



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### Rules of procedure\*

#### Part one General rules

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\* Adopted by the Committee at its twenty-sixth session (19 February–1 March 2024).



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## **Part one**

### **General rules**

#### **I. Sessions**

##### **Rule 1** **Sessions**

1. The Committee on Enforced Disappearances shall hold such sessions as may be required for the effective performance of its functions in accordance with the International Convention for the Protection of All Persons from Enforced Disappearance.
2. In exceptional circumstances, the Committee, in consultation with the Secretariat of the United Nations, may hold its sessions or parts of its sessions remotely or in a hybrid format, using available information and communications technology that comply with the policies and standards adopted by the Secretariat to ensure effective participation, security and confidentiality.
3. Constructive dialogues with States parties should take place in person as the default modality, with hybrid meetings being limited to reviews of small island developing States and least developed countries and of any other State in extraordinary circumstances.

##### **Rule 2** **Regular sessions**

1. The Committee shall hold such regular sessions each year as authorized by the General Assembly, in consultation with the Secretary-General of the United Nations.
2. Regular sessions of the Committee shall be convened on dates decided upon by the Committee, in consultation with the Secretary-General, taking into account the calendar of conferences and meetings.
3. A pre-sessional working group may be convened by the Committee, as authorized by the General Assembly in consultation with the Secretary-General.

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

1. Special sessions of the Committee shall be convened by decision of the Committee. The Chair of the Committee may also convene special sessions:
  - (a) At the request of a majority of 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 on a date fixed by the Chair, in consultation with the Secretary-General and the Committee, taking into account the calendar of conferences and meetings.

##### **Rule 4** **Place of sessions**

1. Sessions of the Committee shall normally be held at the United Nations Office at Geneva. 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.
2. On an exceptional basis, sessions or meetings of the Committee may be held remotely or in a hybrid format, as decided by the Committee, in consultation with the Secretary-General.

**Rule 5**  
**Notification of opening date of sessions**

The Secretary-General shall notify members of the Committee of the date, duration and place of the 1st meeting of each session. Such notification shall be sent, in the case of a regular session, at least six weeks in advance, and in the case of a special session, at least three weeks in advance of the 1st meeting.

**II. Agenda****Rule 6**  
**Provisional agenda**

The provisional agenda for each regular or special session shall be prepared by the Secretary-General, in consultation with the Chair of the Committee, in conformity with the relevant provisions 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 member of the Committee;
- (d) Any item proposed by a State party to the Convention;
- (e) Any item proposed by the Secretary-General relating to her or his functions under the Convention or the present rules.

**Rule 7**  
**Transmission of the provisional agenda**

The provisional agenda and the basic documents relating to each item thereof shall be prepared in the working languages of the Committee by the Secretariat, which shall endeavour to have the documents transmitted to members of the Committee at least six weeks prior to the opening of the 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 officers when required under rule 15 of the present rules.

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

During a session, the Committee may amend the agenda and may, as appropriate, delete or defer items by the decision of a majority of the members. Additional items of an urgent nature may be included in the agenda by the decision of a majority of the members.

**III. Members of the Committee****Rule 10**  
**Members of the Committee**

1. Members of the Committee shall be the 10 experts elected in accordance with article 26 of the Convention, who shall be independent and impartial.
2. The independence of the members requires that they serve in their personal capacity and neither seek nor accept instructions from anyone concerning the performance of their duties. Members are accountable only to the Committee and their own conscience.
3. In their duties under the Convention, members of the Committee shall proceed in a victim-oriented and timely manner, maintain the highest standards of impartiality and

integrity and apply the standards of the Convention equally to all States and all individuals, independently, objectively, honourably, faithfully, conscientiously and without prejudice.

#### **Rule 11**

##### **Solemn declaration**

Upon assuming their duties, members of the Committee shall make the following solemn declaration in a written format, and then orally in open Committee at the first session following their election:

I solemnly declare that I shall perform my duties and exercise my powers as a member of the Committee on Enforced Disappearances independently, objectively, honourably, faithfully, impartially and conscientiously.

#### **Rule 12**

##### **Term of office**

1. The term of office of members of the Committee began on 1 July 2011 for those members elected at the first election. The term of office of members elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members whom they replace.
2. The Chair, members of the Bureau and rapporteurs may continue performing the duties assigned to them until the Committee, composed of its new members, elects its officers. The election of officers shall take place on the first or second day of the session that follows the election of the new members.

#### **Rule 13**

##### **Casual vacancies**

1. A casual vacancy may occur as a result of the death or resignation or the inability of a member of the Committee to perform her or his functions as a member of the Committee. The Chair shall immediately notify the Secretary-General, who shall inform the State party of the member so that action may be taken in accordance with article 26 (5) of the Convention.
2. A member of the Committee who intends to resign shall submit a written notification to that end to the Chair and the Secretary-General.
3. A member who is unable to attend meetings of the Committee shall inform the Chair and the Secretary-General as early as possible and, if this inability is likely to be extended, the member should resign.
4. If a member of the Committee is consistently unable to carry out her or his functions for any cause other than absence of a temporary nature, the Chair shall draw paragraph 3 of the present rule to her or his attention. If the member refuses to resign, the Chair shall notify the Secretary-General, who shall then inform the State party of the member so that action may be taken in accordance with article 26 (5) of the Convention.

#### **Rule 14**

##### **Filling casual vacancies**

1. When a casual vacancy occurs in the Committee, the Secretary-General shall immediately request the State party that had nominated that member to appoint, within a period of two months, in accordance with the criteria set out in article 26 (1) of the Convention, another candidate from among its nationals to serve for the remainder of the predecessor's term, subject to the approval of the majority of the States parties.
2. The name and curriculum vitae of the expert proposed for appointment shall be transmitted by the Secretary-General to the States parties for their approval, in accordance with article 26 (5) of the Convention. Upon expiration of the time limit set out in article 26 (5) of the Convention, the Secretary-General shall inform the States parties whether the proposed candidate has filled the casual vacancy.



## **IV. Officers**

### **Rule 15**

#### **Election of officers of the Committee**

The Committee shall elect from among its members a Chair, three Vice-Chairs and a Rapporteur, with due regard to equitable geographical representation. In electing its officers, the Committee shall also give consideration to appropriate gender balance and, to the extent possible, rotation among members.

### **Rule 16**

#### **Term of office**

The officers of the Committee (Bureau) shall be elected for a term of two years. They shall be eligible for re-election once, with the Committee giving consideration, to the extent possible, to the principle of rotation.

### **Rule 17**

#### **Functions of the Chair**

1. The Chair shall perform the functions conferred upon her or him by the present rules of procedure and the decisions of the Committee.
2. 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 Bureau and other members of the Committee.
3. Between sessions, at times when it is not possible or practical to convene a special session of the Committee in accordance with rule 3 of the present rules, the Chair is authorized to take action to promote compliance with the Convention on the Committee's behalf if she or he receives information which leads her or him to believe that it is necessary to do so. The Chair shall report on the action taken to the Committee as soon as possible, no later than at its following session.
4. 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 18**

#### **Absence of the Chair**

1. If the Chair is unable to be present at a meeting or any part thereof, she or he shall designate one of the Vice-Chairs to act in her or his place.
2. In the absence of such a designation, the Vice-Chair to preside shall be chosen according to seniority as a member of the Committee; where they have the same seniority in that regard, the order of seniority in age shall be followed.
3. If the Chair ceases to be a member of the Committee in the period between sessions, one of the Vice-Chairs selected by the Bureau shall exercise this function until the beginning of the next ordinary or special session.
4. A Vice-Chair acting as a Chair shall have the same powers and duties as the Chair.

### **Rule 19**

#### **Replacement of officers**

If any of the officers of the Committee ceases to serve, declares her or his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected from the same region, to the extent possible, for the unexpired term of her or his predecessor.

## V. Secretariat

### Rule 20

#### Duties of the Secretary-General

The Secretary-General shall:

- (a) Provide the staff and facilities necessary for the effective performance of the functions of the Committee under the Convention;
- (b) Be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies;
- (c) Be responsible for informing the members of the Committee of any questions that may be brought before it for consideration.

### Rule 21

#### Statements

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

### Rule 22

#### Financial implications

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 subsidiary body.

## VI. Languages

### Rule 23

#### Official and working languages

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee and, to the extent possible, also its working languages.

### Rule 24

#### Interpretation

1. Statements made in an official language shall be interpreted into the working languages.
2. Any speaker addressing the Committee in a language other than one of the official languages shall normally provide for interpretation into one of the official languages. Interpretation into the working languages by interpreters of the Secretariat shall be based upon the interpretation given in the first official language.

### Rule 25

#### Language of documents

1. All decisions and documents adopted by the Committee under all its procedures shall be issued and made available in the official languages of the United Nations as and when each of the edited language versions is ready. The Committee may request, as a matter of urgency or importance, the prioritization of the translation of specific documents into a particular language if required for the fulfilment of its mandate.
2. Draft documents relating to the Committee's activities under the Convention and requiring discussion and adoption by the Committee shall be translated into the working languages of the Committee. Such documents include, but are not limited to, any document

related to reporting (such as draft concluding observations, draft lists of issues and draft lists of issues in the absence of a report), individual and inter-State communications (such as draft decisions and Views and draft reports on follow-up to Views), requests for urgent action (such as draft reports on requests for urgent action), legal interpretations (such as draft general comments and draft interpretative statements) and working methods and other matters (such as draft working methods, draft annual reports, draft revised rules of procedure and draft guidelines).

## **VII. Records**

### **Rule 26**

#### **Preparation and review**

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 of receipt of the records of the meetings, 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 27**

#### **Availability**

1. The summary records of public meetings in their final form shall be documents for general distribution unless, in exceptional circumstances, the Committee decides otherwise.
2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide.
3. Sound recordings and webcasts of meetings of the Committee shall be made and kept in accordance with the usual practice of the United Nations. Sound recordings and webcasts of public meetings shall be made available to the public unless, in exceptional circumstances, the Committee decides otherwise.

## **VIII. Conduct of business**

### **Rule 28**

#### **Public and private meetings**

The meetings of the Committee and its subsidiary bodies shall be held in public unless it appears from the relevant provisions of the Convention or the Committee decides that the meeting should be held in private.

### **Rule 29**

#### **Quorum**

Six members of the Committee shall constitute a quorum.

### **Rule 30**

#### **Powers of the Chair**

1. 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.
2. The Chair, subject to the present rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings.

3. The Chair may, in the course of the discussion of an item, including the examination of reports submitted under article 29 of the Convention, 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.

4. The Chair shall rule on points of order and shall have the power to propose the adjournment or closure of the debate or the adjournment or 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.

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

6. During the course of the 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 of the Committee or representative if a speech delivered after the list is declared closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chair shall declare the debate closed.

## **IX. Voting**

### **Rule 31**

#### **Voting rights**

1. Each member of the Committee shall have one vote.
2. For the purpose of the present rules, “members present and voting” refers to the members casting an affirmative or negative vote and includes members attending the session remotely, should the Committee, owing to exceptional circumstances, hold a regular or special session remotely or in a hybrid format.

### **Rule 32**

#### **Adoption of decisions**

1. The Committee shall endeavour to reach its decisions by consensus.
2. If and when all efforts to reach consensus have been exhausted, decisions of the Committee shall be taken by a simple majority of the members present and voting.

### **Rule 33**

#### **Equally divided votes**

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as having been rejected.

### **Rule 34**

#### **Method of voting**

1. Subject to rule 39 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 alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chair.
2. The vote of each member participating in a roll call shall be inserted in the summary record of the meeting.

**Rule 35**  
**Conduct during voting and explanation of votes**

After voting has commenced, it shall not be interrupted unless a member of the Committee raises a point of order in connection with the actual conduct of the voting. Brief statements by members of the Committee 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 36**  
**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 operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

**Rule 37**  
**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 the proposal.

**Rule 38**  
**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 considered as previous questions and shall be put to the vote before those proposals.

**X. Elections****Rule 39**  
**Method of elections**

Elections shall be held by secret ballot, unless the Committee decides otherwise.

**Rule 40**  
**Conduct of elections when only one elective place is to be filled**

1. Where there is only one candidate for one elective place, the Committee may decide to elect that person by acclamation.
2. Where there are two or more candidates for one elective place, or where the Committee decides to proceed with a ballot, the person who obtains a simple majority of the votes cast shall be elected.
3. If no single candidate receives a majority of the votes cast, the members of the Committee shall endeavour to reach a consensus before holding a further ballot.

**Rule 41****Conduct of elections when two or more elective places are to be filled**

1. When two or more elective places are to be filled at one time, those candidates obtaining in the first ballot the majority required shall be elected.
2. If the number of candidates who obtained such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places. In such a case, the voting shall be restricted to the candidates who obtained the largest number of votes in the previous ballot, the number of whom should not exceed twice the number of places remaining to be filled. After a third inconclusive ballot, votes may be cast for any eligible candidates.
3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the largest number of votes in the third unrestricted ballot, the number of whom should not exceed twice the number of places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places are filled.

**XI. Subsidiary bodies****Rule 42****Subsidiary bodies: working groups and rapporteurs**

1. The Committee may establish subsidiary bodies such as working groups to expedite its work and assist in implementing its obligations under the Convention. The Committee shall define their composition and mandates. Each subsidiary body shall elect its own officers and the present rules of procedure shall apply *mutatis mutandis*.
2. 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.
3. If, for any reason, a member of a working group or a rapporteur cannot perform or continue to perform the duties assigned, she or he shall, as soon as possible, inform the other members and the Chair of her or his withdrawal.

**XII. Annual report of the Committee****Rule 43****Annual report of the Committee**

As provided in article 36 (1) of the Convention, the Committee shall submit to the States parties and the General Assembly an annual report on its activities under the Convention.

**XIII. Distribution of reports and other official documents****Rule 44****Distribution of reports and other official documents**

1. 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 and additional information submitted by States parties under articles 29 and 33 of the Convention shall be documents for general distribution.

## **XIV. Cooperation and participation**

### **Rule 45**

#### **Cooperation with and participation of relevant organs, bodies, special procedures, State institutions and civil society organizations**

1. In accordance with article 28 of the Convention, the Committee shall cooperate and promote synergy with all relevant organs, offices and specialized agencies and funds of the United Nations, with the treaty bodies instituted by international instruments, with the special procedures of the United Nations, with the relevant regional organizations or bodies and with all relevant State institutions, agencies or offices working towards the protection of all persons from enforced disappearance. In particular, it shall invite them to submit to it reports, other information or documentation and oral and written statements, as appropriate, relevant to the Committee's activities under the Convention.
2. The Committee shall invite national human rights institutions, non-governmental organizations, associations of victims' families, and other relevant civil society organizations to submit to it reports, other information or documentation and oral and written statements, as appropriate, relevant to the Committee's activities under the Convention.
3. The Committee may receive, at its discretion, any other information, documentation and statements submitted to it, including from individuals and sources not mentioned in paragraphs 1 and 2 of the present rule.
4. The Committee shall determine, at its discretion, how such information, documentation and written statements are made available to the members of the Committee, including by devoting meeting time at its sessions for such information to be presented orally or through the use of videoconferencing.

### **Rule 46**

#### **United Nations bodies and mechanisms**

1. As it discharges its mandate, the Committee shall consult other treaty bodies instituted by relevant international human rights instruments, in particular the Human Rights Committee instituted by the International Covenant on Civil and Political Rights, the Committee against Torture instituted by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment instituted by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with a view to ensuring the consistency of their respective observations and recommendations.
2. The Committee shall also regularly coordinate and exchange relevant information with the Working Group on Enforced or Involuntary Disappearances.
3. The Committee shall also exchange information and promote synergy with other United Nations mechanisms.

## **XV. Information and documentation**

### **Rule 47**

#### **Submission of information, documentation and statements**

1. Information, documentation and statements referred to in rule 45 and received by the Committee in the context of articles 29 and 33 of the Convention shall be made public through appropriate means and channels, including by posting on the Committee's web page, unless the author of a submission requests that it be kept confidential. In exceptional cases, the Committee may consider, at its discretion, that information, documentation and statements received are confidential. In such cases, the Committee shall decide on how to use such information.
2. Information, documentation and statements received by the Committee concerning the procedures under articles 32, 33 and 34 of the Convention shall be made public through

appropriate means and channels, including by posting on the Committee's web page, unless the author of a submission requests that it be kept confidential. The Committee may consider, at its discretion, that information, documentation and statements received are confidential. In such cases, the Committee shall decide on how to use such information.

3. The Committee shall keep confidential all documents relating to its functions under article 30 of the Convention. However, the Committee shall not be accountable to decisions by authors of requests for urgent action to make such information public, and the Committee may refer to any of the submitted information in its reports on requests for urgent action.

4. All documents of the Committee relating to its functions under article 31 of the Convention shall be confidential until such time as the Committee decides, in accordance with the provisions of the Convention and rule 82, to make them public.

## **Part two**

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

#### **XVI. Conflicts of interest**

##### **Rule 48**

##### **Obligatory non-participation or non-presence of a member in the exercise of the functions of the Committee**

1. A member of the Committee shall not take part in the consideration of a report, a request for urgent action, an individual communication, an inter-State communication or a request for a visit or information on indications of widespread or systematic enforced disappearance by the Committee or its subsidiary bodies if the member:

- (a) Is a national of the State party concerned;
- (b) Is employed by the State party concerned;
- (c) Has a personal interest in the case or situation under consideration;
- (d) Has directly participated in the drafting and adoption of any decision on the case or situation concerned in any capacity other than under the procedures under the Convention, or if any other conflict of interest is present.

2. Such a member shall not be present during any non-public consultations or meetings between the Committee and the national human rights institutions, civil society organizations or any other entities referred to in rule 45, or during the discussion and adoption of the respective concluding observations, Views or any other decisions.

3. Any question that may arise under paragraph 1 of the present rule shall be decided by the Committee without the participation of the member concerned.

#### **XVII. Reports of States parties under article 29 of the Convention**

##### **Rule 49**

##### **Requests for and submission of reports and information under article 29 of the Convention**

1. The Committee shall examine the implementation by States parties of their obligations under the Convention through the consideration of reports and information that they submit to it. The Committee does not have a system of periodic reports, but it shall, for as long as necessary, follow up on a State party's progress in implementing the Convention, on the basis of information submitted by the State party under article 29 (3) and (4) of the Convention. The Committee may request such information in its concluding observations, or may issue a stand-alone request, whenever it considers it necessary, in the light of the status of implementation of its recommendations by the State party and the evolution of the situation related to enforced disappearance in the State party.



2. General guidelines for the preparation of such reports and information as to their required form and content shall be made available to assist States parties in their reporting obligations, taking account of the consolidated guidelines relating to the reports required under United Nations human rights treaties.<sup>1</sup>
3. The Committee shall consider the reports and information submitted by States parties by means of constructive dialogues, allowing the direct interaction and cooperation with States parties, pursuant to rules 50 and 51 of the present rules.
4. Where the Committee has undertaken a visit to a State party under article 33 of the Convention, in accordance with rules 90 to 101 of the present rules, the Committee may decide to consider information submitted under article 29 (3) or (4) of the Convention at the same time as it considers the State party's observations in relation to the Committee's report on its visit.
5. If, in the opinion of the Committee, a report or information submitted by a State party does not fit the guidelines on format, it may request the State party concerned to resubmit the report or information by a specified deadline. The amended report or information shall include all relevant data in the updated format and shall be considered as the report of the State party.
6. The reports and information submitted by States parties shall be circulated to members of the Committee prior to the session at which they are to be considered, and shall be posted on the Committee's web page. Interested stakeholders shall be invited to provide comments and parallel reports.

#### **Rule 50**

##### **Consideration of reports under article 29 (1) of the Convention**

1. Each State party shall submit to the Committee, through the Secretary-General, a report, in accordance with article 29 (1) of the Convention, on the measures taken to give effect to its obligations under the Convention, within two years of the entry into force of the Convention for the State party concerned.
2. Reports submitted under article 29 (1) of the Convention shall cover the whole Convention, and the Committee's consideration thereof shall proceed article by article. There shall be four phases to the Committee's consideration of the report:
  - (a) Adoption of a list of issues on which the Committee wishes to receive clarification or updated information, to guide the State party in its preparation for the constructive dialogue, without restricting it;
  - (b) Written reply by the State party to the list of issues, by a date specified by the Committee;
  - (c) Public constructive dialogue between the Committee and a delegation of the State party, held over two meetings of three hours each, with simultaneous interpretation;
  - (d) Adoption by the Committee of concluding observations, and their publication and transmission to the State party.

#### **Rule 51**

##### **Submission and consideration of information under article 29 (3) and (4) of the Convention**

1. To ensure follow-up to all the recommendations adopted by the Committee as part of its consideration of the reports of States parties submitted under article 29 (1) of the Convention, States parties are required, under article 29 (3), to provide information about its implementation of the adopted concluding observations, within either four or eight years, as determined by the Committee according to the level of implementation of the Convention and the situation related to enforced disappearance in the State party under review.

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<sup>1</sup> CED/C/2.

2. The Committee may request States parties to provide, by a specified deadline, additional information on the implementation of the Convention, in accordance with article 29 (4) of the Convention, and on the evolution of the situation related to enforced disappearance in the State party, and indicate the areas on which the State party has to focus its attention.

3. The Committee shall consider additional information submitted by a State party under article 29 (4) of the Convention on the basis of up to four priority themes, identified by the Committee. There shall be four phases to the Committee's consideration of the additional information:

(a) Identification by the country rapporteurs of priority themes related to the implementation of previous concluding observations and to the evolution of the situation of enforced disappearance in the State concerned, and adoption of the list of priority themes by the Committee plenary;

(b) Transmission of the list of priority themes to the State party, to guide the dialogue, without restricting it. No written replies shall be expected from the State party at this stage;

(c) Public constructive dialogue between the Committee and a delegation of the State party, with active participation by the competent authorities of the State party. The dialogue shall be held over one or two meetings of three hours each, as determined by the Committee according to the level of implementation of the Convention and the evolution of the situation of enforced disappearance in the State party, with simultaneous interpretation;

(d) Adoption by the Committee of concluding observations, and their publications and transmission to the State party.

#### **Rule 52**

##### **Notification of States parties of the Committee's consideration of reports under article 29 (1) and of information under article 29 (3) and (4) of the Convention**

1. The Committee, through the Secretary-General, shall notify the States parties as early as possible of the opening date, duration and place of the session at which the Committee shall consider their respective reports submitted under article 29 (1) or information submitted under article 29 (3) and (4) of the Convention.

2. Representatives of the States parties shall be invited to participate in the meetings of the Committee at which their reports or information are considered.

3. If a State party fails to respond to an invitation to have representatives participate in the meeting of the Committee at which its report or information is being considered, the Committee may decide to act as follows:

(a) Proceed at the session originally specified to consider the report or information and thereafter adopt and submit to the State party concluding observations; or

(b) Notify the State party through the Secretary-General that it intends to consider the report or information at a later specified session.

#### **Rule 53**

##### **Failure to submit reports under article 29 (1) or information under article 29 (3) or (4) of the Convention**

1. At each session of the Committee, the Secretary-General shall notify the Committee of all cases of non-submission of reports under article 29 (1) and information under article 29 (3) and (4) of the Convention. In such cases, the Committee may transmit to the States parties concerned, through the Secretary-General, reminders concerning the submission of the report or information.

2. If, after the reminders referred to in paragraph 1 of the present rule, the State party concerned does not submit such a report or information, the Committee shall include a reference to this effect in its annual report, and may decide to examine the measures taken

by the State party to implement its obligations under the Convention in the absence of a report or information.

3. If the Committee decides to examine the measures taken by a State party in the absence of such a report or information, the Committee shall notify the State party concerned, through the Secretary-General, that it intends to adopt a list of issues in the absence of report under article 29 (1) of the Convention, or a list of priority themes in the absence of information under article 29 (3) or (4) of the Convention, as appropriate.

4. Following receipt of the list of issues in the absence of a report under article 29 (1) of the Convention, the State party shall send written replies, by a deadline specified by the Committee. Such replies shall constitute the main focus of the Committee's examination of the State party. States parties shall not be expected to provide written replies to lists of priority themes in the absence of information under article 29 (3) or (4) of the Convention, which shall be shared with States parties to guide the dialogue.

5. The Committee shall notify the State party concerned, through the Secretary-General, that it intends, on a date specified, to examine in public session the measures taken by the State party to implement its obligations under the Convention in the absence of a report or information, and adopt concluding observations.

#### **Rule 54**

##### **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, civil society organizations, associations of families of victims, other relevant organizations, and individual experts in order to build up a more comprehensive picture of how a State party is implementing the Convention.

2. In examining reports or information submitted by States parties, the Committee may also take into consideration information originating from other treaty bodies, from the special procedures, in particular the Working Group on Enforced or Involuntary Disappearances, from United Nations bodies and specialized agencies and from other sources, including regional human rights mechanisms.

#### **Rule 55**

##### **Concluding observations**

1. In accordance with article 29 (3) of the Convention, and on the basis of its consideration of reports submitted under article 29 (1) or additional information received from States parties under article 29 (4) of the Convention, the Committee shall issue such comments, observations or recommendations (concluding observations) as it may deem appropriate and shall communicate them, through the Secretary-General, to the State party concerned with a view to assisting the State party in implementing its obligations under the Convention.

2. Advance unedited versions of such concluding observations shall be communicated to the State party concerned, which may, within 24 hours, request the correction of any factual errors.

3. Once adopted and 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. They shall also be referred to in the Committee's annual report to the General Assembly.

4. The State party may respond to the concluding observations following their issuance, on its own initiative or at the request of the Committee.

## **XVIII Days of general discussion**

### **Rule 56**

#### **Days of general discussion on the Convention**

1. In order to enhance a deeper understanding of the content and implications of the Convention, the Committee may devote one or more meetings of its regular sessions to a general discussion on an article or articles of the Convention or a related subject.
2. The Committee, through the Secretary-General, may invite representatives of Governments, United Nations human rights mechanisms, special procedures of the United Nations, United Nations bodies and specialized agencies, regional human rights mechanisms, national human rights institutions and civil society organizations, as well as individual experts and victims, to take part in the discussion.

## **XIX. General comments of the Committee**

### **Rule 57**

#### **General comments on the Convention**

1. The Committee may prepare and adopt general comments on the provisions of the Convention with a view to promoting its implementation or to assisting States parties in fulfilling their obligations.
2. The process of adoption of a general comment shall comprise the following steps:
  - (a) Decision of the Committee to prepare a general comment and nomination of rapporteurs;
  - (b) Presentation of a draft concept note by the rapporteurs to the Committee plenary;
  - (c) Adoption of the concept note by the plenary;
  - (d) Call for written input and contributions on the concept note;
  - (e) Organization of regional consultations on the concept note, if relevant;
  - (f) Organization and analysis by the rapporteurs of the information received;
  - (g) Plenary discussion of the information received;
  - (h) Preparation by the rapporteurs of a first draft of the general comment;
  - (i) Adoption of the first draft by the plenary;
  - (j) Call for written input and contributions on the first draft;
  - (k) Organization by the rapporteurs of information received, and incorporation of amendments as necessary;
  - (l) Discussion and adoption of the general comment by the plenary.
3. As part of the calls for input referred to in paragraph 2 (d) and (j) of the present rule, the Committee shall make the concept note and draft available to the United Nations human rights mechanisms, special procedures of the United Nations, United Nations bodies and specialized agencies, regional human rights mechanisms, national human rights institutions and civil society organizations, as well as individual experts, victims and States parties.
4. The Committee shall refer to such general comments in its annual report.

## **XX. Urgent action under article 30 of the Convention**

### **Rule 58**

#### **Working group on urgent action**

The Committee shall establish a working group on urgent action, comprising designated members of the Committee, in discharging its mandate under article 30 of the Convention.

### **Rule 59**

#### **Transmission of requests to the Committee**

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, requests for urgent action that are, or appear to be, submitted for consideration by the Committee under article 30 of the Convention.
2. The Committee may seek clarification from the author(s) of a request as to whether the request is meant to be submitted to the Committee for consideration under article 30 of the Convention.
3. The Committee shall examine a request, submitted as a matter of urgency, that a disappeared person should be sought and found, in order to ascertain whether the request is sufficiently documented and the case clearly identified, and may seek any clarification necessary in that regard.

### **Rule 60**

#### **Record and list of requests**

1. The Secretary-General shall maintain a record of all requests submitted for consideration by the Committee under article 30 of the Convention.
2. The Secretary-General shall prepare and periodically publish a list of the names of disappeared persons on whose behalf the Committee has registered requests for urgent action. The full text of any such request may be made available in the language of submission to any member of the Committee at the request of that member.
3. The Secretary-General shall maintain a database that includes all relevant information related to each request submitted for consideration by the Committee. The Committee shall periodically adopt, for general distribution, reports containing information on and trends among registered requests, and related decisions of the Committee.

### **Rule 61**

#### **Authors of requests**

A request that a disappeared person should be sought and found may be submitted to the Committee by relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest. The Committee shall keep the identity of authors of requests confidential, and shall not be accountable to the decisions of authors to make such information public.

### **Rule 62**

#### **Procedures for the consideration of requests**

1. The Committee shall deem inadmissible any request for urgent action that:
  - (a) Is manifestly unfounded;
  - (b) Constitutes an abuse of the right of submission of such requests;
  - (c) Has not already been duly presented to a competent body of the State party concerned, such as those authorized to undertake investigations, where such a possibility exists;
  - (d) Is incompatible with the provisions of the Convention;

(e) Is being examined under another procedure of international investigation or settlement of the same nature.

2. If the Committee deems the request for urgent action admissible, it shall register the request and transmit it with a registration note to the State party without delay. The registration note may include:

(a) Available information about the identification of the disappeared person and the circumstances of the case;

(b) Guidance for State authorities as to measures to be taken to search for the disappeared person, investigate the disappearance and facilitate the participation of relatives;

(c) A request that the State party take interim measures to protect the disappeared person, complainant, witnesses, the disappeared person's relatives and defence counsel, and other persons participating in the investigation, and to protect relevant pieces of evidence;

(d) A request to the State party to provide, within a time limit set by the Committee, specific information about the action taken in the case, and about the situation of the person sought, all other victims of the disappearance and those supporting them.

3. In response to the Committee's transmission of the request for urgent action, the State party shall submit to the Committee written explanations and related documents that may help to clarify the fate or whereabouts of the disappeared person, describing the measures taken by the competent authorities:

(a) To search for the disappeared person and investigate the alleged disappearance;

(b) To facilitate the participation of the disappeared person's relatives and representatives in the search and investigation process;

(c) To implement any interim measures of protection that the Committee might have requested.

4. The Committee shall share with the author(s) of the request any information provided to it by the State party concerned as it becomes available, and invite the author(s) to comment thereon. The Committee shall also inform the author(s) of its recommendations to and requests for information from the State party concerned.

5. In the light of the information provided by the State party and by the author(s) of the request for urgent action, the Committee may transmit follow-up notes to the State party, including:

(a) Recommendations as to the measures that the competent authorities should take to search for the disappeared person, investigate the alleged disappearance and facilitate the participation of relatives;

(b) A request that the State party take any interim measures necessary to protect the disappeared person, complainant, witnesses, the disappeared person's relatives and defence counsel, and other persons participating in the investigation;

(c) A request that the State party inform the Committee, by a specified deadline, of the measures taken to implement the Committee's recommendations.

6. The Committee shall share with the author(s) any follow-up information provided to it by the State party concerned as it becomes available, and invite the author(s) to comment thereon.

7. If the State party concerned fails to comply with a request made under article 30 (2) of the Convention, the Committee shall send reminders, and may bring the lack of cooperation of the State party concerned to the attention of the General Assembly.

8. The Committee shall continue its efforts to work with the State party concerned and the author(s) of the request for urgent action for as long as the fate of the persons sought remains unknown, including by requesting the State party to provide more detailed information and to take further specific measures, and by inviting the author(s) to comment on the replies of the State party and to provide any related information that they consider relevant.

**Rule 63****Reports on requests for urgent action**

The Committee shall periodically adopt, for general distribution, reports on requests for urgent action received and on follow-up to registered requests, reflecting the main issues that have arisen. Such reports shall be transmitted to the General Assembly as part of the annual report of the Committee.

**XXI. Procedures for the consideration of communications received under article 31 of the Convention****Rule 64****Authors of communications**

Communications may be submitted by individuals who are subject to the jurisdiction of a State party that has made a declaration under article 31 (1) of the Convention and who claim to be victims of a violation by that State party of their rights under the Convention. Communications may also be submitted by the designated representatives of the alleged victims or by others acting on their behalf.

**Rule 65****Transmission of communications to the Committee**

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications that are submitted for consideration by the Committee under article 31 of the Convention.
2. The Secretary-General may request clarification from the author(s) of a communication as to whether the communication is meant to be addressed to the Committee for consideration under article 31 of the Convention.

**Rule 66****Request for clarification or additional information**

1. The Secretary-General may request clarification or additional information from the author(s) of a communication, including with regard to:
  - (a) The name, address and date of birth of the alleged victim(s) and verification of the identity of the victim(s) or author(s);
  - (b) The State party against which the communication is directed;
  - (c) Substantiation of the claim;
  - (d) The facts of the claim;
  - (e) Steps taken by the author(s) and/or alleged victim(s) to exhaust domestic remedies;
  - (f) The extent to which the same matter is being examined under another procedure of international investigation or settlement of the same nature;
  - (g) The provision(s) of the Convention alleged to have been violated.
2. When requesting clarification or information, the Secretary-General shall indicate to the author(s) of the communication a time limit within which such information should be submitted.
3. The Committee may approve the use of a questionnaire to facilitate requests for clarification or information from the victim(s) and/or author(s) of a communication.
4. The communication shall not be processed by the Secretariat if the information requested is not provided.

**Rule 67****Procedures with regard to communications received**

1. As soon as possible after the receipt of a communication, the Committee, acting through its working group on communications, shall decide whether the communication should be registered.
2. As soon as a communication has been registered, the Committee shall bring it to the attention of the State party concerned and request that the State party provide, within six months, written observations on admissibility and the merits.
3. Any request made in accordance with paragraph 2 of the present rule shall include a statement indicating that such a request does not imply that any decision has been reached on the question of admissibility or the merits of the communication.
4. The Committee may request the State party concerned to submit, within two months, written explanations or statements that relate only to the admissibility of a communication. In such cases, the State party may nonetheless submit, within six months of the Committee's request, written explanations or statements that relate to both the admissibility and the merits of a communication. If, within two months, the State party provides only the requested observations on admissibility, the Committee shall transmit them to the author(s), for written comments within one month, and shall decide on the admissibility of the communication separately from the merits.
5. The working group on communications 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. In such cases, the working group may propose to declare the communication inadmissible. The decision on inadmissibility shall then be transmitted to the Committee plenary for adoption.
6. A State party that has received a request for a written reply in accordance with paragraph 2 of the present rule may submit, within two months, a request in writing that the admissibility of the communication be examined separately from the merits, setting out the grounds for inadmissibility. The request shall be transmitted to the author(s), for comments within one month. On the basis of the information provided by the parties, the working group on communications may decide, on behalf of the Committee, to consider the admissibility separately from the merits. If the working group decides to reject the State party's request under the present paragraph, the State party shall have four further months in which to provide observations on the merits of the communication.
7. The author(s) of a communication shall be requested to submit, within two months, comments on the State party's observations on admissibility and the merits submitted pursuant to paragraph 2 of the present rule, or on the State party's observations on the merits submitted pursuant to paragraph 6 of the present rule. The State party may, in turn, submit additional observations within two months. No further submissions or information shall be accepted from either party after that period, unless the party concerned is able to justify doing so on the basis that new facts or information have come to light that could not have been submitted previously.
8. If the State party concerned disputes the allegations of the author(s) that, in accordance with article 31 (2) (d) of the Convention, all effective available domestic remedies have been exhausted, the State party shall give details of the effective remedies available to the alleged victim(s) in the particular circumstances of the case.

**Rule 68****Interim measures**

1. In accordance with article 31 (4) of the Convention, at any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid possible irreparable damage to the victim(s) of the alleged violations and to ensure respect for their rights.



2. The working group on communications shall, on behalf of the Committee and on the basis of submissions by the author of communication, decide whether to request the State party concerned to take such interim measures, and will inform the parties accordingly.
3. When the working group on communications requests interim measures under the present rule, the request shall state that it does not imply a determination on the admissibility or merits of the communication. However, failure by the State party to take the measures requested shall be considered incompatible with the obligation to cooperate in good faith with the procedure of individual communications established under article 31 of the Convention.
4. The State party may present arguments at any stage of the proceedings on why the request for interim measures should be lifted or is no longer justified.
5. The working group on communications may, on behalf of the Committee, withdraw a request for interim measures on the basis of information received from the State party or the author(s) of the communication.

#### **Rule 69**

##### **Protection measures**

1. Where the Committee receives information from the author(s) of a communication, the Committee may request the State party to take measures to protect individuals, including the author(s) and the counsel and relatives of the author(s), who might suffer acts of intimidation or reprisals as a consequence of submitting the communication or cooperating with the Committee. The Committee may seek written explanations or statements from the State party providing additional information and describing any action taken in that regard.
2. The Committee may decide to refer cases of acts of intimidation or reprisal to its rapporteur on reprisals for follow-up in accordance with rules 106 to 109 of the present rules.

#### **Rule 70**

##### **List of communications**

1. The Secretary-General shall maintain a record of all the communications submitted for consideration by the Committee under article 31 of the Convention. The full text of any such communication shall be made available in the language of submission to any member of the Committee at the request of that member.
2. The Secretary-General shall prepare a list of the communications registered by the Committee, together with a brief summary of their contents.

#### **Rule 71**

##### **Order of communications**

1. Communications shall be dealt with in the order in which they are received by the Secretary-General, unless the Committee or the working group on communications decides otherwise, in view of the urgency and circumstances of each case.
2. The Committee may decide to consider two or more communications jointly.
3. The Committee may divide a communication and consider the parts separately, if it sets forth distinct facts, or if it refers to more than one person or to alleged violations not interconnected in time or place.

#### **Rule 72**

##### **Suspension of consideration of communications**

1. At any time during the procedure, the working group on communications may, on behalf of the Committee, decide to suspend the consideration of a communication on the basis of information provided by the parties, including in cases where a friendly settlement procedure may have been initiated at the national level between the parties. Both parties shall be notified immediately of a decision to suspend the consideration of a communication.

2. The working group on communications may decide to lift such a suspension at any time, in the light of subsequent information provided by the parties. In such cases, the working group shall inform the parties of the new deadlines to provide observations and comments, as appropriate.

### **Rule 73**

#### **Admissibility of communications**

1. The Committee shall, by a simple majority and in accordance with the following rules, decide whether a communication is admissible under article 31 (1) and (2) of the Convention.

2. The working group on communications may declare a communication inadmissible provided that all its members so decide. The decision shall be transmitted to the Committee plenary, which may confirm it without formal discussion. Any Committee member may request a plenary discussion to examine the communication and take a decision on its admissibility.

### **Rule 74**

#### **Inadmissible communications**

1. Where the Committee decides that a communication is inadmissible, it shall, as soon as possible, communicate its decision and the reasons for it, through the Secretary-General, to the author(s) of the communication and to the State party concerned.

2. A decision of the Committee declaring a communication inadmissible may, exceptionally, be reviewed by the Committee upon receipt of a written request submitted by or on behalf of the author(s) indicating that the reasons for inadmissibility no longer apply.

### **Rule 75**

#### **Communications declared admissible prior to the submission of the State party's observations on the merits**

1. Decisions declaring a communication admissible prior to the submission of the State party's observations on the merits, in accordance with rule 67 (4) or (6) of the present rules, shall be transmitted, through the Secretary-General, to the author(s) of the communication and to the State party concerned.

2. The State party concerned shall, within four months, submit to the Committee written observations on the merits. Such observations shall be transmitted, through the Secretary-General, to the author(s) of the communication, who may submit any additional written information or observations within two months.

3. The Committee shall decide on the merits of the communication at a subsequent session on the basis of the information referred to in paragraph 2 of the present rule.

### **Rule 76**

#### **Examination of communications on their merits**

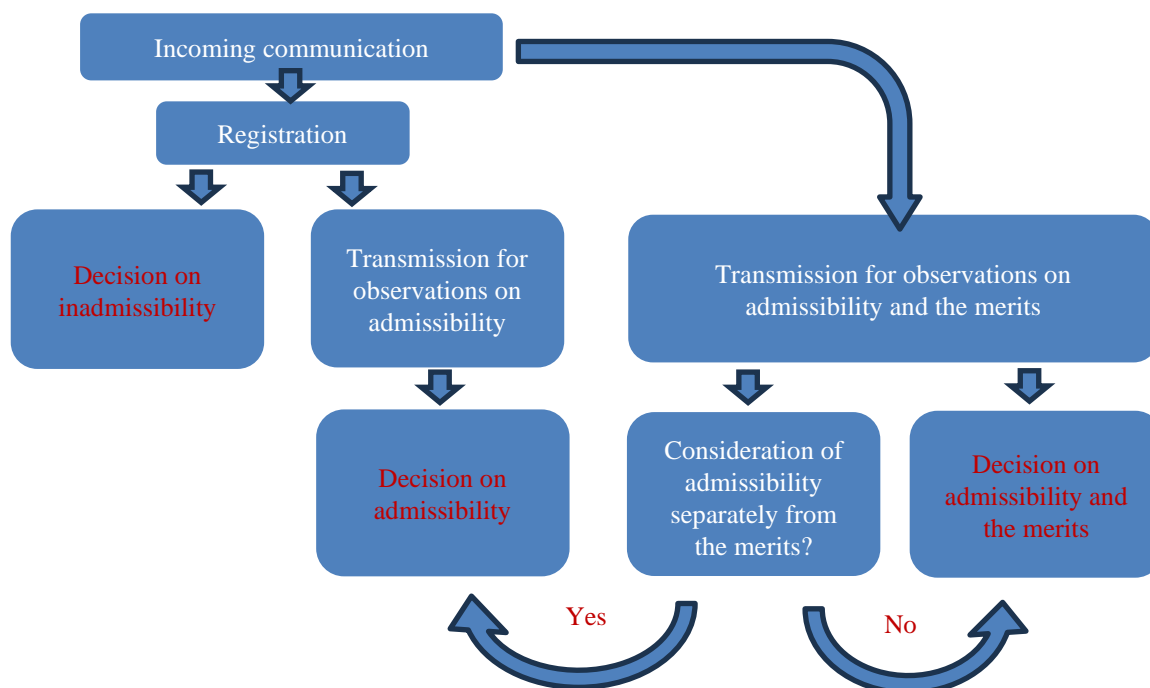
1. The Committee shall formulate its Views on a communication in the light of all information made available to it by the author(s) of the communication, by the State party concerned and by any other sources referred to in article 28 of the Convention, provided that this information has been duly transmitted to the parties concerned.

2. The Committee may refer any communication to a working group to make recommendations to the Committee on the merits of the communication.

3. The Committee shall not decide on the merits of the communication without having considered the applicability of all of the admissibility grounds referred to in article 31 (1) and (2) of the Convention.

4. The Committee shall, through the Secretary-General, communicate its Views, together with any recommendations, to the State party concerned and to the author(s) of the communication.

### Consideration of communications received under article 31 of the Convention



#### Rule 77

##### Third-party interventions

1. At any time after the registration of a communication and before a determination on the merits has been reached, the Committee may consult or receive, as appropriate, relevant documentation emanating from all relevant United Nations organs, bodies, specialized agencies, funds, programmes and mechanisms, including the other treaty bodies instituted by international instruments, the special procedures of the United Nations, other international organizations, including regional human rights bodies, as well as civil society organizations, national human rights institutions and other relevant specialized institutions mandated to promote and protect human rights, and all relevant State institutions, agencies or offices that may assist in the examination of the communication, which is relevant for the consideration of the communication.
2. The Committee may adopt guidelines on 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 78

##### 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 the admissibility and/or merits of the communication. Such hearings shall be closed unless the Committee and both parties agree to make them 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(s) 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, it shall transmit to the parties a written list of questions formulated by the Committee 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 any person other than the parties and their representatives.

**Rule 79****Individual opinions**

Any member of the Committee who has participated in a decision with regard to a communication may request that the text of her or his individual opinion be appended to the Committee's decision or Views. The Committee may set time limits for the submission of such individual opinions.

**Rule 80****Discontinuation of consideration of communications**

The Committee may discontinue its consideration of a communication, *inter alia*, when the reasons for its submission for consideration under the Convention have become moot.

**Rule 81****Follow-up to Views of the Committee**

1. Within six months of the Committee's transmittal of its Views on a communication, the State party concerned shall submit to the Committee a written response, including all relevant information on any action taken in the light of the Views and recommendations of the Committee.
2. After the six-month period referred to in paragraph 1 of the present rule, the Committee may invite the State party concerned to submit further information about any measures that the State party has taken in response to its Views or recommendations.
3. The Committee shall, through the Secretary-General, transmit the information received from the State party to the author(s) of the communication.
4. The Committee shall designate a rapporteur or working group for follow-up on Views to ascertain which measures have been taken by States parties to give effect to the Committee's Views and recommendations.
5. The designated rapporteur or working group may make such contact and take such action as may be appropriate for the due performance of their assigned functions and shall make such recommendations for further action by the Committee as may be necessary.
6. In addition to written representations and meetings with duly accredited representatives of the State party, the designated working group or rapporteur may seek information from the author(s) and victim(s) of the communications and other relevant sources.
7. The designated rapporteur or working group shall report to the Committee on follow-up activities at each session of the Committee.
8. The Committee shall include information on follow-up activities in its annual report under article 36 of the Convention.

**Rule 82****Confidentiality of communications**

1. Communications submitted under the Convention shall be examined by the Committee and the working group on communications in closed meetings.
2. All working documents prepared by the Secretary-General or the working group on communications shall be confidential unless the Committee decides otherwise.
3. The Secretary-General, the Committee and the working group on communications shall not make public any communication, submission or information relating to a communication prior to the date on which a decision on inadmissibility or Views are issued. This is without prejudice to the Committee's prerogatives under article 28 of the Convention.
4. The Committee may decide *ex officio*, at the request of the author(s) or alleged victim(s) or the State party concerned, that the names of the author(s) of a communication or the individuals who are alleged to be the victim(s) of a violation of provisions of the Convention shall not be published in its decision on inadmissibility or Views.
5. The Committee or the working group on communications may request the author of a communication or the State party concerned to keep confidential the whole or part of any submission or information relating to the proceedings.
6. Subject to paragraphs 4 and 5 of the present rule, nothing in the present rule shall affect the right of the author(s), alleged victim(s) or the State party concerned to make public any submission or information bearing on the proceedings.
7. Subject to paragraphs 4 and 5 of the present rule, the Committee's decisions on inadmissibility and Views shall be made public.
8. The Secretariat shall be responsible for the distribution of the Committee's final decisions to the author(s) and the State party concerned.
9. Unless the Committee decides otherwise, information related to follow-up to the Committee's Views and recommendations shall not be confidential.

**XXII. Inter-State communications procedure under article 32 of the Convention****Rule 83****Transmission of communications to the Committee**

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications that are submitted for consideration by the Committee under article 32 of the Convention.
2. The Secretary-General may request clarification from the State party submitting a communication as to whether the communication is meant to be addressed to the Committee for consideration under article 32 of the Convention.
3. A communication under article 32 of the Convention may be submitted to the Committee by a State party that claims that another State party is not fulfilling its obligations under the Convention and that has made a declaration in accordance with article 32 of the Convention.
4. The communication shall contain information regarding:
  - (a) The name of the State party against which the communication is directed;
  - (b) The declaration by the State party submitting a communication, in accordance with article 32 of the Convention;
  - (c) The provision or provisions of the Convention alleged to have been violated;
  - (d) The objectives of the communication;
  - (e) The facts of the claim.

**Rule 84**  
**Record of communications**

The Secretary-General shall maintain a record of all communications received by the Committee pursuant to article 32 of the Convention.

**Rule 85**  
**Information to the members of the Committee**

The Secretary-General shall inform the members of the Committee without delay of any communications under rule 83 of the present rules and shall transmit to them as soon as possible copies of the communications and relevant information.

**Rule 86**  
**Requirement for the consideration of communications**

A communication shall not be considered by the Committee unless both States parties concerned have made declarations under article 32 of the Convention.

**Rule 87**  
**Good offices**

Subject to the provision of rule 86 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 solution to the matter on the basis of respect for the obligations provided for in the Convention.

**Rule 88**  
**Request for information**

The Committee may, through the Secretary-General, request the States parties concerned, or either of them, to submit additional information or observations in writing. The Committee shall set a time limit for the submission of such written information or observations. Further modalities for making written submissions shall be decided by the Committee, after consultation with the States parties concerned.

**Rule 89**  
**Report of the Committee**

1. The Committee may adopt a report concerning any communication received under article 32 of the Convention.
2. If a solution within the terms of rule 87 of the present rules is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached; if a solution within the terms of rule 87 of the present rules is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States parties concerned. The written submissions made by the States parties concerned shall be attached to the report. The Committee may also communicate only to the States parties concerned any views that it may consider relevant to the issue between them.
3. In every matter, the Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.

**XXIII. Visits under article 33 of the Convention****Rule 90**  
**Transmission of information to the Committee**

In accordance with the present rules, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 33 of the Convention.

**Rule 91**  
**Record of information**

The Secretary-General shall maintain a permanent record of information brought to the attention of the Committee in accordance with rule 90 of the present rules and shall make the information available in the language of submission to any member of the Committee, upon request.

**Rule 92**  
**Summary of information**

The Secretary-General, as appropriate, shall prepare and circulate to members of the Committee a brief summary of the information submitted in accordance with rule 90 of the present rules.

**Rule 93**  
**Preliminary consideration of information by the Committee**

1. The Committee may, through the Secretary-General, ascertain the reliability of the information and/or the sources of the information brought to its attention under article 33 of the Convention. It may seek to obtain additional relevant information substantiating the facts of the situation.
2. The Committee shall determine whether the information received is reliable and whether it indicates serious violations of the provisions of the Convention by the State party concerned.
3. The Committee may designate one or more of its members to assist it in discharging its duties under the present rule.

**Rule 94**  
**Review of information**

1. If the Committee is satisfied that the information received is reliable and appears to indicate serious violations of the provisions of the Convention by the State party concerned, the Committee, through the Secretary-General, shall invite the State party to submit observations with regard to that information within fixed time limits.
2. The Committee shall take into account any observations that may have been submitted by the State party concerned, as well as any other relevant information.
3. The Committee may obtain additional information from all relevant sources, including the entities referred to in rule 45 of the present rules.
4. The Committee shall decide the form and manner in which such additional information shall be obtained.

**Rule 95**  
**Undertaking a visit**

1. Taking into account any observations that may have been submitted by the State party concerned, the Committee shall, through the Secretary-General, notify the State party concerned, in writing, of its intention to organize a visit. The State party shall answer the Committee within a reasonable time limit, to be established by the Committee, from the receipt of the notification.
2. The Committee shall also inform the State party concerned of its wishes regarding the timing of the visit and the facilities requested to allow a delegation of the Committee to perform its tasks in compliance with the Convention. Upon confirmation of the visit by the State party, the Committee shall designate one or more of its members to undertake a visit to the territory of the State party concerned with the support of the Secretariat.
3. A visit shall be conducted in accordance with any modalities determined by the Committee, in coordination with the State party concerned. The Committee may decide to postpone or cancel its visit following a substantiated request by the State party, in accordance

with the “do no harm” principle’ and the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines).<sup>2</sup>

4. Taking into account the Convention and the present rules, the members designated by the Committee to conduct the visit shall determine their own methods of work.
5. During the period of the visit, the Committee may defer the consideration of any report or information that the State party concerned may have submitted pursuant to article 29 of the Convention.
6. Upon completion of the visit, the members designated by the Committee to conduct the visit shall present preliminary conclusions to the State party concerned and may decide to make such conclusions public.
7. The members designated by the Committee to conduct the visit shall prepare a draft report on the visit, containing a description of the situation related to disappearance in the State party concerned, and the conclusions and recommendations that they deem relevant. The draft report shall be transmitted to the plenary for discussion and adoption at the soonest possible session of the Committee thereafter.

#### **Rule 96**

##### **Cooperation of the State party concerned**

1. The Committee shall seek the cooperation of the State party concerned at all stages of a visit.
2. If the State party concerned agrees to the visit, the Committee and the State party shall work together to define the modalities of the visit and the State party shall provide the Committee with all the facilities needed for the successful completion of the visit, including access to the information and persons concerned.
3. The Committee shall request the State party concerned to nominate a representative to coordinate the visit together with the members designated by the Committee and the Secretariat.
4. The Committee may request the State party concerned to provide the members designated by the Committee with any information that they or the State party may consider relevant to the visit.

#### **Rule 97**

##### **Hearings and meetings**

1. Visits may include hearings and meetings with any relevant stakeholders to enable the designated members of the Committee to determine facts or issues relevant to the assessment of the situation.
2. The conditions and guarantees concerning any hearings and meetings held in accordance with paragraph 1 of the present rule shall be established by the designated members of the Committee in connection with the assessment of the situation.
3. Any person appearing before the designated members of the Committee for the purpose of giving testimony shall make a solemn declaration as to the veracity of her or his testimony.
4. Individuals and organizations that submit information to the Committee during the visit may request that such information be kept confidential, and the Committee shall act accordingly. The Committee may also decide to keep any of the submitted information confidential, to ensure full compliance with the “do no harm” principle.
5. The Committee shall request that the State party take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to reprisals as a consequence of providing information or participating in any hearings or meetings in connection with the visit. Any allegations of reprisals received by the Committee will be transmitted to its

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<sup>2</sup> [A/67/222](#) and [A/67/222/Corr.1](#), annex I.



rappporteur on reprisals for assessment and possible intervention, in compliance with rules 106 to 109 of the present rules.

#### **Rule 98**

##### **Assistance during a visit**

1. In addition to the staff and facilities that shall be provided by the Secretary-General in connection with a visit to the State party concerned, the designated members of the Committee may, through the Secretary-General, request the support of interpreters and such persons with special competence in the fields covered by the Convention as are deemed necessary by the Committee to provide assistance at all stages of a visit.
2. Where such interpreters and other persons of special competence are not bound by the oath of allegiance to the United Nations, they shall be required to declare solemnly that they shall perform their duties honestly, faithfully and impartially.

#### **Rule 99**

##### **Transmission of findings, comments or suggestions**

1. After reviewing the information submitted and received in connection with or during the visit in accordance with the present rules, the Committee shall transmit an advance unedited version of the adopted report containing its findings, observations and recommendations to the State party concerned. The State party shall have 48 hours to request the correction of any factual errors. Following consideration of such requests and any necessary amendments, the Committee shall make public the advance unedited version of the report.
2. The State party concerned shall submit its observations on the report to the Committee, through the Secretary-General, within a time limit established by the Committee.
3. The observations of the State party on the report of the Committee shall be considered in the context of the Committee's consideration of additional information submitted by the State party under article 29 (4) of the Convention.

#### **Rule 100**

##### **Follow-up action by the State party**

1. The Committee may, after the end of the time limit referred to in rule 99 (2) of the present rules, request the State party concerned to provide it with additional information on measures taken in response to the visit, with a view to implementing the recommendations by the Committee.
2. Information provided by the State party on the measures taken in response to a visit and on overall follow-up on implementation of the recommendations contained in the visit report shall be considered in the context of the Committee's consideration of additional information submitted by the State party under article 29 (4) of the Convention.

#### **Rule 101**

##### **Protection measures**

Where the Committee receives reliable information that a State party has been implicated in reprisals against individuals under its jurisdiction as a consequence of providing information or participating in any hearings or meetings in connection with a visit, it may, through its special rapporteur on reprisals, request that the State party concerned urgently take measures to protect the individuals concerned and submit written explanations or clarifications thereon to the Committee.

## **XXIV. Mechanism under article 34 of the Convention to address widespread or systematic enforced disappearance**

### **Rule 102**

#### **Transmission of information to the Committee**

1. In accordance with the present rules, and pursuant to article 34 of the Convention, the Secretary-General shall bring to the attention of the Committee information received which contains or appears to contain well-founded indications that enforced disappearance is being practised on a widespread or systematic basis in the territory under the jurisdiction of a State party.

2. The Committee shall seek from the State party all relevant information on the situation in order to urgently address incidents of enforced disappearance which it deems is being practised on a widespread and systematic basis in the territory under the jurisdiction of a State party.

### **Rule 103**

#### **Record of information**

The Secretary-General shall maintain a permanent record of information brought to the attention of the Committee in accordance with rule 102 of the present rules and shall make the information available in the language of submission to any member of the Committee, upon request.

### **Rule 104**

#### **Summary of information**

The Secretary-General shall, as appropriate, prepare and circulate to members of the Committee a brief summary of the information submitted in accordance with rule 102 of the present rules.

### **Rule 105**

#### **Transmission of information to the General Assembly**

1. Taking into account any observations that may have been submitted by the State party concerned, the Committee may undertake consultations and other measures as necessary in order to take a decision as to whether to urgently bring the matter to the attention of the General Assembly, through the Secretary-General.

2. The Committee shall, through the Secretary-General, notify in writing the State party concerned that the matter has been brought to the attention of the General Assembly in order to address the situation.

## **XXV. Reprisals, threats and intimidations**

### **Rule 106**

#### **Transmission of information to States parties**

The Committee shall, whenever it deems it necessary, transmit any case of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses to disappearance or their families, members of organizations of relatives and other civil society organizations, human rights defenders or individuals concerned with disappearance to the pertinent authorities of the State party, with the request that they take steps to protect the persons affected.

**Rule 107****Rapporteur on reprisals**

1. The Committee shall appoint a rapporteur on reprisals, in compliance with rules 15 and 16 of the present rules, who shall exercise her or his mandate with due consideration for the Guidelines against Intimidation or Reprisals, with a victim-oriented approach, and with respect for the “do no harm” principle, participation, confidentiality, safety, security and free and informed consent, while ensuring a gender perspective.
2. The rapporteur on reprisals shall be mandated to review, assess and verify in a timely manner any information received concerning acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the Committee, and to determine, with the support of the Secretariat and, if possible, in consultation with the Chair of the Committee, the best course of action, including issuing a request for protection or interim measures.
3. The rapporteur on reprisals shall be responsible for coordinating the Committee’s activities against intimidation or reprisals, representing the Committee in any external related activities and liaising with the rapporteurs or focal points on reprisals of other treaty bodies and with other relevant stakeholders. With the support of the Secretariat, the rapporteur shall maintain a detailed record of all allegations of intimidation or reprisals received and action taken. She or he shall oversee the implementation of the guidelines to prevent and address intimidation and reprisals against individuals and groups cooperating with the Committee.<sup>3</sup>
4. The rapporteur on reprisals shall keep the Committee informed of activities undertaken under her or his mandate. To this end, the rapporteur shall update the Committee at least once a year, under a standing item on the Committee’s agenda.

**Rule 108****Coordination of the rapporteur on reprisals with the Committee**

Whenever there are grounds to believe that the Committee or a particular member may be able to contribute to the assessment of a situation, the rapporteur on reprisals may, in consultation with the Chair of the Committee, request their contribution.

**Rule 109****Confidentiality of allegations of reprisals, threats and intimidation**

All allegations of reprisals, threats and intimidation shall be treated confidentially. Nonetheless, the Committee may decide, with the consent of the victims, their relatives and/or their representatives whenever possible, to make available on its web page correspondence with the State party or any other information related to the case. Similarly, all relevant information shall be included in the annual report of the Committee to the General Assembly.

**XXVI. Communiqués****Rule 110****Issue of communiqués concerning public and closed meetings**

The Committee may issue communiqués, through the Secretary-General, for the use of the media and the general public regarding the activities of the Committee under articles 29 to 34 of the Convention.

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<sup>3</sup> CED/C/8.

## **Part three**

### **Interpretative rules**

#### **XXVII. Adoption of the rules of procedure and amendments**

##### **Rule 111**

##### **Adoption of the rules of procedure and amendments**

The present rules have been adopted in accordance with article 26 (6) of the Convention, and may be amended by the Committee, after the proposal has been duly circulated, provided that the amendment is not inconsistent with the provisions of the Convention.

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