee may, in accordance with the provisions of the Convention, set up and define the composition of such subcommittees, working groups and other ad hoc subsidiary bodies and appoint such focal points as it deems necessary and define their mandates.
2. The composition of subsidiary bodies should, to the extent possible, reflect equitable geographic distribution. Due consideration should also be given to diversity, competences and preferences.
3. Each subsidiary body shall elect its own officers and adopt its own working methods.
4. Focal points shall coordinate with the Bureau on all matters related to their mandate and report to the Committee on their activities.

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

### **Rule 64 Annual report**

The Committee shall report annually through the Secretary-General to the General Assembly, as provided in the Convention.

### **Part two Rules relating to the functions of the Committee**

## **XV. Reports and information from States Parties under article 9 of the Convention**

### **Rule 65 Form and content of reports**

1. The Committee shall, through the Secretary-General, inform the States Parties of the requirements for the form and content of the periodic reports to be submitted under article 9 of the Convention.
2. The Committee shall determine the dates by which such reports shall be submitted.

### **Rule 66 Request for additional reports or information**

1. If the Committee decides to request an additional report or further information from a State Party under the provisions of article 9 (1) (b) of the Convention, it may indicate the manner as well as the time within which such additional report or further information shall be submitted and shall transmit its decision to the Secretary-General for communication, within two weeks, to the State Party concerned.
2. The Committee may inform a State Party from which it decides to seek further information that its representatives may be present at a specified meeting. Such representatives should be able to answer questions that may be put to her or him by the Committee and make statements on reports already submitted by their State, and may also submit additional information from their State.

### **Rule 67 List of issues submitted to a State Party prior to reporting**

The Committee may submit to a State Party a list of issues prior to receiving its report. If the State Party agrees to report under the simplified reporting procedure, its response to the list of issues shall constitute, for the respective period, its report under article 9 of the Convention.

### **Rule 68 Examination of the report and dialogue with the State Party**

1. The Committee may establish, as appropriate, country rapporteurs or any other method of discharging its functions under article 9 (a) of the Convention.
2. The Committee shall, through the Secretary-General, notify the States Parties as early as possible of the opening date, duration and place of the session at which their respective

reports will be examined. Representatives of the States Parties may be present at the public meetings of the Committee when their reports are examined.

3. The Committee shall organize the examination of the States Parties' reports as it deems appropriate.

4. National human rights institutions accredited by the Global Alliance of National Human Rights Institutions may, at their request and with the consent of the State Party concerned, be allotted an amount of time, defined by the Committee, to present a statement, in an independent capacity and delivered by a representative seated separately from the delegation of the State Party, on issues related to the dialogue between the Committee and the State Party.

## **Rule 69**

### **Postponement of the examination of a report**

1. If, as a result of exceptional circumstances, the representatives of a State Party are unable to participate in the interactive dialogue with the Committee, the Committee may, upon the request of the State Party and as it deems appropriate, postpone the examination of the report or invite the State Party to participate remotely.

2. If the Committee finds that there are no exceptional circumstances to justify such postponement, the Committee shall proceed with the examination of the report.

## **Rule 70**

### **Consideration of information from other sources**

1. The Committee may, through the Secretary-General, receive reports, documentation or other information from national human rights institutions, non-governmental organizations, other relevant civil society organizations and individual experts, in order to build up a more comprehensive picture of how a State Party is implementing the Convention.

2. The Committee shall address allegations of reprisals and acts of intimidation against individuals and organizations cooperating with the Committee.

## **Rule 71**

### **Non-submission of reports**

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports or additional information under article 9 of the Convention. The Committee, in such cases, 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 article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly.

3. The Committee may notify the State Party, through the Secretary-General, that it intends, on a date specified in the notification, to examine the measures taken by the State Party to protect or give effect to the rights recognized in the Convention in the absence of a report, and adopt concluding observations.

**Rule 72**  
**Concluding observations**

1. When considering a report submitted by a State Party under article 9, the Committee shall first determine whether the report provides the information referred to in the relevant communications of the Committee.
2. If a report of the State Party to the Convention, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish additional information.
3. If, on the basis of its examination of the reports and information supplied by the State Party, the Committee determines that some of the obligations of that State under the Convention have not been discharged, it may make suggestions and recommendations (concluding observations) in accordance with article 9 (2) of the Convention.

**Rule 73**  
**Transmission and publication of concluding observations**

1. The concluding observations made by the Committee, in accordance article 9 (2) of the Convention, on the basis of its examination of the reports and information received from States Parties shall be communicated by the Committee, through the Secretary-General, to the States Parties concerned.
2. Once transmitted to the State Party concerned, the concluding observations shall be made public and posted on the website of the Office of the United Nations High Commissioner for Human Rights.
3. The Committee shall refer to its concluding observations, together with comments, if any, from States Parties, in its annual report to the General Assembly.

**Rule 74**  
**Follow-up to concluding observations**

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, pursuant to article 9 (1) of the Convention and rule 66 of the present rules.
2. For that purpose, the Committee may designate one of its members as rapporteur to follow up with the State Party on its implementation of the concluding observations. The guidelines for the follow-up procedure and the terms of reference for the work of the rapporteur for follow-up shall be set by the Committee.
3. The rapporteur for follow-up shall assess the information provided by the State Party and other sources and report to the Committee on her or his findings.
4. The rapporteur for follow-up shall consult and coordinate with country rapporteurs appointed in accordance with rule 68 of the present rules.
5. The Committee shall include information on follow-up activities in its annual report to the General Assembly.

## **XVI. Procedure for the consideration of communications received from States Parties under article 11 of the Convention**

### **Rule 75**

#### **Method of dealing with communications from States Parties**

1. When a matter is brought to the attention of the Committee by a State Party in accordance with article 11 (1) of the Convention, the Committee shall examine it at a private meeting and shall then transmit it to the State Party concerned through the Secretary-General. The Committee, in examining the communications, shall not consider its substance. Any action at this stage by the Committee in respect of the communication shall in no way be construed as an expression of its views on the substance of the communication.
2. If the Committee is not in session, the Chair shall bring the matter to the attention of its members by transmitting copies of the communication and requesting their consent to transmit such communication, on behalf of the Committee, to the State Party concerned in compliance with article 11 (1). The Chair shall also specify a time limit of three weeks for members' replies.
3. Upon receipt of the consent of the majority of the members, or if, within the specified time limit, no replies are received, the Chair shall transmit the communication to the State Party concerned, through the Secretary-General, without delay.
4. In the event of any replies being received that represent the views of the majority of the Committee, the Chair, while acting in accordance with such replies, shall transmit the communication to the State Party concerned, which may submit its written explanations or statements within three months.
5. When the Committee receives the explanations or statements of the receiving State, the procedure laid down above shall be followed with respect to the transmission of those explanations or statements to the State Party submitting the initial communication.
6. The Committee may transmit the communication and all explanations or statements to a working group on communications, established in accordance with rules 63 and 97 of the present rules, to seek its recommendations.

### **Rule 76**

#### **Non-participation of a member in the procedure**

1. A member shall not take part in the Committee's examination of an inter-State communication if the member:
  - (a) Is a national of one of the States Parties concerned;
  - (b) Has any personal or professional conflict of interest in the case;
  - (c) Has participated in any capacity in any decision on the subject matter covered by the communication.
2. Any question arising under paragraph 1 of the present rule shall be decided by the Committee without the participation of the member concerned.

### **Rule 77**

#### **Request for information**

The Committee may call upon the States Parties concerned to supply information relevant to the application of article 11 of the Convention. The Committee may indicate the manner in which such information shall be supplied, as well as the time frame.

## **Rule 78**

### **Notification of the States Parties concerned**

If any matter is submitted for consideration by the Committee under article 11 (2) of the Convention, the Chair, through the Secretary-General, shall inform the States Parties concerned of the forthcoming consideration of the matter not later than 30 days in advance of the first meeting of the Committee in the case of a regular session, and at least 18 days in advance of the first meeting of the Committee in the case of a special session.

## **Rule 79**

### **Written proceedings**

1. If, pursuant to article 11 (2) of the Convention, a State Party refers the matter to the Committee again, the Committee shall request the receiving State to supply, within one month of receipt of the request, any relevant information on jurisdiction or admissibility of the communication, including the exhaustion of all available domestic remedies.
2. The Secretary-General shall immediately transmit any reply received to the Committee and the other State concerned. The other State shall have the opportunity to provide its observations on that reply within one month of receipt. The States Parties concerned may decide to confine their respective replies to the information already contained in their previous submissions in which those issues have been raised.
3. If the States concerned fail to exercise their right within the time frames, as provided in paragraphs 1 and 2 of the present rule, the Committee may consider that they have waived that right.
4. Upon the request of one of the parties, late written submissions may be authorized by the working group, on an exceptional basis, with due consideration given to the circumstances of the case and the principle of equality of arms. If the working group considers that such a submission can be taken into account, it shall transmit it immediately to the State Party concerned, giving it the opportunity to comment on any new issues raised within a determined time frame.
5. Upon the closure of the written proceedings related to jurisdiction and admissibility, including the exhaustion of domestic remedies, the case shall proceed to hearings. Adequate notice of the date on which the matter will be considered shall be given to the States concerned.

## **Rule 80**

### **Hearings**

1. Pursuant to article 11 (5) of the Convention, the Committee shall invite each State Party concerned to appoint one representative to take part in the oral proceedings before the Committee, without voting rights. The notification of the appointment shall include the name and a biographical résumé of the representative of the State, and shall be submitted within a time frame fixed by the Committee. This notification shall be communicated in a timely manner to the States Parties concerned, in compliance with rule 78 of the present rules.
2. Hearings shall be held in private.
3. The Chair shall organize and direct hearings. Members of the Committee may put questions to any person appearing before the Committee.

## **Rule 81**

### **Deliberations and transmission of decisions**

1. The Committee shall deliberate in private, and its deliberations shall remain confidential. The representative of each State Party concerned shall be allowed to take part

in the proceedings of the Committee, without voting rights, while the matter is under consideration.

2. The Committee may also organize informal deliberations without summary records.
3. If the Committee rejects the preliminary issues, or declares that they are not of an exclusively preliminary character, it shall fix a time frame for the next steps, under article 12 of the Convention, concerning the appointment of an ad hoc conciliation commission to address the issues of substance raised in the communication.
4. If the Committee decides that it has no jurisdiction or that the communication is inadmissible, it shall inform the States Parties concerned of its decision not to take further steps in the proceedings.
5. The Committee shall transmit any adopted decision to the States Parties concerned within a time frame to be determined by the Committee.

## **XVII. Establishment and functions of the ad hoc conciliation commission under articles 12 and 13 of the Convention**

### **Rule 82**

#### **Consultations on the composition of the commission**

After the Committee has obtained and collated all the information that it deems necessary as regards a dispute that has arisen under article 11 (2), of the Convention, the Chair shall notify the States Parties to the dispute and undertake consultations with them concerning the composition of an ad hoc conciliation commission, in accordance with article 12 of the Convention.

### **Rule 83**

#### **Appointment of members of the commission**

Upon receiving the unanimous consent of the States Parties to the dispute regarding the composition of the commission, the Chair shall proceed to the appointment of the members of the commission and shall inform the States Parties to the dispute of the composition of the commission.

### **Rule 84**

#### **Failure to reach an agreement on the composition of the commission**

1. If, within three months of the Chair's notification as provided in rule 83 of the present rules, the States Parties to the dispute fail to reach agreement on all or part of the composition of the commission, the Chair shall then bring the situation to the attention of the Committee, which shall proceed according to article 12 (1) (b) of the Convention at its next session.
2. Upon the completion of the election, the Chair shall inform the States Parties to the dispute of the composition of the commission.

### **Rule 85**

#### **Solemn declaration by members of the commission**

Upon assuming their duties, the members of the commission shall make the following solemn declaration at the first meeting of the commission:

“I solemnly declare that I will perform my duties and exercise my powers as a member of the ad hoc conciliation commission honourably, faithfully, impartially and conscientiously.”

**Rule 86**  
**Filling of vacancies in the commission**

Whenever a vacancy arises in the commission, the Chair of the Committee shall fill the vacancy as soon as possible in accordance with the procedures laid down in rules 82 to 84 of the present rules. The Chair shall proceed with filling the vacancy upon receipt of a report from the commission or upon notification by the Secretary-General.

**Rule 87**  
**Transmission of information to members of the commission**

The Chair of the Committee, through the Secretary-General, shall, at the same time as notifying the members of the commission of the date of the commission's first meeting, make available to the members of the commission the information obtained and collated by the Committee.

**Rule 88**  
**Report of the commission**

1. The Chair of the Committee shall communicate the report of the commission referred to in article 13 of the Convention as soon as possible after its receipt to each of the States Parties to the dispute and to the members of the Committee.
2. The States Parties to the dispute shall, within three months of receipt of the commission's report, inform the Chair of the Committee whether or not they accept the recommendations contained in the report. The Chair shall transmit to the members of the Committee the information received from the States Parties to the dispute.
3. After the expiry of the time frame provided for in the paragraph 2 of the present rule, the Chair of the Committee shall communicate the report of the commission and any declaration by the States Parties concerned to the other States Parties to the Convention.

**Rule 89**  
**Informing members of the Committee**

The Chair of the Committee shall keep the members of the Committee informed of her or his actions under rules 82 to 88.

**Rule 90**  
**Follow-up to the recommendations by the commission under article 13**

1. The Committee may designate a rapporteur for follow-up to the recommendations adopted under article 13, for the purpose of ascertaining the measures taken by States Parties to give effect to the commission's recommendations.
2. The rapporteur may make such contacts and take such action as deemed appropriate for performance of the follow-up mandate. The rapporteur shall make such recommendations for further action by the Committee as may be necessary.
3. The rapporteur shall regularly report to the Committee.
4. The Committee shall include information on follow-up activities in its annual report to the General Assembly.

## **XVIII. Procedure for considering communications from individuals or groups of individuals under article 14 of the Convention**

### **A. General provisions**

#### **Rule 91**

##### **Competence of the Committee**

1. The Committee shall be competent to receive and consider communications and exercise the functions provided for in article 14 of the Convention.
2. Consideration of communications pending before the Committee shall not be affected by the withdrawal of a declaration made under article 14 of the Convention.

#### **Rule 92**

##### **National bodies**

The Secretary-General shall keep the Committee informed of the name, composition and functions of any national legal body established or indicated under article 14 (2) as competent to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation of any of the rights set forth in the Convention.

#### **Rule 93**

##### **Certified copies of registers of communications**

1. The Secretary-General shall keep the Committee informed of the content of all certified copies of the register of communications filed in accordance with article 14 (4).
2. The Secretary-General may request clarification from the States Parties concerning the certified copies of the registers of communications emanating from the national legal bodies responsible for such registers.
3. The content of the certified copies of the registers of communications transmitted to the Secretary-General shall not be publicly disclosed.

#### **Rule 94**

##### **Record of communications received by the Secretary-General**

1. The Secretary-General shall keep a record of all communications submitted to the Committee in writing under article 14.
2. The Secretary-General may, if necessary, request clarification from the author of a communication as to her or his wish to have her or his communication submitted to the Committee for consideration under article 14. In case of doubt as to the wish of the author, the Committee shall be seized of the communication.
3. No communication shall be received by the Committee or included in a list under rule 96 of the present rules if it concerns a State Party that has not made a declaration as provided for in article 14 (1).
4. The full text of any registered communication may be made available in the language of submission to any member of the Committee upon request.

## **Rule 95**

### **Information to be contained in a communication**

1. The Secretary-General may request clarification from the author of a communication concerning, in particular:
  - (a) The name, address and date of birth of the author and the verification of her or his identity;
  - (b) Written consent where an author is submitting a communication on behalf of one or several individuals or groups, unless the author can justify acting on their behalf without such consent;
  - (c) The name(s) of the State Party or States Parties against which the communication is directed;
  - (d) The object of the communication;
  - (e) The provision or provisions of the Convention alleged to have been violated;
  - (f) The facts of the claim and information to substantiate the allegations;
  - (g) Steps taken by the author to exhaust domestic remedies, including pertinent documents;
  - (h) The extent to which the same matter is being examined under another procedure of international investigation or settlement.
2. When requesting clarification or information from the author of the communication, the Secretary-General shall indicate an appropriate time frame for response with a view to avoiding undue delays in the procedure.
3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.
4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 96 (1).
5. The Secretary-General shall inform the author of a communication of the procedure that will be followed and that the text of the communication shall, in accordance with article 14 (6) (a), be transmitted confidentially to the State Party concerned.

## **Rule 96**

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

1. The Secretary-General shall summarize each communication thus received and shall place before the Committee annually a list of communications received together with the relevant certified copies of the registers of communications kept by the national legal bodies of the States concerned and filed with the Secretary-General in compliance with article 14 (4).
2. The Secretary-General shall draw the attention of the Committee to those cases for which certified copies of the registers of communications have not been received.
3. The content of replies to requests for clarification and relevant subsequent submissions from either the author of the communication or the State Party concerned shall be placed before the Committee in a suitable form.
4. An original case file shall be kept for each summarized communication. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon request.

## **B. Procedure for examining communications**

### **Rule 97**

#### **Establishment of a working group**

1. The Committee may, in accordance with rule 63 of the present rules, set up a working group to meet shortly before its sessions, or at any other convenient time to be decided by the Committee in consultation with the Secretary-General, for the purpose of making recommendations to the Committee regarding the fulfilment of the conditions of admissibility and the merits of communications and assisting the Committee in any manner decided upon by the Committee.

2. The working group shall comprise no more than five members of the Committee. The working group shall elect its own officers, develop its own working methods and apply the rules of procedure of the Committee to its meetings. The working group may appoint rapporteurs on individual communications to make recommendations to the working group.

### **Rule 98**

#### **Meetings**

Meetings of the Committee or its working group during which communications under article 14 of the Convention will be examined shall be held in private. Meetings during which the Committee may consider general issues, such as procedures for the application of article 14, may be held in public if the Committee so decides.

### **Rule 99**

#### **Non-participation of a member in the process**

1. A member of the Committee shall not take part in the examination of a communication by the Committee or its working group if that member:

- (a) Has any personal or professional conflict of interest in the case;
- (b) Is a national of the State Party concerned

2. Any question that may arise under paragraph 1 of the present rule shall be decided by the Committee.

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

### **Rule 100**

#### **Registration and communication to the State Party**

1. As soon as the communication has been received, the Committee, acting through its working group, shall decide whether the communication should be registered.

2. The Committee shall deal with communications in the order in which they were received by the Secretariat, unless the Committee decides otherwise in view of the circumstances and issues involved.

3. The Committee may, if it deems appropriate, decide to consider two or more communications jointly.

4. After the decision to register has been taken, the communication shall be brought to the attention of the State Party concerned and request that the State Party submit, within six months, a written reply on admissibility and the merits.

5. The working group 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 communication shall then be referred to the Committee plenary for examination and decision. Decisions on inadmissibility of registered communications may be taken by the Committee without prior transmission of the communication to the State Party concerned for observations.

### **Rule 101**

#### **Separate examination of admissibility**

1. A State Party that has received a request, under rule 100 (4) of the present rules, for a written reply on admissibility and the merits of the communication may request in writing, within three months, that the question of admissibility be examined separately from the merits. If the working group, on behalf of the Committee, 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 comments on the State Party's request admissibility.
3. Upon the request of either party, additional written submissions on admissibility may be authorized by the working group, on an exceptional basis, with due consideration for the circumstances of the case.

### **Rule 102**

#### **Confidentiality**

1. The Committee may decide, at the request of the author or alleged victim or ex officio, that the names of the author or the alleged victim be kept confidential in the Committee's final decision on the communication.
2. All working documents issued by the Secretariat for the Committee, for the working group established pursuant to rule 97 (1) of the present rules or for the rapporteurs appointed pursuant to rule 97 (2) shall remain confidential, unless the Committee decides otherwise.
3. The author of a communication or the State Party concerned shall have the right to make public any submissions or information relevant to the proceedings. However, the Committee or the working group may, as deemed appropriate, request the author of a communication or the State Party concerned to keep confidential all or part of any such submissions or information.
4. When a decision has been taken on confidentiality, pursuant to paragraph 3 of the present rule, the Committee may decide that all or part of the submissions shall remain confidential after the Committee has adopted its decision on inadmissibility, the merits or discontinuance.

### **Rule 103**

#### **Hearings**

1. In cases raising complex issues of fact or law, the Committee may decide to invite the parties to deliver oral statements, either in person or through videoconferencing, before the Committee, with the aim of providing additional information and answering questions on admissibility and/or the merits of the communication. Such hearings shall be held in private unless the Committee and both parties agree to hold them in public.
2. The invitation shall specify a proposed time for the hearing, to be held during an upcoming session of the Committee. Such a hearing shall take place only if both parties accept the invitation and agree to make the arrangements necessary to participate.
3. The parties may participate in the hearing in person or through reliable means of telecommunication.

4. The author of the communication may have legal or other representation during the hearing.
5. The Committee may decide, before the hearing, to request the parties to address specific aspects of the communication in their oral statements. If so, the Committee shall formulate and transmit to the parties a written list of questions at least 30 days prior to the date on which the hearing is scheduled to be held.
6. The Chair of the Committee shall lead the hearing and, if necessary, may extend the period of time allocated to the parties for their oral statements.
7. The Secretary-General shall keep a record of the hearing, and the record shall remain confidential. Participants shall undertake to respect the confidentiality of the hearing and to refrain from recording it or allowing access to it by anyone other than the parties and their representatives.

#### **Rule 104**

##### **Interim measures**

1. During the registration of the communication, or at any time in the course of the Committee's consideration thereof, 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 that 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 admissibility or the merits of the communication, but that failure to implement such measures is incompatible with the obligation to respect and protect in good faith the right to submit individual communications established under article 14.
3. At any stage of the proceedings, the Committee will examine any arguments presented by the State Party 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 of the communication.

#### **Rule 105**

##### **Protection measures**

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 and her or his 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 106**

##### **Conditions for the admissibility of communications**

With a view to reaching a decision on the admissibility of a communication, the Committee or its working group shall ascertain:

- (a) That the communication is not anonymous and that it emanates from an individual, or group of individuals, subject to the jurisdiction of a State Party that recognizes the competence of the Committee under article 14 of the Convention;
- (b) That the individual or group of individuals claims to have suffered a violation by the State Party concerned of any of the rights set forth in the Convention;

- (c) That the communication is compatible with the provisions of the Convention;
- (d) That the communication is not an abuse of the right to submit a communication in conformity with article 14;
- (e) That the individual or the group of individuals has exhausted all available domestic remedies, including, when applicable, those mentioned in article 14 (2). However, this shall not be the rule where the application of the remedies is unreasonably prolonged;
- (f) That the communication is, except in the case of duly verified exceptional circumstances, submitted within six months of all available domestic remedies having been exhausted, including, when applicable, those indicated in article 14 (2) and (5).

### **Rule 107**

#### **Additional information, clarifications and observations**

1. The Committee or the working group may request, through the Secretary-General, the State Party concerned or the author of the communication to submit additional written information or clarifications relevant to the question of admissibility of the communication.
2. Such requests shall contain a statement to the effect that the request does not imply that the Committee has reached a decision on the question of admissibility of the communication.
3. The State Party concerned shall, within three months, submit to the Committee written explanations or statements clarifying the case under consideration. The Committee may indicate, if it deems it necessary, the type of information that it wishes to receive from the State Party concerned.
4. A communication may not be declared admissible unless the State Party concerned has received the text of the communication and has been given an opportunity to furnish information or observations as provided in paragraph 1 of the present rule, including information relating to the exhaustion of domestic remedies.
5. The Committee or the working group may adopt a questionnaire for requesting such additional information or clarifications.
6. The Committee or the working group shall indicate a deadline for the submission of such additional information or clarification.
7. If the deadline is not met by the State Party concerned or the author of a communication, the Committee or the working group may decide to consider the admissibility of the communication in the light of available information.
8. If the State Party concerned disputes the contention of the author of a communication that all available domestic remedies have been exhausted, the State Party is required to give details of the effective remedies available to the alleged victim in the particular circumstances of the case.

### **Rule 108**

#### **Inadmissible communications**

1. When the Committee decides that a communication is inadmissible, the Committee shall transmit its decision as soon as possible, through the Secretary-General, to the author and to the State Party concerned.
2. A decision taken by the Committee, in conformity with article 14 (7) (a), that a communication is inadmissible may be reviewed at a later date by the Committee upon written request by the author concerned. Such a written request shall contain documentary evidence to the effect that the reasons for inadmissibility referred to in article 14 (7) (a) are no longer applicable.

## **Rule 109**

### **Discontinuance of consideration of communications**

The Committee may discontinue its consideration of a communication at any time when the reasons for its submission under article 14 have become moot, or on other relevant grounds. The Committee shall transmit its decision as soon as possible, through the Secretary-General, to the author and to the State Party concerned.

## **Rule 110**

### **Friendly settlements**

1. At any time after receipt of a communication and before a determination on the merits has been reached, the Committee may, at the request of the parties or ex officio, make available its good offices to the parties with a view to reaching a friendly settlement of the matter, on the basis of respect for the obligations set forth in the Convention.
2. The friendly settlement procedure shall be conducted on the basis of the consent of the parties.
3. The Committee may designate one or more of its members to facilitate negotiations between the parties.
4. The friendly settlement procedure shall be confidential and without prejudice to the parties' submissions to the Committee. No written or oral communication and no offer or concession made in the framework of the attempt to secure a friendly settlement may be used against the other party in the communication proceedings before the Committee.
5. The Committee may terminate its facilitation of the friendly settlement procedure if it concludes that the matter is not likely to be resolved or if any of the parties does not consent to its application, decides to discontinue it or does not display the requisite will to reach a friendly settlement on the basis of respect for the obligations set forth in the Convention.
6. Once both parties have expressly agreed to a friendly settlement, the Committee shall adopt a decision with a statement of the facts and of the solution reached. The decision will be transmitted to the parties concerned and included in the Committee's annual report to the General Assembly. Prior to adopting the decision, the Committee shall ascertain whether the victim of the alleged violation has consented to the friendly settlement. In all cases, the friendly settlement must be based on respect for the obligations set forth in the Convention.
7. A friendly settlement means that consideration of the communication under article 14 of the Convention is closed. If no friendly settlement is reached, the Committee shall continue the examination of the communication in accordance with the present rules.

## **C. Consideration of communications on their merits**

### **Rule 111**

#### **Method of dealing with admissible communications**

1. After it has been decided that a communication is admissible under rule 101 or 107 of the present rules, the Committee shall transmit, confidentially, through the Secretary-General, the text of the communication and other relevant information to the State Party concerned, without revealing the identity of the individual unless she he has given her/his express consent. The Committee shall also inform, through the Secretary-General, the author of the communication of its decision.
2. Any explanations or statements submitted by a State Party pursuant to the present rules may be transmitted, through the Secretary-General, to the author of the communication. The author may submit any additional written information or observations, and the State Party a rejoinder, within such time frames as the Committee shall decide.

3. Upon the request of one of the parties, additional written submissions may be authorized by the working group, on an exceptional basis, with due consideration given to the circumstances of the case. The reply and the rejoinder, and additional submissions that may be authorized by the working group, shall focus on addressing the issues still in contention.

4. The Committee may revoke its decision that a communication is admissible in the light of any explanations or statements submitted by the State Party. However, before the Committee considers revoking that decision, the explanations or statements concerned must be transmitted to the author so that she or he may submit additional information or observations within the time frame set by the Committee.

## **Rule 112**

### **Third-party submissions**

1. When considering communications under article 14 of the Convention, the Committee or its working group may receive information and documentation submitted by third parties that 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.

## **Rule 113**

### **Views of the Committee on admissibility and the merits**

1. The Committee shall consider admissible communications in the light of all the information made available to it by the author and the State Party concerned. The Committee may refer the communication to the working group in order to be assisted in this task.

2. The Committee or its working group may at any time, in the course of the examination, obtain through the intermediary of the Secretary-General any documentation that may assist in the disposal of the case from United Nations bodies or the specialized agencies.

3. After consideration of an admissible communication, the Committee shall formulate its views on the merits. The views of the Committee shall be forwarded, through the Secretary-General, to the author and to the State Party concerned, together with any recommendations that the Committee may wish to make.

4. Any member of the Committee may request that her or his separate opinion be appended to the views of the Committee when they are forwarded to the author and to the State Party concerned.

5. The State Party concerned shall be invited to inform the Committee in due course of the action that it takes in conformity with the Committee's recommendations.

## **Rule 114**

### **Publication of decisions**

1. 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. The Committee may decide, under exceptional circumstances, to make public decisions taken under rule 104 or 105 of the present rules if the Committee considers it appropriate.

2. The Secretary-General is responsible for the distribution of the Committee's final decisions.

### **Rule 115**

#### **Follow-up to views**

1. The Committee may designate a rapporteur for follow-up to views adopted under article 14, for the purpose of ascertaining the measures taken by States Parties to give effect to the Committee's views.
2. The rapporteur may make such contacts and take such action as appropriate for the performance of the follow-up mandate. The rapporteur shall make such recommendations for further action by the Committee as may be necessary.
3. The 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 to the General Assembly.

### **Rule 116**

#### **Summaries in the Committee's annual report**

The Committee shall include in its annual report to the General Assembly a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of the Committee's recommendations.

### **Rule 117**

#### **Press communiqués**

The Committee may also issue communiqués, through the Secretary-General, for the use of information media and the general public regarding the activities of the Committee under article 14 of the Convention.

## **XIX. Early warning and urgent action procedure**

### **Rule 118**

#### **Early warning and urgent action procedure**

1. The Committee shall consider specific situations under its early warning and urgent action procedure on the basis of submissions to it by, inter alia, its members, individuals, groups of individuals, United Nations agencies, national human rights institutions and non-governmental organizations, in order to prevent them from escalating or to identify those that require immediate attention to prevent or limit the scale or number of serious violations of the Convention.
2. The Committee shall, in accordance with rule 63 of the present rules, set up a working group to meet in person or remotely during its sessions, or at any other convenient time to be decided by the Committee in consultation with the Secretary-General, for the purpose of making recommendations to the Committee under its early warning and urgent action procedure and assisting the Committee in any manner decided upon by the Committee.
3. The working group shall comprise no more than seven members of the Committee. The working group shall elect its own coordinator, develop its own working methods and apply as far as possible the rules of procedure of the Committee to its meetings.
4. The Committee shall adopt guidelines for the early warning and urgent action procedure, in which it will set out indicators to be considered in the light of the gravity and scale of the situation, including the escalation of violence or irreparable harm.

5. The Committee may take the following measures under the early warning and urgent action procedure:

(a) Request the State Party concerned for the urgent submission of information on the situation under consideration;

(b) Request the Secretariat to collect information from field presences of the Office of the United Nations High Commissioner for Human Rights and specialized agencies of the United Nations, national human rights institutions and non-governmental organizations on the situation under consideration;

(c) Adopt a decision in which it expresses specific concerns and addresses recommendations for action to:

(i) The State Party concerned;

(ii) Other relevant human rights bodies or special procedures of the Human Rights Council;

(iii) The Human Rights Council;

(iv) Regional intergovernmental organizations and human rights mechanisms;

(v) The Special Adviser to the Secretary-General on the Prevention of Genocide;

(vi) The Secretary-General, through the United Nations High Commissioner for Human Rights, together with a recommendation that the matter be brought to the attention of the Security Council;

(d) Offer to send to the State Party concerned one or more of the members of the Committee in order to facilitate the implementation of international standards or the provision of technical assistance to establish a human right institutional infrastructure;

(e) Recommend to the State Party concerned that it avail itself of the advisory services and technical assistance of the Office of the United Nations High Commissioner for Human Rights.

## **XX. General recommendations**

### **Rule 119**

#### **General recommendations**

1. The Committee may decide to prepare and adopt general recommendations on specific topics relating to the subject matter of the Convention with a view to assisting States Parties in fulfilling their obligations under the Convention.

2. The Committee shall consider proposals for topics of general recommendation by its members or other stakeholders.

3. The Committee shall appoint one or more rapporteurs to facilitate the preparation of the general recommendation and shall hold a general discussion with all relevant stakeholders.

4. A preliminary draft general recommendation, approved by the Committee on first reading, will be circulated to the States Parties and other relevant stakeholders for comments. The Committee shall then hold up to three further readings. It shall then consider formally adopting the general recommendation.

5. The Committee shall adopt the general recommendation in a public meeting and make the general recommendation available on the web page of the Committee.

## **XXI. Cooperation with United Nations agencies and regional organizations**

### **Rule 120**

#### **Cooperation with United Nations agencies and regional organizations**

1. The Committee may authorize the Secretary-General to invite representatives of the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees and any other United Nations agencies or regional organizations to attend the meetings of the Committee. The Committee shall decide at each private meeting whether observers of United Nations agencies and regional organizations may attend.
2. In accordance with decision 2 (VI), adopted by the Committee on 21 August 1972,<sup>27</sup> and with rules 37 and 38 of the present rules, the Secretary-General shall bring the records of the Committee's public meetings and its reports, formal decisions and other official documents to the attention of the Committee of Experts on the Application of Conventions and Recommendations of ILO and the Committee on Conventions and Recommendations of the Executive Board of UNESCO.
3. Written statements submitted by ILO and UNESCO providing information on the application of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), and the UNESCO Convention against Discrimination in Education and Recommendation against Discrimination in Education (1960) in the territories referred to in article 15 (2) (a) of the Convention shall be transmitted by the Secretary-General to the Committee, in accordance with article 15 (4) of the Convention and paragraph 3 (b) of the statement of the responsibilities of the Committee under article 15 of the Convention, adopted by the Committee on 29 January 1970.<sup>28</sup>
4. Written statements submitted by ILO and UNESCO providing information on the application of the ILO and UNESCO conventions and recommendations referred to in paragraph 3 of the present rule in territories other than those referred to in article 15 (2) (a) of the Convention shall be distributed by the Secretary-General to the members of the Committee.

## **XXII. Interpretation and amendments**

### **Rule 121**

#### **Headings**

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

### **Rule 122**

#### **Amendments**

The present rules of procedure may be amended by a decision of the Committee.

<sup>27</sup> A/8718, chap. IX.B.

<sup>28</sup> A/8027, annex IV.