



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

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## **Part one. General provisions**

The general provisions apply to all procedures, be they individual communications, the inquiry procedure, or inter-State communications.

### **I. General principles guiding the functioning of the Committee**

#### **General principles**

##### *Rule 1*

1. In fulfilling all functions conferred on it by the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (the Protocol), the Committee shall be guided by the principle of the best interests of the child(ren). It shall also have regard for the rights and views of the child(ren), the views of the child(ren) being given due weight in accordance with her/his/their age and maturity.

2. In doing so, the Committee shall take all appropriate measures to ensure that the child(ren) is/are not subject to improper pressure or inducement by those acting on her/his/their behalf.

#### **Principle of expeditiousness**

##### *Rule 2*

For any action undertaken under the Protocol and at any stage of the procedure, the Committee shall handle communications expeditiously and avoid unnecessary delays. It shall also encourage the parties to avoid unnecessary delays.

#### **Privacy**

##### *Rule 3*

The identity of any individual or groups of individuals concerned by any action undertaken under the Protocol shall not be revealed publicly without her/his/their express consent.

#### **Protection measures**

##### *Rule 4*

When the Committee receives reliable information that a State party has not complied with its obligations under article 4, paragraph 1, of the Protocol to take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any human rights violations, ill-treatment or intimidation as a consequence of communications or cooperation with the Committee, it may request the State party to adopt and take all appropriate measures urgently to stop the breach reported and submit written explanations and clarifications thereon to the Committee. Compliance with this request shall be monitored. The Committee may also issue public statements in this regard and take such action as may be appropriate.

## **II. Methods of work**

### **Record of activities under the Protocol**

#### **Rule 5**

The Secretary-General shall maintain a permanent record of all individual communications, information indicating grave or systematic violations by a State party and inter-State communications brought to the attention of the Committee and shall make all the information available to any member of the Committee upon her/his request in the language of submission.

### **Working group(s) and rapporteur(s)**

#### **Rule 6**

1. The Committee may establish working group(s) and may designate rapporteur(s) to make recommendations to the Committee and to assist it in any manner in which the Committee may decide.
2. The rules of procedure of the Committee shall apply, as appropriate, to the meetings of the working group(s) established under the present rule and to the activities of the designated rapporteur(s).

### **Interim measures**

#### **Rule 7**

1. At any time during the procedure and before the Committee reaches a determination on the merits of an individual or inter-State communication or on the findings of an inquiry, it may transmit to the State party concerned for its urgent consideration a request that the State party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim(s) of the alleged violations.
2. The Committee may designate a rapporteur or working group who may, on behalf of the Committee, request the State party concerned to take such interim measures as the rapporteur or working group considers necessary to avoid possible irreparable damage to the victim(s) of the alleged violation. The rapporteur or working group shall thereafter and as soon as possible inform the Committee of the action taken in this regard.
3. Where the Committee requests interim measures under paragraph 1, the request shall state that this does not imply a determination on the admissibility or on the merits of the individual or inter-State communication, or on the findings of the inquiry procedure.
4. The Committee, a rapporteur or working Group shall monitor compliance with its/her/his request for interim measures and may request the State party to adopt and take all appropriate measures to comply with that request. The Committee, a rapporteur or working group may also issue public statements in this regard.
5. The State party concerned may present arguments at any stage of the proceedings if it considers that the request for interim measures should be lifted or is no longer justified.
6. The Committee, a rapporteur or working group may withdraw a request for interim measures at any stage of the proceedings on the basis of information received from the parties concerned in the individual communication, the inquiry procedure or the inter-State communication.

7. Where the Committee, a rapporteur or working group has requested interim measures, the Committee shall expedite the consideration of the individual or inter-State communication or the inquiry.

#### **Inability of a member to take part in the procedure**

##### *Rule 8*

1. A member of the Committee shall not participate in, be present during, or influence in any way the procedure if:

- (a) The member is a national of the State against which the case is directed;
- (b) The member has a personal or professional interest in the case, or if any other real or perceived conflict of interest is present;
- (c) The member has participated, in any capacity, in the making and adoption of any decision on the communication other than under the procedures applicable to this Protocol, the Convention or the substantive Optional Protocols thereto.

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

#### **Withdrawal of a member**

##### *Rule 9*

If, for any reason, a member considers that she or he should not take part or continue to take part in the examination of a communication, the member shall withdraw and shall inform the Chairperson of her/his decision to do so.

#### **Consultation of experts**

##### *Rule 10*

1. Where needed, the Committee may consult with independent experts, at its own initiative.
2. The Committee may also consult with independent experts at the request of any of the parties. If an expert is recommended by one of the parties, the other party will have the opportunity to propose an additional or alternative expert. The Committee will take the final decision on which expert it wishes to consult.

#### **Budget**

##### *Rule 11*

The Secretary-General will provide the necessary financial resources for the Committee's activities under the Protocol.

## **Part two. Procedures for the consideration of individual communications received under the Optional Protocol on a communications procedure**

### **Author(s) of communications**

#### *Rule 12*

In the present rules, the author(s) of an individual communication means the person(s) who is/are submitting the individual communication, whether the alleged victim(s) or not. The fact that the alleged victim(s) is/are represented does not mean that he/she/they cannot correspond with the Committee directly.

### **Submission of communications**

#### *Rule 13*

1. Communications may be submitted by an individual or group of individuals, within the jurisdiction of a State party, claiming to be victim(s) of a violation of the provisions of the Convention and/or the substantive Optional Protocols thereto by this State party, regardless of whether their legal capacity is recognized in the State party against which the communication is directed.

2. Communications may also be submitted by their designated representatives, or by others acting on behalf of the alleged victim(s) with their express consent. Where there is a concern that representation, despite the victim's(s') consent may be a result of improper pressure or inducement, the Committee may instruct the Secretary-General to request additional information or documents, including from third party sources in accordance with rule 23, paragraph 1, of the present rules, that show that the submission of a communication on the alleged victim's(s') behalf is not a result of improper pressure or inducement and is in the best interests of the child. Any such request shall remain confidential and does not in any way imply that these third parties become a party to the proceedings.

3. Notwithstanding paragraph 2 of the present rule, communications may be submitted on behalf of the alleged victim(s) without such express consent, provided that the author(s) can justify her/his/their action and the Committee deems it to be in the best interests of the child. If possible, the alleged victim(s) on whose behalf the communication is presented may be informed of the communication and her/his/their views shall be given due weight in accordance with her/his/their age and maturity.

### **Principle of information**

#### *Rule 14*

1. The Committee, through the Secretary-General, shall provide prompt and adequate information to author(s) on the timing and progress of the proceedings as well as on the decision regarding their case, when necessary. The information will be provided in an appropriate and accessible format for adults and children alike, adapted, to the extent possible, to the age and maturity of the author(s).

2. Any request from the Committee for further clarification and information, throughout the proceedings, shall be made in a format/formats appropriate and accessible to adults and children alike, to the extent possible, in view of the age and maturity of the child(ren), even if the latter is/are represented by an adult.

### **Request for clarification or additional information**

#### *Rule 15*

1. The Secretary-General may request where necessary clarification from the author(s) and/or alleged victim(s) of a communication, including:

(a) The name, address, date of birth of the author(s) and/or alleged victim(s) and verification of the author's(s')/ alleged victim's(s') identity(ies);

(b) A confirmation of representation for the author(s) if the author(s) submit(s) the communication on behalf of the alleged victim(s);

(c) Information on how the action or inaction of a State party has had an adverse effect on the child(ren);

(d) Whether the communication is in the child's best interests;

(e) Whether the author(s) and/or alleged victim(s) wish their identity(ies) to be revealed in the Committee's final decision pursuant to article 4, paragraph 2, of the Protocol;

(f) The name of the State party against which the communication is directed;

(g) The object of the communication;

(h) The facts of the claim;

(i) Steps taken to exhaust all available domestic remedies or information on why the author(s) consider the domestic remedies unreasonably prolonged or not likely to bring effective relief;

(j) The extent to which the same matter has been or is being examined under another procedure of international investigation or settlement;

(k) The provision(s) of the Convention and/or the substantive Optional Protocols thereto alleged to have been violated.

2. When requesting clarification or additional information, the Secretary-General shall, in an appropriate and accessible format, indicate a reasonable time limit within which such information should be submitted. Such time limit may be extended in appropriate circumstances.

3. The Committee may adopt an appropriate and accessible format, adapted, to the extent possible, to the age and maturity of the child, to facilitate requests for clarification or additional information from the author(s) and/or alleged victim(s) of a communication. When choosing the format, the Committee will have regard to the principles of articles 2 and 3 of the Protocol, in particular to prevent improper pressure or inducement of the child. It may also include a set of specific questions on whether the communication is in the child's best interests.

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

#### *Rule 16*

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications that are, or appear to be, submitted for consideration by the Committee under article 5 of the Optional Protocol on a communications procedure.

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 5 of the Protocol. Where there is doubt as to the wish of the author(s), the Secretary-General will bring the communication to the attention of the Committee.
3. No communication shall be received by the Committee if:
  - (a) It concerns a State that is not party to the Protocol;
  - (b) In accordance with article 1, paragraph 2, of the Protocol, it concerns violations of rights set forth in an instrument to which the State is not a party;
  - (c) It is anonymous;
  - (d) It is not in writing. This is without prejudice to non-written materials that could be provided to supplement the written submissions;
  - (e) It constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention and/or the substantive Optional Protocols thereto;
  - (f) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
  - (g) All available domestic remedies have not been exhausted. This rule shall not apply where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
  - (h) It is manifestly ill-founded or not sufficiently substantiated;
  - (i) It concerns facts that occurred prior to the entry into force of the present Protocol for the State party concerned, unless those facts continued after that date; and if it
  - (j) Is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author(s) can demonstrate that it had not been possible to submit the communication within that time limit.

### **Order of communications**

#### *Rule 17*

1. The Committee shall generally deal with communications in the order in which they are received by the Secretary-General, unless the Committee decides otherwise, having regard, inter alia, to the urgency of the issues raised.
2. The Committee may decide to consider two or more communications jointly.
3. The Committee may divide a communication and consider its 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 and place.

### **Procedures with regard to communications received**

#### *Rule 18*

1. Unless the Committee considers a communication inadmissible without reference to the State party concerned, the Committee shall, as soon as possible after the receipt of a communication, transmit it confidentially to the State party concerned and request that the State party provide written observations and comments.



2. Any request made in accordance with paragraph 1 of the present rule shall include a statement indicating that such a request does not imply that a decision has been reached on the question of the admissibility or the merits of the communication.
3. As soon as possible and within six months after receipt of the Committee's request under the present rule, the State party shall submit to the Committee written explanations or statements that relate to the admissibility and the merits of the communication, as well as to any remedy that may have been provided in the matter.
4. The Committee may request written explanations or statements that relate only to the admissibility of a communication but, in such cases, the State party may nonetheless submit written explanations or statements that relate to both the admissibility and the merits of a communication as soon as possible and within six months of the Committee's request.
5. A State party that has received a request for a written reply in accordance with paragraph 1 of the present rule may submit a request in writing that the communication be rejected as inadmissible, setting out the grounds for such inadmissibility, provided that such a request is submitted to the Committee as soon as possible and within two months of the request made under paragraph 1.
6. On the basis of the information provided by the State party to support its request under paragraph 5 of the present rule and comments by the author(s) thereon, the Committee may decide to consider the admissibility separately from the merits.
7. A submission by the State party of a request in accordance with paragraph 5 of the present rule shall not extend the period of six months given to the State party to submit its written explanations or statements, unless the Committee decides to consider the admissibility separately from the merits.
8. If the State party concerned disputes the allegations of the author(s), in accordance with article 7, paragraph 1 (e), of the Protocol, that all available and effective 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.
9. The Committee may request the State party or the author(s) of the communication to submit, within fixed time limits, additional written explanations or observations relevant to the issues of the admissibility or the merits of a communication.
10. The Secretary-General shall transmit to each party the submissions made by the other party pursuant to the present rule, as well as any other documentation submitted to the Committee. Each party shall be afforded an opportunity to comment on those submissions within fixed time limits. Non-receipt of such comments within the established time limit shall not generally delay the consideration of the communication.

### **Oral hearing**

#### *Rule 19*

1. The Committee may decide to invite the author(s) and/or alleged victim(s) as well as representatives of the State party concerned in order to provide, in person or by way of video or teleconference, further clarifications or to answer questions on the merits of the communication, provided that the Committee deems it to be in the best interests of the child(ren). Any hearing shall be conducted in a closed meeting. The hearings of alleged victims(s) will not be conducted in the presence of State representatives, unless the alleged victim(s) so request and the Committee deems it in the best interests of the child(ren). The Committee shall guarantee child-sensitive procedures at hearings of the alleged victim(s) and it shall ensure that the views of the alleged victim(s) are given due weight in

accordance with their age and maturity. The non-appearance of a party will not prejudice the consideration of the case.

2. Information that a hearing will take or has taken place and the contents thereof will be transmitted to the other party, who will be allowed to make appropriate submissions.

#### **Admissibility of communications**

##### *Rule 20*

1. The Committee shall as quickly as possible, by a simple majority and in accordance with the following rules, decide whether the communication is admissible or not under the Protocol.

2. The decision to declare a communication admissible may be taken by a working group established under the present rules provided that all its members so agree.

3. A working group, established under the present rules, may declare a communication inadmissible provided that all its members so decide. Its decision is to be transmitted to the Committee plenary, which may confirm it without formal discussion, unless a Committee member requests such discussion.

4. Where a communication is brought to the Committee on behalf of a child or a group of children without evidence of her/his/their consent, after consideration of the particular circumstances of the case and the information provided, the Committee may decide that it is not in the best interests of the child(ren) concerned to examine the communication.

#### **Inadmissible communications**

##### *Rule 21*

1. Where the Committee decides that a communication is inadmissible, it shall, through the Secretary-General, without delay, communicate to the extent possible in an adapted and accessible format its decision and the reasons for that decision to the author(s) of the communication and to the State party concerned.

2. A decision of the Committee declaring a communication inadmissible may 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.

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

##### *Rule 22*

1. Decisions declaring a communication admissible prior to the submission of the State party's observations on merits, in accordance with rule 18, paragraph 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 Committee may revoke its decision that a communication is admissible in the light of any explanation or statements submitted by the State party and/or the author(s).

**Examination of communications on their merits***Rule 23*

1. At any time after the receipt 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 other United Nations organs, bodies, specialized agencies, funds, programmes and mechanisms, including the other treaty bodies instituted by international instruments and the special procedures of the United Nations, and other international organizations, including from regional human rights systems, as well as non-governmental organizations, National Human Rights Institutions and other relevant specialized institutions mandated to promote and protect the rights of the child, and all relevant State institutions, agencies or offices that may assist in the examination of the communication.
2. The Committee shall formulate its Views on the communication in the light of all documentation submitted to it by the author(s) of the communication, by the State party concerned, or by any other sources referred to in paragraph 1 of the present rule, provided that this information has been duly transmitted to the parties concerned and that each party has been afforded an opportunity to comment thereon within fixed time limits.
3. Consideration by the Committee of information submitted by third parties, pursuant to paragraph 2 of the present rule, does not in any way imply that these third parties become a party to the proceedings.
4. The Committee may refer any communication to a working group to make recommendations to the Committee on the merits of the communication.

**Individual opinions***Rule 24*

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

**Friendly settlement***Rule 25*

1. At the request of any of the parties pursuant to article 9 of the Protocol, at any time after receipt of a communication and before a determination on the merits has been reached, the Committee shall make available its good offices to the parties with a view to reaching a friendly settlement of the matter said to amount to a violation of the Convention and/or the substantive Optional Protocols thereto and submitted for consideration under the Protocol, on the basis of respect for the obligations set forth in the Convention and/or the substantive Optional Protocols thereto.
2. The friendly settlement procedure shall be conducted on the basis of consent of the parties.
3. The Committee may designate one or more of its members to facilitate negotiations between the parties.
4. The friendly settlement procedure shall be confidential and without prejudice to the parties' submissions to the Committee. No written or oral communication and no offer or concession made in the framework of the attempt to secure a friendly settlement may be used against the other party in the communication proceedings before the Committee.

5. The Committee may terminate its facilitation of the friendly settlement procedure if it concludes that the matter is not susceptible to reaching a resolution or any of the parties does not consent to its application, decides to discontinue it, or does not display the requisite will to reach a friendly settlement based on respect for the obligations set forth in the Convention and/or the substantive Optional Protocols thereto.

6. Once both parties have expressly agreed to a friendly settlement, the Committee shall adopt a decision with a statement of the facts and of the solution reached. Prior to adopting that decision, the Committee shall ascertain whether the author(s) of the communication have consented to the friendly settlement agreement. In all cases, the friendly settlement must be based on respect for the obligations set forth in the Convention and/or the substantive Optional Protocols thereto. The Committee will not accept any friendly settlement that is not based on respect for the obligations set forth in the Convention and/or the substantive Optional Protocols thereto.

7. If no friendly settlement is reached, the Committee shall continue the examination of the communication in accordance with the present rules.

#### **Discontinuation of communications**

##### *Rule 26*

The Committee may discontinue the consideration of a communication, when, inter alia, the reasons for its submission for consideration under the Convention and/or the substantive Optional Protocols thereto have become moot.

#### **The Committee's decisions on the admissibility, pursuant to a friendly settlement and Views on the merits**

##### *Rule 27*

1. The Committee's decisions on admissibility or inadmissibility of a communication, its decisions closing its consideration of a communication following a friendly settlement and its Views on the merits shall be written in accessible language, adapted, to the extent possible, to the age and maturity of the alleged victim(s).

2. 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 7 of the Optional Protocol.

3. Without delay, the Committee shall, through the Secretary-General, communicate its decisions and Views to the State party concerned and to the author(s) of the communication. In its decisions or Views, the Committee may indicate that they shall be transmitted to third parties and that they will be made public.

4. In the event that the Committee finds that the State party has violated its obligations under the Convention or its substantive Optional Protocols to which the State is party, it will make recommendations on the remedies for the alleged victim(s), such as, inter alia, rehabilitation, reparation, financial compensation, guarantee of non-repetition, requests to prosecute the perpetrator(s), as well as indicate the time limit for their application. The Committee may also recommend that the State party take legislative, institutional or any other kind of general measures to avoid the repetition of such violations.

5. The Committee shall include summaries of its decisions on admissibility or inadmissibility of a communication, its decisions closing its consideration of a communication following a friendly settlement and its Views on the merits in its report under article 44, paragraph 5, of the Convention and article 16 of the Protocol.

**Follow-up to Views of the Committee and friendly settlement agreements***Rule 28*

1. As soon as possible and within six months of the Committee's transmittal of its Views on a communication or decision that a friendly settlement has closed its consideration of a communication, the State party concerned shall submit to the Committee a written response, which shall include information on action taken, if any, in the light of the Views and recommendations of the Committee or a friendly settlement agreement.
2. After the six-month period referred to in paragraph 1 of the present rule, the Committee may invite the State party concerned, the author(s) or any other relevant actor to submit further information about any measures the State party has taken in response to its Views or recommendations or in response to a friendly settlement agreement.
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 may request the State party to include information on any action taken in response to its Views, recommendations or decisions closing the consideration of a communication following a friendly settlement agreement in its subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography and article 8 of the Optional Protocol on the involvement of children in armed conflict.
5. The Committee shall designate for follow-up on Views or decisions closing the consideration of a communication following a friendly settlement in accordance with article 11 of the Protocol a rapporteur or working group to ascertain the measures taken by the State party to give effect to the Committee's Views, recommendations or decisions closing its consideration following a friendly settlement agreement.
6. A rapporteur or working group may make such contacts 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.
7. In addition to written representations and meetings with duly accredited representatives of the State party, a rapporteur or working group may seek information from the author(s) of the communications and other relevant sources.
8. A rapporteur or working group shall report to the Committee on follow-up activities at each session of the Committee.
9. The Committee shall include information on follow-up activities and, where appropriate, a summary of the explanations and statements of the State party concerned and the Committee's own suggestions and recommendations in its report under article 44, paragraph 5, of the Convention and article 16 of the Protocol.

**Confidentiality of communications***Rule 29*

1. Communications submitted under the Protocol shall be examined by the Committee in closed meetings.
2. All working documents prepared by the Secretary-General for the Committee shall be confidential unless the Committee decides otherwise.
3. The Secretary-General or the Committee shall not make public any communication, submissions or information relating to a communication prior to the date on which a

decision on inadmissibility, Views or decisions closing its consideration following a friendly settlement agreement is/are issued.

4. The names of the author(s) and/or alleged victim(s) of a communication shall not be published in the Committee's inadmissibility decision, Views or decisions closing its consideration following a friendly settlement agreement, except where, in view of the age and maturity of the victim(s), express consent may be provided to publish their names.

5. The Committee may request the author(s) 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 article 4, paragraph 2, of the Protocol and paragraphs 4 and 5 of the present rule, nothing in this rule shall affect the right of the author(s) or the State party concerned to make public any submission or information bearing on the proceedings.

7. Subject to article 4, paragraph 2, of the Protocol and paragraphs 4 and 5 of the present rule, the Committee's decisions on inadmissibility, Views and decisions closing its consideration following a friendly settlement agreement shall be made public.

8. The Secretary-General shall be responsible for the distribution, without delay, of the Committee's final decisions on inadmissibility, Views or decisions closing its consideration following a friendly settlement agreement to the author(s) and the State party concerned.

9. Unless the Committee decides otherwise, and subject to article 4, paragraph 2, of the Protocol, information related to follow-up to the Committee's Views and recommendations and decisions closing its consideration following a friendly settlement agreement shall not be confidential.

### **Part three. Proceedings under the inquiry procedure of the Optional Protocol**

#### **Applicability**

##### *Rule 30*

Rules 30 to 42 of the present rules shall not be applied to a State party which, in accordance with article 13, paragraph 7, of the Protocol, declared at the time of ratification of or accession to the Protocol that it does not recognize the competence of the Committee as provided for in article 13 thereof, unless that State party has subsequently withdrawn its declaration in accordance with article 13, paragraph 8, of the Protocol.

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

##### *Rule 31*

1. In accordance with the present rules, the Secretary-General shall bring to the Committee's attention reliable information that is or appears to be submitted for the Committee's consideration under article 13, paragraph 1, of the Protocol, indicating grave or systematic violations by a State party of any of the rights set forth in the Convention or in the substantive Optional Protocols thereto.

2. The Committee may, on its own initiative, in case of reliable information on the existence of grave and systematic violations against children in a State party, initiate an inquiry.

**Summary of information***Rule 32*

The Secretary-General, as appropriate, shall prepare and circulate to the members of the Committee a brief summary of the information submitted in accordance with rule 2 of the present rules.

**Confidentiality***Rule 33*

1. All documents and proceedings of the Committee relating to the conduct of the inquiry shall remain confidential, without prejudice to the provisions of article 13, paragraph 6, of the Protocol.
2. Meetings of the Committee, during which inquiries under article 13 of the Protocol are considered, shall be closed.

**Preliminary consideration of the information by the Committee***Rule 34*

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 13 of the Protocol. It may seek to obtain additional relevant information substantiating the facts of the situation.
2. The Committee shall determine whether the information received contains reliable information indicating grave or systematic violations of rights set forth in the Convention or in the substantive Optional Protocols thereto by the State party concerned.
3. The Committee may designate one or more of its members to assist it in carrying out its duties under the present rule.

**Examination of information***Rule 35*

1. If the Committee is satisfied that the information received is reliable and appears to indicate grave or systematic violations of rights set forth in the Convention or in the substantive Optional Protocols thereto by the State party concerned the Committee shall invite the State party, through the Secretary-General, to cooperate in the examination and, to this end, to submit observations without delay with regard to the information concerned.
2. The Committee shall take into account any observations that may be submitted by the State party concerned, as well as any other relevant information.
3. The Committee may decide to obtain additional information, inter alia, from the following:
  - (a) Representatives of the State party concerned;
  - (b) Governmental organizations;
  - (c) United Nations bodies, specialized agencies, funds, programmes and mechanisms;
  - (d) International organizations, including from regional human rights systems;

- (e) National Human Rights Institutions and other relevant specialized institutions mandated to promote and protect the rights of the child;
  - (f) Non-governmental organizations;
  - (g) Individuals, including children.
4. The Committee shall decide the form and manner in which such additional information will be obtained.

#### **Establishment of an inquiry**

##### *Rule 36*

1. Taking into account any observations that may have been submitted by the State party concerned, as well as other reliable information, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee.
2. An inquiry shall be conducted confidentially and in accordance with any modalities determined by the Committee.
3. Taking into account the Convention, the three Optional Protocols and the present rules of procedure, the member(s) designated by the Committee to conduct the inquiry shall determine their own methods of work.
4. During the period of the inquiry, the Committee may defer the consideration of any report that the State party concerned may have submitted pursuant to article 44 of the Convention, article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography and article 8 of the Optional Protocol on the involvement of children in armed conflict.

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

##### *Rule 37*

1. The Committee shall seek the cooperation of the State party concerned at all stages of an inquiry.
2. The Committee may request the State party concerned to nominate a representative to meet with the member(s) designated by the Committee.
3. The Committee may request the State party concerned to provide the member(s) designated by the Committee with any information that they or the State party may consider relevant to the inquiry.

#### **Visits**

##### *Rule 38*

1. Where warranted and with the consent of the State party, the inquiry may include a visit to the territory of the State party concerned.
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 free access to information, organizations, places and persons of interest.
3. The Committee shall inform the State party concerned of its wishes regarding the timing of the visit and the facilities required to allow the member(s) designated by the Committee to conduct the inquiry to carry out her/his/their task.



## Hearings

### *Rule 39*

1. During the visits, the designated member(s) of the Committee may conduct hearings in order to determine facts or issues relevant to the inquiry.
2. The conditions and guarantees concerning any hearings held in accordance with paragraph 1 of the present rule shall be established by the designated member(s) of the Committee visiting the State party. In so doing, the member(s) shall be guided by the principles in article 2 of the Protocol.
3. If a child or children is/are heard, the designated member(s) of the Committee shall guarantee child-sensitive procedures at hearings, and in particular shall ensure that the child(ren) are heard separately, and that her/his/their views are given due weight in accordance with her/his/their age and maturity.

## Assistance during an inquiry

### *Rule 40*

1. In addition to the staff and facilities that shall be provided by the Secretary-General in connection with an inquiry, including during a visit to the State party concerned, the designated member(s) of the Committee may, through the Secretary-General, invite interpreters and/or such persons with special competence in the fields covered by the Convention and its three Optional Protocols as are deemed necessary by the Committee to provide assistance at all stages of the inquiry.
2. Where such interpreters or 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 will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.

## Transmission of findings, comments or recommendations

### *Rule 41*

1. After examining the findings of the designated member(s) submitted in accordance with rule 35 of the present rules, the Committee shall transmit the findings, through the Secretary-General, to the State party concerned, together with any comments and recommendations.
2. Such transmission of findings, comments and recommendations is without prejudice to article 13, paragraph 6, of the Protocol.
3. The State party concerned shall submit its observations on the findings, comments and recommendations to the Committee, through the Secretary-General, as soon as possible and within six months of their receipt.

## Follow-up action

### *Rule 42*

The Committee may, if necessary, after the end of the period of six months referred to in article 13, paragraph 5, of the Protocol, invite the State party concerned, through the Secretary-General, to inform it of any measures taken and envisaged in response to an inquiry and to include, in its subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography

and article 8 of the Optional Protocol on the involvement of children in armed conflict, details of any measures taken in response to the Committee's findings, comments and recommendations. The Committee may decide to obtain additional information from the sources mentioned in rule 35 of the present rules.

## **Part four. Proceedings under the inter-State communications procedure of the Optional Protocol**

### **Transmission of inter-State communications to the Committee**

#### *Rule 43*

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications that are, or appear to be, submitted for consideration by the Committee under article 12 of the Protocol.
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 12 of the Protocol. Where there is doubt as to the wish of the State party submitting a communication, the Secretary-General will bring the communication to the attention of the Committee.
3. A communication under article 12 of the Protocol may be submitted to the Committee by a State party which claims that another State party is not fulfilling its obligations under the Convention and/or the substantive Optional Protocols thereto, and which has made a declaration in accordance with article 12 of the Protocol.
4. The communication shall contain the 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 12 of the Protocol;
  - (c) The provision or provisions of the Convention and/or the substantive Optional Protocols thereto alleged to have been violated;
  - (d) The objectives of the communication;
  - (e) The facts of the claim.

### **Information to the members of the Committee**

#### *Rule 44*

The Secretary-General shall inform the members of the Committee without delay of any inter-State communications under rule 43 of the present rules and shall transmit to them without delay copies of the communications in the language of submission and any relevant information.

### **Requirement for the consideration of communications**

#### *Rule 45*

A communication shall not be considered by the Committee unless both States parties concerned have made declarations under article 12 of the Protocol.

**Meetings***Rule 46*

The Committee shall examine communications under article 12 of the Protocol in closed meetings.

**Good offices***Rule 47*

1. Subject to the provision of rule 45 of the present rules, the Committee shall proceed to make its good offices available to the States parties concerned with a view to reaching a friendly solution to the matter on the basis of respect for the obligations provided for in the Convention and the substantive Optional Protocols thereto.
2. For the purpose indicated in paragraph 1 of this rule, the Committee may, as appropriate, establish an ad hoc conciliation commission.

**Request for information***Rule 48*

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.

**Report of the Committee***Rule 49*

1. The Committee may adopt a report concerning any communication received under article 12 of the Protocol.
  2. If a solution within the terms of rule 47 of these 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 47 of these 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. Without delay, the Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.
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