

**Recommendations  
for the  
Elaboration of  
Rules of  
Procedure of the  
Arab Human  
Rights Committee**

**AMNESTY  
INTERNATIONAL**



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# ABBREVIATIONS

## UN TREATY BODIES

**CAT** Committee against Torture (responsible for overseeing implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)

**CEDAW** Committee on the Elimination of All Forms of Discrimination against Women (responsible for overseeing the implementation of Convention on the Elimination of All Forms of Discrimination against Women)

**CESCR** Committee on Economic, Social and Cultural Rights (responsible for overseeing implementation of the International Covenant on Economic, Social and Cultural Rights)

**CERD** Committee on the Elimination of Racial Discrimination (responsible for overseeing the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination)

**CRC** Committee on the Rights of the Child (responsible for overseeing implementation of the Convention on the Rights of the Child)

**CMW** Committee on Migrant Workers (responsible for overseeing implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families)

**HRC** Human Rights Committee (responsible for overseeing implementation of the International Covenant on Civil and Political Rights)

## OTHER BODIES

**UN** United Nations

**ECOSOC** UN Economic and Social Council

**OHCHR** UN Office of the High Commissioner for Human Rights

**NGOs** Non-Governmental Organisation

# 1. INTRODUCTION

The revised Arab Charter on Human Rights (the revised Charter),<sup>1</sup> adopted as an international human rights treaty in May 2004 at the Summit of the League of Arab States (the League),<sup>2</sup> provides for the establishment of a committee of seven independent experts, called the Arab Human Rights Committee (the Committee). Members have a four-year term and are elected by the states party to the revised Charter.<sup>3</sup> Members have to meet certain criteria to be elected, including expertise in the field of human rights, independence and impartiality but the criteria are not as fully elaborated as in certain other international human rights treaties<sup>4</sup>. According to Article 48 of the revised Charter, the Committee's role is to review reports by states parties on their implementation of the revised Charter, formulate comments and recommendations; and report annually to the Council of the League with comments and recommendations. The reports, final comments and recommendations of the Committee will be public documents and the Committee is requested to disseminate these widely.<sup>5</sup>

Article 45 (g) of the revised Charter provides that "The Committee shall establish its own rules of procedure and methods of work and shall determine how often it shall meet." The main tasks of the Committee are defined in Article 48 of the revised Charter, which is similar to that found in other international human rights treaties that provide for the establishment a body of independent experts to monitor and oversee the implementation of the treaty by state parties.<sup>6</sup> Provisions in these treaties also leave it to these monitoring and oversight bodies to determine their own rules of procedure.<sup>7</sup>

Amnesty International recommends that in determining its own rules of procedure the Arab Human Rights Committee should adopt a standard that takes into account and builds progressively upon the standards of other international human rights treaty monitoring bodies, such as those established by the UN. This is essential to ensure optimum impact and effectiveness of the Committee, as the newest such international treaty monitoring and oversight body and having regard to the areas of inconsistency that exist, in certain areas, between the revised Charter and other, widely ratified international human rights treaties.

This document draws on Amnesty International's long and direct experience of working in close cooperation with both UN and other regional human rights mechanisms. It seeks to highlight issues that, Amnesty International considers, must be adequately addressed by the Committee in establishing its rules of procedure if the Committee is to be able to carry out effectively its functions and responsibilities as a body charged with ensuring adherence to the revised Charter and furthering the protection and promotion of human rights within and among member states of the Arab League. However, this document is not intended as a comprehensive list of issues to be addressed by the Committee in determining its rules of procedure.

The UN treaty monitoring bodies (treaty bodies) typically divide their rules of procedure into

two sections<sup>8</sup> In the first part, they include the basic *procedural rules* that regulate the decision-making process within the committee (such as organization of the committee, membership, voting, quorum, meetings, official languages, etc). In the second section, they list the procedures that relate to the *substantive work* of the committee, including consideration of reports of states parties, issuance of conclusions and recommendations, carrying out thematic discussions and issuance of general comments and recommendations.

## 2. PROVISIONAL RULES OF PROCEDURE

The revised Charter had received 10 ratifications by the end of May 2009.<sup>9</sup> The first Committee to supervise the revised Charter was formed in March 2009 when seven individuals from a pool of candidates from eight countries were elected by the governments of the states that have ratified the revised Charter. The only candidate that was not elected was that proposed by Yemen, although it was the only country that nominated more than one candidate including the only woman. However, Yemen did not attend the day of the elections. As all the other states nominated only one of its own citizens, this meant that there was no effective competition especially that all the other states decided that since Yemen did not attend the elections, it is considered to have withdrawn its candidacy.<sup>10</sup> In all or most cases, it was also unclear what steps, if any, the nominating governments had taken to canvass national civil society institutions, including national human rights organizations, when identifying possible candidates for election and assessing their relative merits. As well, no women were elected, with the result that the Committee has a striking gender imbalance which, from the outset, raises serious questions about its overall composition.

At its first meeting, held in April 2009, the Committee adopted provisional rules of procedure containing 20 rules. These provide that the Committee will hold four *ordinary* meetings each year, the duration of which is not specified, and can also hold extraordinary meetings. Meetings are held at the headquarters of the League in Cairo but can be held elsewhere at the invitation of a state party. After each meeting, the Committee is to prepare a report in which it records its decisions but there is no requirement to make the reports public. The presence of five of the seven members; constitutes a quorum. Decisions are taken by consensus or by majority if this is not possible. The Committee decided to appoint a chairperson, vice chairperson and rapporteur but it is not clear whether it will have working groups or country rapporteurs to facilitate the consideration of state reports (see below), so it is unclear how the rapporteur would interact with country rapporteurs if the Committee should include provision for these when deciding its final rules of procedure. In addition to its ordinary and extraordinary meetings, the Committee may organise conferences or other meetings on human rights issues.

Under the provisional rules, the Committee empowered itself to seek information from the bodies of the League and the "Joint Arab Work Institutions"<sup>11</sup>, and will establish an independent bank account in order to receive grants, and donations in support of its work and activities. It is to have its own technical secretariat<sup>12</sup> to: prepare its meetings; prepare studies; establish and maintain a database of information about human rights in the Arab countries, including reports relating to states parties, international and regional human rights instruments and comments and explanations by UN bodies of human rights of instruments, issues and concepts. The last of the draft rules states that the provisions of the revised

Charter apply unless the rules of the Committee determine otherwise.

These provisional rules are generally positive and consistent with the rules of procedure of the international treaty-bodies, but they are incomplete as the Committee wisely decided to take more time to consult and deliberate before adopting final rules of procedure. Such consultation is advisable as the final rules should address other important procedural as well as substantial aspects of the Committee's role and work.

The following sections provide Amnesty International's recommendations concerning matters that should be addressed in the final rules of procedure of the Arab Human Rights Committee.

## 3. PROCEDURAL PROVISIONS

### 3.1. OFFICIAL AND WORKING LANGUAGES AND INTERPRETATION

The revised Charter does not specify the official and working languages of the Committee. Rules of procedure should clarify the language(s) in which reports and documents can be submitted, the working language(s) of the Committee, and who is responsible for translation and interpretation if information is presented in other than official languages.

It is important to note in this regard that UN treaty bodies allow for a speaker to address the Committee in a language other than an official language if he or she provides for interpretation into one of the official languages.<sup>13</sup> This has particular relevance to the Arab League states, which contain many ethnic minorities who may lack fluency in Arabic as well as large numbers of foreign migrant workers whose rights also need to be protected. It is important that the Committee provides these communities, which include marginalized communities, with the opportunity to present their information and engage with its work.

Further, Committee must be sensitive to the needs of persons with disabilities and adopt sufficient flexibility in its rules of procedure and its working methods to accommodate their needs – for example, by providing or allowing for the use of sign language and publishing information in Braille where appropriate..

- The revised Charter does not specify the official and working language(s) of the Arab Committee.
- The Arab Human Rights Committee must ensure that those concerned can address the Committee in non-official language(s), and must be sensitive to the needs of persons with disabilities.

### 3.2. MEETINGS AND ANNUAL REPORTS

The revised Charter does not specify how often the Committee should meet, which the Committee has itself determined in its provisional rules (four ordinary meetings annually). The Committee has yet to determine the duration of the four ordinary meetings that it will hold annually, but it should do so, establishing that each meeting should be of two weeks' duration, say, taking account of the number of state reports it wishes to consider at each meeting and how much time it wishes to devote to each report in addition to other business

like discussion of general comments. In doing so, the Committee should also determine the procedure it will follow when considering reports, including whether it will hold pre-sessions for consultation with representatives of civil society, as Amnesty International strongly recommends (see further below).

The revised Arab Charter does not detail what the annual report of the Committee should include. Article 48 (5) of the revised Charter simply states: “The Committee shall submit an annual report containing its comments and recommendations to the Council of the League, through the intermediary of the Secretary-General.”

The annual report is where the Committee can present its work in a comprehensive and wide-ranging document. It should cover not only its consideration of state reports but also include information on the Committee’s discussions with other organs of the Arab League and with other bodies, including the UN, other regional mechanisms, and civil society. It should also include discussions and recommendations of a general nature, as well as follow up activities carried out by the Committee. The annual report should also identify states whose reports on implementation of the revised Arab Charter are overdue, provide information on steps taken by the Committee to remind them of their obligation to submit their report, and other measures taken by the Committee in this regard (see further below on this). If, after the Committee has reminded a state party of its obligation to submit its report or additional information sought by the Committee, the state has failed to do so, this should be noted in the Committee’s annual report. The annual report should also include comments received from states parties.

It is essential that the annual report also lists the Committee’s sessions, and their dates, held in the period under review and describes comprehensively other activities undertaken by the Committee in pursuit of its mandate, including meetings that the Committee has held with states parties. As well, the Committee should provide information on its planned activities, which will assist others, including civil society organisations and activists to follow and support the work of the Committee and prepare relevant contributions to it.

- The revised Charter does not specify how often or for how long the Committee should meet. It also does not detail what the annual report of the Committee should include.
- The Arab Human Rights Committee must determine the periodicity and length of its sessions. Annual reports of the Committee must be public documents and must allow the Committee to present its work in a comprehensive and wide-ranging way.

### 3.3. MEMBERSHIP AND OFFICERS OF THE COMMITTEE

The three officers of the Committee - the Chairperson, Vice-chairperson and Rapporteur - are elected for two years and are eligible for re-election once, but they may not then hold office once ceasing to be a member of the Committee.

Article 46 (a) of the Charter provides that a Committee member may be removed if, in the unanimous opinion of the other members, he or she has ceased to carry out his or her

functions for any reason other than absence of a temporary character. In such circumstances, the Chairperson of the Committee is to notify the Secretary-General of the League, who will then declare the member's seat to be vacant. It is important that such vacancy is then open for membership from any state party, not limited to individuals from the state from which the removed member was elected, while paying due account to Article 45 (c) of the Charter which provides that "The Committee shall not include more than one member from a State party."

Similarly, Article 46 (b) provides that in the event of the death or the resignation of a member of the Committee, the Chairperson shall immediately notify the Secretary-General, who shall declare the seat vacant. The rules of procedure should clarify that in the case of resignation, the procedure should not commence until the Chairperson has received the written resignation of the member concerned in order to avoid the possibility of disputes, for example on whether a particular member has resigned and the date from which the resignation is effective.

- The revised Charter does not specify who is eligible for positions of membership of the Committee, once there is a vacancy.
- When there is a vacancy, the Arab Human Rights Committee must ensure that it is open for membership from any state party, not limited to individual from the state from which the member holding the vacant seat was elected.

### 3.4. DISSEMINATION OF INFORMATION

The Committee should establish its own dedicated website as soon as possible to facilitate the dissemination of information and raise awareness of its work. It should also consider having webcasts of its sessions posted on its website or, at least, make audio records of its sessions publicly available. The database and website should include a compilation of the Committee's jurisprudence to help ensure consistency in the Committee's work and decision-making and to facilitate comparison between the work of the Committee and other regional and international mechanisms. It is also important that the secretariat of the Committee plays an active role in publicizing reports and raising awareness of the work of the Committee.

- The revised Charter requires the Committee to disseminate information about its own work.
- The Arab Human Rights Committee must establish its own website and database, and consider having webcasts or at least audio records of its sessions posted on the website.

## 4. CONSIDERATION OF STATE REPORTS

According to article 48 (2) of the revised Arab Charter “Each State party shall submit an initial report to the Committee within one year from the date on which the Charter enters into force and a periodic report every three years thereafter. The Committee may request the states parties to supply it with additional information relating to the implementation of the Charter.” Apart from the periodicity in which the reports have to be submitted, the revised Charter does not provide any other directions on the reporting procedure or in what circumstances the Committee can request states to submit combined reports after initial reports. Consequently, such matters need to be clarified in the final rules of procedure.

### 4.1. REPORTING GUIDELINES (FORM AND CONTENT OF REPORTS)

In order to facilitate the work of the Arab Committee, the rules of procedure should clearly specify the authority of the Committee to develop reporting guidelines for states parties. Such reporting guidelines ensure that the reports of states parties are presented in a uniform manner. The Committee will need to develop two sets of reporting guidelines, one for initial reports, and a second for periodic reports. Different UN treaty bodies set out different formats - article-by-article, rights clustering or questionnaire - for the structure of state reports, though they all use a common core document, encompassing background information on the state, including political structure, basic data, laws and policies. The Arab Committee will need to decide what approach is most appropriate to enable it to carry out its treaty monitoring function, including what information it should require states parties to provide in their initial reports and what information is needed in their periodic reports. In doing so, the Committee must ensure that all reports are required to be comprehensive so that all the articles of the revised Charter receive adequate attention. States should not be permitted to omit reporting on particular articles of the Charter.

As the revised Arab Charter contains a wide range of rights of a different nature, the Committee may decide that the cluster approach may be appropriate as this would allow the Committee to aggregate the articles in a coherent manner, facilitating the analysis of states parties' reports. This is the format used by the CRC in its monitoring of the Convention on the Rights of the Child which like the revised Arab Charter, refers to a wide range of rights, including civil, political, economic, social and cultural, as well as rights related to certain groups.<sup>14</sup>

Ideally, states' reports should be comprehensive but succinct and concise, and the Committee should impose page limits to ensure this while requiring that states also provide necessary evidence and documentation to support their reports: this may include relevant

legislative, judicial, administrative and other information and statistical data.

In its reporting guidelines for states' periodic reports, the Committee should require that states provide information responding to the Committee's previous concluding observations, as well as measures taken to develop nationally comprehensive programmes to implement and monitor the rights in the revised Charter, including budget allocations when appropriate. The Committee may also wish states to comment on the obstacles they face in implementing the provisions of the revised Charter or in collecting relevant data, and reflect this in its concluding observations (see below). Building on the experience of other treaty bodies, the Committee may wish also to make observations in the reporting guidelines on how state authorities may obtain information for the state report to the Committee most effectively from relevant government ministries and departments and others, and subsequently transmit the Committee's recommendations to those bodies.

■ There is a need for ensuring that the reports of states parties are presented in a uniform and comprehensive manner.

■ It is recommended that the Arab Human Rights Committee adopts the cluster approach for reporting as this would allow the Committee to aggregate the articles in a coherent manner. The Committee must ensure that all reports are required to be comprehensive so that all the articles of the revised Charter receive adequate attention, and that states provide information responding to the Committee's previous concluding observations

## 4.2. OVERDUE REPORTS

States parties' reports must be submitted on a timely basis in order to facilitate the Committee's work and the Committee needs to make this clear. Other human rights treaty oversight mechanisms have been hampered in carrying out their responsibilities by some states parties' unwillingness or inability to prepare and submit their reports on time.

The revised Charter is silent in determining how the committee should address the problem of late or non-submission of reports if it should arise, and clarify this in the final rules of procedure. The approach of UN treaty bodies is generally to send a formal reminder to states that their reports are due, and to refer to the failure the state's failure to submit the report in their annual report if the delay persists.<sup>15</sup>

Further, all UN treaty bodies, except for the Committee on Migrant Workers, have adopted a review procedure to encourage non-reporting states parties to submit their reports. Under this, the state party is notified that its report is significantly overdue and that the UN monitoring mechanism will therefore examine the state's implementation of its treaty obligations in the absence of the state report. If, after this, the state report is still not forthcoming, a review is carried out in the light of such information as is available, including any dialogue with the state party delegation and information submitted by UN partners, national human rights institutions and non-governmental organisations (NGOs). Based on this information, the UN monitoring mechanisms then prepares its concluding observations and

comments, termed provisional concluding observations. The different treaty monitoring bodies have different approaches as regards whether and when to publish provisional observations: CERD and CAT make them public at the end of its session and in their annual report; the HRC releases the provisional concluding observations in the session following their adoption but not in its annual report; CEDAW publishes them on its website within two or three weeks; the CRC gives them to the state party on last day of its session and may reproduce them in the Committee's report to General Assembly on formal request.<sup>16</sup>

To encourage states to submit its reports, the CESCR adopts a three-step process, whereby the non-reporting state is first invited by the Committee to submit its overdue report. If the state does not do so, a second letter is sent asking the state party to report by a certain date. If the state still fails to submit its report by the deadline, the Committee formally notifies the government that it will proceed to examine the state's implementation of its treaty obligations without a state report, indicating the date when this will be done. If the state report is still not available by that date, the Committee undertakes its review using the information available from other sources and, makes provisional which it issues publicly on the final day of the session and refers to in its annual report.

- The revised Charter is silent in determining how the committee should address the problem of late or non-submission of reports.
- The Arab Human Rights Committee must send a formal reminder to states that their reports are due, and refer to their failure to submit the reports in the Committee's annual report. The Committee must also adopt a review procedure to encourage non-reporting states parties to submit their reports, including a procedure allowing the examination of state's implementation of the revised Charter in the absence of the state report.

### 4.3. PRE-SESSION PREPARATION

Before formally considering states parties' reports, all UN Committees<sup>17</sup> usually provide the states concerned with a list of issues and questions to be addressed by the state when its report is considered by the committee in order to enable the state's representatives to supplement the information and better prepare themselves for the discussion with the committee. This list is formulated by a pre-sessional working group or rapporteur(s) which convenes either immediately following a session in preparation for the next one or immediately before the session at which the state's report will be considered or during the plenary session. Again, different UN bodies have adopted different formats for doing this - CERD has a single rapporteur who decides the questions while in the case of other committees, all members are directly involved and the list of issues and questions may be decided up to 18 months ahead of consideration of the state party's report, as in the case of the CESCR. It is highly recommended to have a working group prepare adequately in advance in order to help states and civil society prepare for dialogue, provided that there is opportunity to reflect developments in the meantime, before the session.

It is important that the Arab Human Rights Committee ensures that there are systematic

questions asked in the pre-sessional working group and in the session, to ensure consistency of work. It is also important that the rules of procedure require that no member of the Committee shall participate in the preparation for the examination of state party reports or the discussion and adoption of concluding observations if they are involved in the state party in respect for which he or she was elected to the Committee.<sup>18</sup>

The CESCR, CEDAW and CRC have allowed NGOs to take part in some meetings of the pre-sessional working groups, in an effort to collect more information on the countries which will be examined in the upcoming sessions.<sup>19</sup> This practice should be followed by the Arab Committee, as it gives civil society the chance to provide new information and draw attention to issues which may not have been covered adequately or at all in states parties' reports or other available information.

It is important that the Arab Committee requests states to respond in writing to the list of issues within the time set by the Committee, so that the answers can be translated – if needed - into the official language of the Committee and be available to all Committee's members before the session to give the members adequate time to study the information. Committees such as CEDAW post the states written replies on their websites as soon as they are translated into the working languages.<sup>20</sup> This allows the general public to have access to the framework of the discussions that will take place during the Committee's session.

- The revised Charter does not include provisions on the methods to consider reports including through pre-sessional meetings.
- The Arab Human Rights Committee must establish pre-sessional meetings by a working group to develop list of issues, and ensure that there are systematic questions. No member of the Committee shall be allowed to participate in the preparation for the examination of state party reports or the discussion and adoption of concluding observations if they are involved in the state party in respect for which he or she was elected to the Committee. The Committee must ensure that the civil society take part in some meetings of the pre-sessional working groups.

#### 4.4. CONTRIBUTIONS FROM CIVIL SOCIETY<sup>21</sup>

The Charter of the United Nations provides for consultations with NGOs (Article 71 of the UN Charter).<sup>22</sup> All UN treaty bodies as well as special procedures (special rapporteurs, working groups, and special representatives) engage closely and constructively with civil society, including NGOs.<sup>23</sup> They allow civil society organisations and individuals access to their work and frequently carry out consultations with civil society. The rules and practice of the UN treaty bodies and special procedures generally provide NGOs the possibility to submit written statements to the various bodies' secretariat for consideration. This is not limited to organisations with consultative status with ECOSOC. This is a very important point for the Arab Committee to take into account, not least because the provision of consultative status for civil society organisations in the Arab League system is in its early years and the criteria and process are still very restrictive. Consequently, very few organisations in the region have such status, and even fewer of those are human rights organisations. It is important that the

Committee ensures wide access by civil society to its work. This should include organisations as well as individuals with expertise in issues important for the work of the Committee.<sup>24</sup>

Whenever possible, representatives of civil society, including NGOs and human rights activists, should be allowed to take part in some of the Committee's activities including by submitting information and documentation and providing oral briefings on the situation of human rights in states under consideration. They should also be able to suggest specific questions that the pre-sessional working group may consider incorporating in the list of issues with respect to the state party concerned. NGOs should also be able to comment on draft general comments and participate in general discussion days. This will ensure that the Committee is sourced with a broad range of information and that its decisions result from the open and transparent exchange of rational arguments. Civil society organisations and activists can potentially play a major role in helping ensure the success of the Committee's work. They can provide information to the Committee, including for review of states parties reports, early warning of deteriorating human rights situation, follow up on its recommendations, promote the ratification of the revised Charter, which in some cases is not provided by other bodies.

All treaty-bodies receive information from civil society actors. NGOs submit reports on the implementation of the treaties by states and these are considered when they examine the states parties' reports. CESCR, CEDAW and CRC welcome written information from national and international NGOs, as well as from other civil society actors (in particular individual experts, national human rights institution,<sup>25</sup> academic institutions, professional associations and parliamentarians) at their pre-sessional working groups for the preparation of lists of issues. The HRC, the CESCR, CAT, CEDAW and CMW all allocate time to oral submissions by NGOs during their reporting sessions.

The reporting guidelines developed by various treaty bodies also ask states to provide information on how they engage with civil society in activities related to strengthening the implementation of the treaties and in evaluating the progress achieved.

A final issue that needs to be taken into account, when regulating the participation of civil society in the Arab Committee, is how to deal with sensitive information provided by NGOs and civil society activists, for example when someone is at risk. The Committee must ensure that, if the representatives of civil society submitting information so request, the information and its source are kept confidential and not shared with the concerned state, but can still be used by the Committee. Several UN treaty bodies provide for this. According to a report produced by the OHCHR on the working methods of treaty bodies in relation to confidentiality of NGO information, it is stated that "[W]hen an NGO requests confidentiality, the [CESCR] respects it. A similar approach is followed by the HRC and CMW, and CAT has adopted the same principle, although individual NGOs may object to the State party being given its written submission, in which case the Committee will disregard the submission. HRC, CAT, CEDAW and CMW makes NGO information available on their respective websites. The CRC guidelines allow NGOs to request that their written submissions be kept confidential. If a request is not made to CRC, these submissions are posted in an external internet web page by the NGO Group for the CRC."<sup>26</sup>

The box below gives ideas proposed by AI, and based on the practice of treaty bodies on how NGOs and individual experts can participate in the activities of the Committee.

## **PARTICIPATION OF NGOS AND INDIVIDUAL EXPERTS –PROPOSED STEPS FROM GOOD PRACTICE IN RELATION TO CONSIDERATION OF STATE REPORTS<sup>27</sup>**

- The Committee systematically and strongly encourages NGOs to submit reports, documentation or other information in order to provide it with a comprehensive picture and expertise as to how the treaty is being implemented in a particular country. Written information from international, regional, national and local organizations is encouraged. Information may be submitted by individual NGOs or national coalitions or committees of NGOs.
- In order to rationalize its work, written information provided by national, regional and international NGOs as well as individual experts are required to be submitted to the secretariat at least two months prior to the beginning of the pre-sessional working group concerned. Enough copies must be provided to each of the members of the Committee. NGOs are invited to indicate clearly whether they wish the Committee keeps their information or its sources confidential.
- Requests of national, regional and international NGOs to participate in the pre-sessional working group are to be submitted to the Committee through its secretariat at least two months prior to the beginning of the pre-sessional working group concerned.
- Based on the written information submitted, the Committee issues written invitations to selected NGOs to participate in the pre-sessional working group. The Committee will only invite NGOs whose information is particularly relevant to its consideration of the State party's report. Priority will be given to partners who have submitted information within the requested time-frame, who are working in and on the State party.
- The pre-sessional working group of the Committee provides a unique opportunity for dialogue with partners, including NGOs, regarding implementation of the treaty by states parties. Therefore, the Committee strongly recommends that its partners limit their introductory remarks to a maximum of 15 minutes so that the members of the Committee can then engage in a constructive dialogue with all participants. Introductory remarks should be limited to highlighting issues in the written submission.
- If many NGOs are providing information to the Committee, they are encouraged but not required to coordinate efforts and submit a synthesized report. NGOs can request that

information be kept confidential. Meetings are devoted to NGOs during the pre-sessional working group, which is a closed meeting. NGOs may request a private meeting with the Committee. Exceptionally, NGOs may be allowed to provide additional information at the session when the report is considered.

#### 4.5. THE CONSTRUCTIVE DIALOGUE

Besides the provision of additional or updating information on states' reports, the list of issues elaborated by pre-sessional working groups aim to structure the constructive dialogue between the state party and the treaty monitoring body. Such bodies use the concept of "constructive dialogue" to "describe the process, thus emphasising the non-judgemental nature of the process of consideration of the report, which is aimed at assisting the State party in advancing implementation of the relevant treaty."<sup>28</sup>

According to specific rules of some UN treaty bodies (CEDAW and CRC) and the practices of others, these bodies invite the states party to attend the sessions in which their reports will be considered, to enable the constructive dialogue. During the session, the head of the state party delegation is invited to present the state's report and, in certain cases, to reply to the list of issues provided by the pre-sessional working group. After a brief presentation on the main issues covered by the report (and responses to the list of questions), members of the treaty monitoring body may raise questions to the state delegation on aspects of special concern. The state representatives also usually have some time in which to respond to questions posed by the members of the treaty monitoring body. Responses to questions that cannot be answered during the session can be submitted in writing later according to a deadline agreed by the chairperson of the treaty monitoring body.

The presence of a delegation from the state party when its report is examined is obviously desirable to allow constructive dialogue but it is important too that the state delegation includes appropriate experts capable of responding to queries or clarifications requested by the members of the treaty monitoring body. UN treaty bodies do go ahead and consider state reports even in the absence of a delegation from the state, though the latter may also obtain a delay when there is good reason (for example, due to visa problems or political crises).

The revised Arab Charter clearly states, in its article 48 (3) that "The Committee shall consider the reports submitted by the states parties ... in the presence of the representative of the State party whose report is being considered." The revised Charter, however, does not stipulate what the Committee should do in case the state representatives are absent. It is essential, therefore, that the rules of procedure clarify this and permit the Arab Committee to continue its important work even in the absence of attendance or cooperation of a state party.

■ The revised Charter requires that the consideration of state reports shall be in the presence of the delegation of the state. It does not specify the nature of that dialogue and what must happen if the state delegation is absent from the session.

■ The Arab Human Rights Committee must ensure that the constructive dialogue with the state allows for interaction between members of the Committee and the State delegation. If the state representative is absent, the Committee must continue its work even in the absence of attendance or cooperation of a state party.

## 4.6. CONCLUDING OBSERVATIONS

A final stage of the examination of states parties' reports consists of the drafting and adoption of concluding observations, in which the treaty bodies present their concerns and make specific recommendations to the state party for future action. The revised Arab Charter refers to concluding observations in its articles 48 (4 and 6)<sup>29</sup>, requiring that the Committee's concluding observations and recommendations be made public documents that the Committee should disseminate widely.

In general, the concluding observations of UN treaty bodies are developed according to a certain structure, which includes introduction, positive aspects, principal subjects of concern, and suggestions/recommendations. Besides these items, the Committee on ESCR also refers in its concluding observations to "factors and difficulties impeding the implementation of the Covenant". A similar framework could be followed by the Arab Committee, since it takes into consideration not only the positive and negative aspects, but also makes clear the difficulties faced by states to realize specific human rights. While recognising factors and difficulties in impeding the implementation of the treaties, UN treaty bodies have consistently rejected deviation from the duty on states to respect, protect and fulfil rights according to international law, and therefore have highlighted such concerns in their conclusions and recommendations.

It is the practice of the treaty bodies not to release the concluding observations prior to making them available to the state party concerned. After formally transmitting the concluding observations, the treaty bodies generally translate them into the official languages that they use and then make them widely available, by publishing them as official documents and/or posting them on their websites. It is imperative, therefore, that the review of state reports culminates in concluding observations that are published as soon as possible, since these observations offer an important contribution to the assessment of the human rights situation in a given country and prescribe actions that must be taken in order to advance the respect of human rights.

The revised Charter is silent about when the conclusions and recommendations of the Committee must be made public. Reference is made only to the annual report of Committee, which must include these conclusions and recommendations. However, if publication of the concluding observations is limited to the Committee's annual report, this will assuredly hinder the impact of the Committee's work, as an independent human rights treaty monitoring body, and appear to alleviate unnecessarily the obligation of states to give prompt consideration to the Committee's findings and recommendations, and the need to take speedy steps to address these and ensure the fullest possible application of the treaty. It is essential that states receive the observations as early as possible so that they have sufficient time to act on such observations and recommendations. It is also important that the Committee's findings, recommendations and other information is made available promptly to the civil society and to relevant UN and LAS specialised agencies as quickly as possible after each Committee session in order that they too can consider what action they can take to address problems or recommendations identified by the Committee, to disseminate such observations and to draw on them in the context of their own human rights planning, programming and activities.

In order to maintain the exercise of a constructive dialogue, states parties should be allowed to respond to the concluding observations, through the submission of comments on the concluding observations adopted with respect to their reports. The Arab Committee will have to decide whether it wants to include these comments in its annual report, or issue them as official documents detached from the annual report. Independently of the format chosen by the Committee, it will be crucial that these comments are also made available to the public.

- The revised Charter allows the Committee to issue conclusions and recommendations, but does not specify when these should be issued and the nature of these. The revised Charter only refers to an annual report.

- The Arab Human Rights Committee must issue its concluding observations in public documents as early as possible after the session in which the state report was considered. Concluding observations must include an introduction, positive aspects, principal subjects of concern, and suggestions/recommendations. The Committee must emphasise the duty of states to respect, protect and fulfil rights.

#### 4.7. SUMMARY RECORDS

Summary records of the public and private closed meetings of the Committee and any future subsidiary bodies it creates are to be prepared by the secretariat, and are to be distributed in provisional form as soon as possible to the members of the Committee, and to any others participating in the meeting.<sup>30</sup> All such participants may then, within a short, specified period of, say, three working days of receipt of the provisional record of the meeting, submit corrections to the secretariat. Any disagreement concerning such corrections must be settled by the Chairperson of the Committee, or in the case of continued disagreement, by decision of the Committee.

The summary records of public meetings of the Committee in their final form should be documents of general distribution unless, in exceptional circumstances, the Committee decides otherwise. The summary records of private meetings should 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 circumstances as the Committee may decide.

- There is no mention in the revised Charter of summary records.

- Summary records of private and public meetings of the Arab Human Rights Committee must be prepared by the Secretariat. The public records must be made available and distributed widely as soon as possible.

#### 4.8. FOLLOW-UP PROCEDURE IN RELATION TO THE CONSIDERATION OF REPORTS

In order to ensure the implementation of the recommendations contained in the concluding observations, it is advisable that the Arab Committee creates a follow-up mechanism to monitor more closely the actions taken by states parties to address the issues raised in the Committee's concluding observations. A customary procedure adopted by the UN treaty bodies in this respect consists of requesting states parties to provide additional information on specific and prioritized recommendations of the concluding remarks, which may be submitted within a certain period of time, usually one year. If the states do not submit the information requested, or the information is considered to be unsatisfactory, the treaty bodies generally send a reminder to the state party in question. Besides the reminder, the Committee on ESCR has also been using a mechanism in which, if the Committee is unable to obtain the information it requires, it may request the state party to accept a technical assistance mission consisting of one or two of the members of the ESCR Committee. If the state party rejects the proposed mission, the Committee may make appropriate recommendations to the Economic and Social Council. The ESCR Committee is currently considering a further strengthening of this procedure through the appointment of a rapporteur responsible for follow-up. The box below demonstrates how the Committee on ESCR undertakes its follow-up procedure in relation to the consideration of reports. This is a good practice that the Arab Committee may wish to adopt.

#### **FOLLOW-UP PROCEDURE IN RELATION TO THE CONSIDERATION OF REPORTS - CESCR<sup>31</sup>**

- It is strongly recommended that the Arab Human Rights Committee follows a process similar to that described below, which is based on the practice of the Committee on Economic, Social and Cultural Rights.
- In all concluding observations, the Committee requests the state party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations.
- Where appropriate, the Committee may, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due. The Committee may also ask the state party to respond to any pressing specific issue identified in the concluding observations prior to the date that the next report is due to be submitted.
- Any information provided in accordance with these procedures will be considered by the next meeting of the Committee's pre-sessional working group.
- In general, the working group could recommend that the Committee takes one of the

following measures:

- That the Committee takes note of such information;
- That the Committee adopts specific additional concluding observations in response to that information;
- That the matter be pursued through a request for further information;
- That the Chairperson of the Committee be authorized to inform the state party, in advance of the next session, that the Committee would take up the issue at its next session and, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome (although consideration of a comprehensive periodic report might not be scheduled for that session); or
- If the information requested in accordance with these procedures is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.
- In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach. In particular, the Committee may request that the state party concerned accept a visit by one or two members of the Committee. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; and (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to provision of technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.
- At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services, to be provided by the Office of the High Commissioner for Human Rights.
- In a case where the State party concerned does not accept the proposed mission, the Committee will consider making whatever recommendations might be appropriate to the Economic and Social Council.

## 5. GENERAL COMMENTS

All UN treaty bodies have developed the practice of issuing views on the nature of state obligations in general comments. These comments do not deal with implementation of the treaty in relation to one state in particular, but are thematic, explaining aspects of the treaty, and are of substantive nature relating to the treaty's implementation, including what is expected from state reports, reflecting the interpretation of the committees of the provisions of the relevant treaty. It should be noted that none of the treaties refer to thematic general comments as such, but the references to "general comments" or "general recommendations" in the texts of the various treaties has been interpreted to mean such type of comments.<sup>32</sup> This is reflected in the rules of procedure of the treaty bodies, and is distinguished from the concluding comments or observations that relate to the examination of reports of specific states. The OHCHR explains that "General comments provide guidance on the implementation of a convention. They cover a variety of subjects ranging from comprehensive interpretation of substantive provisions to general guidance on the information on specific articles of the treaty that states should submit in their reports."<sup>33</sup> These general comments are published after the session when they are adopted and in the annual report of the relevant committee.

The revised Charter, like the UN treaties, refers to general comments. Therefore, the Arab Committee should adopt a similar approach and include this in its rules of procedure. Such general comments provide elucidative guidance to states parties on how to fulfil their obligations, building on the experience gained by the treaty monitoring body in examining states parties reports, including those which contained insufficient information, and analysis of areas or aspects of the treaty that states parties appear either not to fully comprehend or to understand the nature of the treaty obligations that they impose.

During the formulation of its general comments, the Arab Committee, like the other treaty-bodies, should welcome the views of specialised agencies, NGOs, academics and other human rights treaty bodies on relevant issues regarding the content of the states parties' obligations. In order to facilitate its work when preparing a general comment, the Committee should designate one of its members to write the initial draft of the general comment, which should then be considered by the Committee and by other relevant interested parties, such as individual experts and NGOs in order to seek their views and advice, and posted for comment on the Committee's website.. A revised draft of the general comment should then be discussed and approved during the next appropriate plenary session of the Committee.

■ The revised Charter does not refer specifically to thematic general comments, although it refers to comments.

■ It is essential that the Arab Human Rights Committee issues general comments on thematic issues which provide elucidative guidance to states parties on how to fulfil their obligations. The Committee should designate one of its members to write the initial draft. Comments on this should be solicited by the Committee from other relevant interested parties, such as individual experts and NGOs.

## 6. GENERAL DISCUSSION DAYS

Some UN treaty monitoring bodies (CESCR, CERD, CRC and CMW) have adopted the practice of having days of general discussions in which the main concerns regarding the implementation of their treaties are discussed in depth. Treaty bodies such as CERD and CRC hold regular thematic discussions, where states parties, intergovernmental organisations and NGOs as well as individual experts are invited to express their views on the subjects under discussion. CESCR organises days of general discussion aiming specifically to receive comments and suggestions on General Comments that are being drafted.

Amnesty International recommends that the Arab Committee also establishes such a practice and holds general discussion days in which states parties, UN and other specialised bodies, organs of the Arab League, as well as civil society and individual experts and others concerned are invited to discuss and clarify the topics covered by the revised Arab Charter. Ideally, these days of discussion should take place on a regular basis (the CRC, for example, holds a day of general discussion every year) and the largest possible number of participants should be invited to take part. All the information regarding the topics which will be discussed as well as the criteria for registration should be made publicly available, preferably through the Committee's website, sufficiently in advance.

- The revised Charter does not refer to days advocated to general discussions.
- Arab Committee should hold regularly general discussion days in which states parties, UN and other specialised bodies, organs of the Arab League, as well as civil society and individual experts take part in discussing the issues designated by the Committee.

## 7. EARLY WARNING AND URGENT ACTIONS

CERD has developed an early warning procedure for use when it perceives there is a danger that problems being experienced in a state party are escalating and there is a risk of conflict, and an urgent action procedure to deal with problems that need immediate attention. The procedure may be invoked by the CERD itself or by NGOs or other concerned parties. It involves inviting the attendance of a delegation from the government of the state party in question in order to discuss the CERD's concerns, and a discussion session is held even if the state party declines to attend. Interested parties may make written submissions to the discussion and the CERD may decide to conduct a field visit to the state party. At the end of the process, the CERD issues its conclusions, in which it asks the state to carry out certain actions and to submit information. The CERD can also decide to draw the matter to the attention of the UN Secretary-General and the Security Council.

In the past, and despite not having a formalized urgent action procedure, the HRC and the CAT have asked states to submit overdue reports without delay, usually in response to a crisis situation. On occasion, the treaty bodies have also made public statements to highlight an issue of particular concern.

- It is important that the Committee develops mechanisms to deal with emerging emergencies.
- When it is in the opinion of the Committee that there is a danger that problems being experienced in a state party are escalating, the Committee must invite the attendance of a delegation from the government of the state party in question in order to discuss the Committee's concerns. The Committee must also have the option to ask states to submit reports on the situation, and to make public statements on occasions.

## 8. SPECIAL SESSIONS

The revised Charter does not specify whether the Arab Committee has the power to hold exceptional or special sessions. The draft rules of procedure adopted by the Committee provides that in addition to the four regular sessions, the Committee can hold exceptional sessions, called for by the Chairperson of the Committee, after consultation with members. It is important that the Committee is able to decide to convene special sessions, which should be devoted only to the item or items for which the special session was convened.<sup>34</sup> When the Committee is not in session, the Chairperson may convene special sessions in consultation with the other officers of the Committee. The Chairperson of the Committee shall also convene special sessions:

1. at the request of a majority of the members of the Committee; and
2. at the request of a state party to the revised Charter.

Such special sessions shall be convened as soon as possible at a date fixed by the Chairperson in consultation with the Secretary-General and with the other officers of the committee.

- The revised Charter does not mention the power of the Committee to hold special sessions.
- The Arab Human Rights Committee must have the power to convene special sessions called for by the Chairperson in his or her own initiative, also at the request of a majority of the members or at the request of a state party.

# RESOURCES AND USEFUL DOCUMENTS

- "Compilation of Rules of Procedure Adopted by Human Rights Treaty Bodies", HRI/GEN/3.Rev3, which is updated regularly, 2008 update is issued on 28 May 2008, available on

<http://www2.ohchr.org/english/bodies/icm-mc/docs/8th/HRI.GEN.3.Rev3.doc>

- "Report of the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process", HRI/MC/2008/4, 5 June 2008, available on

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.MC.2008.4.doc>

- "Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women" UN Doc. CEDAW/C/2007/II/4/Add.1, 25 October 2006,

<http://www2.ohchr.org/english/bodies/cedaw/workingmethods.htm>

- "Guidelines for the participation of NGOs and individual experts in the pre-sessional working group of the CRC", CRC/C/90, Annex VIII, retrieved from

<http://www.unhcr.ch/html/menu2/6/crc/treaties/guide/guidelines-E.pdf>

- "Working with the United Nations Human Rights Programme: a Handbook for Civil Society", available on

<http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook.pdf>



<sup>1</sup> This document uses the translation of the revised Charter by the UN Office of the High Commissioner for Human Rights of the version that was adopted by the Arab Standing Committee on Human Rights. The text in Arabic of this version was subsequently adopted as it is by the Summit of the League of Arab States. See [http://www.pogar.org/themes/reforms/documents/darevised\\_Charter.pdf](http://www.pogar.org/themes/reforms/documents/darevised_Charter.pdf)

<sup>2</sup> The revised Charter entered into force on 15 March 2008 after receiving seven ratifications, as required by Article 49 (2) of the revised Charter, which states that “The present Charter shall enter into effect two months from the date on which the seventh instrument of ratification is deposited with the Secretariat of the League of Arab States.”

<sup>3</sup> Article 45 (3-4) of the revised Charter states “The Committee shall include among its members not more than one national of a State party; such member may be re-elected only once. Due regard shall be given to the rotation principle; [and] The members of the Committee shall be elected for a four-year term, although the mandate of three of the members elected during the first election shall be for two years and shall be renewed by lot.”

<sup>4</sup> Noting that the revised Arab Charter’s criteria for membership are not elaborated as fully as in other international human rights treaties, Amnesty International called for additional criteria to be considered when nominating and electing the members, including ensuring knowledge of specific themes and subject matters and knowledge of the various legal systems in the region. It is not clear to what extent, if at all, such additional criteria were taken into account by the states responsible for nominating and electing the present members of the Committee. See Amnesty International: “Middle East and North Africa: The Arab Human Rights Committee: Elections of Members and Criteria of Membership”, 10 June 2008, AI Index IOR 65/001/2008, available on

<http://www.amnesty.org/en/library/info/IO65/001/2008/en>

<sup>5</sup> Article 48 of the revised Charter states: “1. The states parties undertake to submit reports to the Secretary-General of the League of Arab States on the measures they have taken to give effect to the rights and freedoms recognized in this Charter and on the progress made towards the enjoyment thereof. The Secretary-General shall transmit these reports to the Committee for its consideration; 2. Each State party shall submit an initial report to the Committee within one year from the date on which the Charter enters into force and a periodic report every three years thereafter. The Committee may request the states parties to supply it with additional information relating to the implementation of the Charter; 3. The Committee shall consider the reports submitted by the states parties under paragraph 2 of this article in the presence of the representative of the State party whose report is being considered; 4. The Committee shall discuss the report, comment thereon and make the necessary recommendations in accordance with the aims of the Charter; 5. The Committee shall submit an annual report containing its comments and recommendations to the Council of the League, through the intermediary of the Secretary-General; [and] 6. The Committee’s reports, concluding observations and recommendations shall be public documents which the Committee shall disseminate widely.”

<sup>6</sup> With the exception of the International Covenant on Economic, Social and Cultural Rights, since the establishment of the treaty-body monitoring the Covenant was by UN ECOSOC resolution.

<sup>7</sup> All operative human rights treaty bodies have adopted rules of procedure, compiled in the document “Compilation of Rules of Procedure Adopted by Human Rights Treaty Bodies, HRI/GEN/3.Rev3, which is updated regularly, 2008 update is issued on 28 May 2008 and available on

<http://www2.ohchr.org/english/bodies/icm-mc/docs/8th/HRI.GEN.3.Rev3.doc>

<sup>8</sup> See “Report on the working methods of the Human Rights Treaty-bodies relating to the State party reporting process”, HRI/MC/2008/4, 5 June 2008, available on

<http://www2.ohchr.org/english/bodies/icm-mc/documents.htm>

<sup>9</sup> These are (in alphabetical order): Algeria, Bahrain, Jordan, Libya, Palestine, Qatar, Saudi Arabia, Syria, United Arab Emirates (UAE), and Yemen.

<sup>10</sup> Information obtained by phone from the Secretariat of the League of Arab States. The members of the Committee are: Mr. Mohammed al-Nosour (Jordan); Dr. Abdel-Rahim Yousif al-‘Awadi (UAE); Mr. Khalifa Yousif al-Ka’bi (Bahrain); Dr. ‘Abdel Majid Za’lani (Algeria); Mr. Tahir al-Husami (Syria); Justice As’ad Na’im Younis (Palestine); Mr. Murad Mohammed Hamima (Libya). It should be noted that all the Committee members are male. Some also hold government posts.

<sup>11</sup> This refers to the specialised organs and agencies of the League of Arab States.

<sup>12</sup> This will be separate from the Human Rights Directorate at the headquarters of the Arab League, which will continue to service the Standing Arab Committee on Human Rights, which is a political body formed of representatives of each of the members of the Arab League.

<sup>13</sup> See for example rules 25 (2) of the CESC, 30 of the HRC, 28 of CERD, and 29 of CRC.

<sup>14</sup> The CRC has prepared two sets of guidelines regarding the form and content of initial and reports to be submitted by states parties under article 44, paragraph 1 (a), of the Convention. These guidelines are contained in document CRC/C/5 and CRC/C/58 respectively.

<sup>15</sup> See Rule 69 of the HRC's Rules of Procedure, Rule 59 of the CESCR's Rules of Procedure, Rule 66 of the CERD's Rules of Procedure, Rule 65 of the CAT's Rules of Procedure, Rule 67 of the CRC's Rules of Procedure, Rule 49 of the CEDAW's Rules of Procedure, and Rule 84 of the African Commission on Human and Peoples' Rights's Rules of Procedure.

<sup>16</sup> Report of the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process", HRI/MC/2008/4, 5 June 2008, Para. 84, available on

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.MC.2008.4.doc>

<sup>17</sup> In the case of CERD, lists of issues are not formally adopted by the Committee, but by the country rapporteurs with respect to the State reports assigned to them.

<sup>18</sup> See para. 58 of "Report of the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process", HRI/MC/2008/4, 5 June 2008, available on

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.MC.2008.4.doc>

<sup>19</sup> See for CESCR, "Committee on Economic, Social and Cultural Rights – Working Methods", available on

<http://www2.ohchr.org/english/bodies/cescr/workingmethods.htm>

for CEDAW, See "Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women", document CEDAW/C/2007/II/4/Add.1, 25 October 2006,

<http://www2.ohchr.org/english/bodies/cedaw/workingmethods.htm>

and for CRC, see "Committee on the Rights of the Child – Working Methods",

<http://www2.ohchr.org/english/bodies/crc/workingmethods.htm#a2a>

<sup>20</sup> See "Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women", UN Doc. CEDAW/C/2007/II/4/Add.1, 25 October 2006,

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/594/40/PDF/N0659440.pdf?OpenElement>

<sup>21</sup> for more information on the involvement of civil society and individual actors in the work of the UN treaty-bodies, see Chapter IV of "Working with the United Nations Human Rights Programme: a Handbook for Civil Society", available on

<http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook.pdf>

<sup>22</sup> Article 71 of the UN Charter provides: "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned."

<sup>23</sup> According to a document produced by a UN special panel to look at the relation between civil society and the UN, *Non-governmental organization (NGO)* are defined as "All organizations of relevance to the United Nations that are not central Governments and were not created by intergovernmental decision, including associations of businesses, parliamentarians and local authorities. There is considerable confusion surrounding this term in United Nations circles. Elsewhere, NGO has become shorthand for public-benefit NGOs — a type of civil society organization that is formally constituted to provide a benefit to the general public or the world at large through the provision of advocacy or services. They include organizations devoted to environment, development, human rights and peace and their international networks. They may or may not be membership-based." See: We the peoples: civil society, the United Nations and global governance Report of the Panel of Eminent Persons on United Nations–Civil Society Relations, A/58/817, 11 June 2004.

<sup>24</sup> Specific Rules of Procedure of treaty bodies that refer to participation of NGOs and individuals include CEDAW (Rules 47 and 83 (3-c), HRC (rule 112 (2); ESCR (rule 69 (1); CAT (Rule 62 (1) and 76 (4); CRC (Rule 2) and CMW Rule 29). The practice of treaty bodies have developed in such that it does not limit the involvement of NGOs to those with consultative status. See also Report of the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process, HRI/MC/2008/4, 5 June 2008, paras 105-115, available on

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.MC.2008.4.doc>

<sup>25</sup> Treaty bodies meet with national human rights institutions in separate meetings from those of NGOs.

<sup>26</sup> "Report on the working methods of the Human Rights Treaty Bodies relating to the State Party reporting process" UN Doc. HRI/MC/2008/4, 5 June 2008, para. 109, available on

[http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.MC.2008.4\\_en.doc](http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.MC.2008.4_en.doc)

<sup>27</sup> The practice of all other treaty bodies is developing in a similar direction as the one proposed here, with some variation. See for example

Guidelines for the participation of NGOs and individual experts in the pre-sessional working group of the CRC, CRC/C/90, Annex VIII, retrieved from

<http://www.unhcr.ch/html/menu2/6/crc/treaties/guide/guidelines-E.pdf>

<sup>28</sup> See “Report on the working methods of the Human Rights Treaty-bodies relating to the State party Reporting Process”, document HRI/MC/2007/4, dated on 11 June 2007, available on

[http://www2.ohchr.org/english/bodies/icm-mc/docs/hri\\_mc\\_2007\\_4.doc](http://www2.ohchr.org/english/bodies/icm-mc/docs/hri_mc_2007_4.doc).

<sup>29</sup> Article 48 (4) provides: “The Committee shall discuss the report, comment thereon and make the necessary recommendations in accordance with the aims of the Charter.” Article 48 (6) states: “The Committee’s reports, concluding observations and recommendations shall be public documents which the Committee shall disseminate widely.”

<sup>30</sup> Private meetings can for example be between the Committee and NGOs, on request of NGOs.

<sup>31</sup> See Committee on Economic, Social and Cultural Rights – Working Methods,

<http://www2.ohchr.org/english/bodies/cescr/workingmethods.htm>

<sup>32</sup> For example, Rule 65 of the CESCR’s Rules of Procedure states that the CESCR “*will prepare general comments in order to assist states parties in fulfilling their reporting obligations.*” The Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women use the term “general recommendations”.

<sup>33</sup> OHCHR: “Working with the United Nations Human Rights Programme: A Handbook for Civil Society”, chapter IV.

<sup>34</sup> CAT, CEDAW, CERD, CRC and HRC Rules of Procedure provide for Special Sessions.

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