![CTI — Convention Against Torture Initiative — CTI2024.ORG]
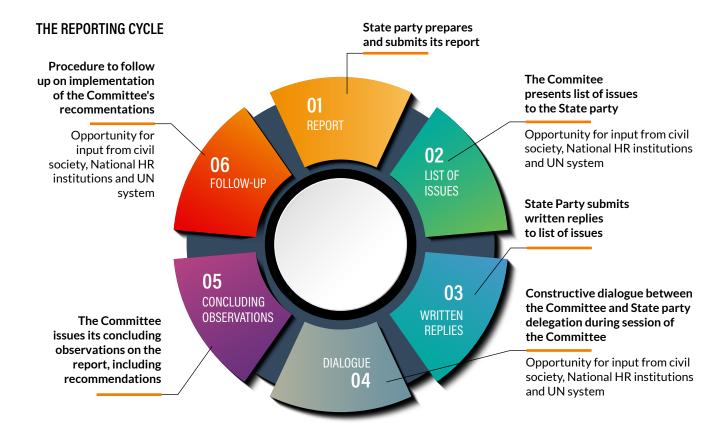
TOOL

REPORTING TO THE UN COMMITTEE AGAINST TORTURE

Reporting to the Committee against Torture (the Committee, or CAT) is a constructive process of dialogue (Article 19, UNCAT). Through this dialogue the Committee acknowledges positive action to implement the Convention and offers informed advice on areas where further reforms are recommended. The dialogue and any resulting recommendations can support efforts by States to review, adjust or confirm their national laws, policies and practices, or to develop or update national anti-torture strategies and action plans.

The reporting process also gives an opportunity to the State to put its own views on the public record about its practices and procedures to prevent torture and other ill-treatment and to provide redress to victims.
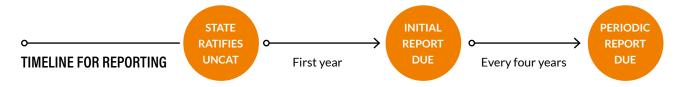
For the reporting process to have the most practical benefit for States it is best approached as an ongoing process of implementation, reporting and follow-up, including as an opportunity to consult and engage with relevant national stakeholders.

THE REPORTING CYCLE

State party prepares and submits its report

Procedure to follow up on implementation of the Committee's recommendations

Opportunity for input from civil society, National HR institutions and UN system

The Commitee presents list of issues to the State party

Opportunity for input from civil society, National HR institutions and UN system

State Party submits written replies to list of issues

01 REPORT

02 LIST OF ISSUES

06 FOLLOW-UP

03 WRITTEN REPLIES

05 CONCLUDING OBSERVATIONS

04 DIALOGUE

Constructive dialogue between the Committee and State party delegation during session of the Committee

Opportunity for input from civil society, National HR institutions and UN system

The Committee issues its concluding observations on the report, including recommendations

Initial reports to the Committee

For the initial report, areas of particular interest to the Committee include the current legislative and institutional frameworks relevant to the prevention of torture and ill-treatment or punishment, any practical measures in place, as well as plans for how the State intends to implement UNCAT. Specific examples and statistics are useful to illustrate the implementation of UNCAT at the domestic level. When preparing initial reports, States may find that they can re-use information included in their reports under the Universal Periodic Review (UPR) or to other treaty bodies when such information is directly relevant for UNCAT.
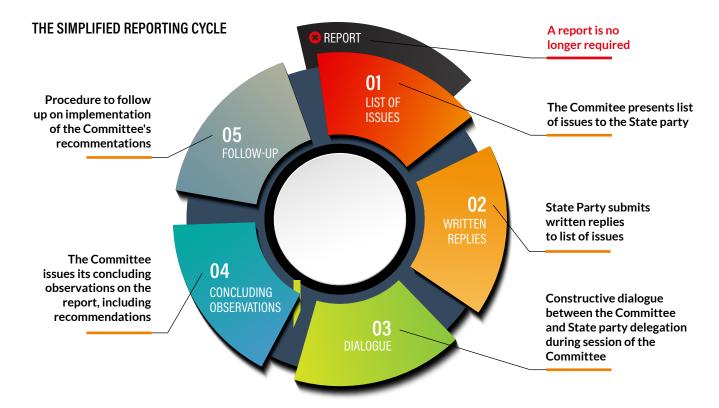
TIMELINE FOR REPORTING — ○ — **STATE RATIFIES UNCAT** — ○— First year —→ **INITIAL REPORT DUE** — ○— Every four years —→ **PERIODIC REPORT DUE**

Common core document – for all treaty body reports

To help streamline reporting, States submit one basic document to all treaty bodies, called the "common core document", which sets out general and factual information about the State's geography, demography, constitutional and legal framework, as well as the general framework for the protection and promotion of human rights. This information does not need to be repeated for reports to the Committee against Torture.

Opting for the simplified reporting procedure

States parties can now take advantage of a simplified reporting procedure introduced by the Committee to help States meet their reporting obligations. Under this procedure a list of issues is sent to a State party at least one year before their periodic report is due and the State's written responses to the list is then considered to be their actual report. States that accept this procedure no longer need to submit both a report and written replies to a list of issues. The Committee may also offer this procedure to States with long overdue initial reports.

THE SIMPLIFIED REPORTING CYCLE

⊗ REPORT

A report is no longer required

01 LIST OF ISSUES

The Commitee presents list of issues to the State party

02 WRITTEN REPLIES

State Party submits written replies to list of issues

03 DIALOGUE

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04 CONCLUDING OBSERVATIONS

The Committee issues its concluding observations on the report, including recommendations

05 FOLLOW-UP

Procedure to follow up on implementation of the Committee's recommendations

Cameroon: acceptance of the simplified reporting procedure

On 1 April 2014, Cameroon accepted the simplified reporting procedure when its fifth periodic report was due. A List of Issues was prepared by the Committee and sent to the State party in 2015. Cameroon subsequently submitted its fifth periodic report on 11 October 2016 to be reviewed by the Committee at the end of 2017.

The dialogue

State party reports are examined by the Committee at one of its three sessions held in Geneva, and State parties receive an invitation to send a delegation to that session. Mindful of the challenge for some States in sending a delegation to Geneva, a State can request holding the dialogue with the Committee via videoconference. The OHCHR will try and accommodate such requests where internet connections and time differences allow.

States parties are free to decide on the size and composition of their delegation to be involved in the dialogue with the Committee. The delegation could be led, for example, by the Minister for Foreign Affairs, Minister of Justice or Attorney-General, Head of a government department, Ambassador of the Permanent Mission in Geneva, or other senior official. Some States have found it useful for the delegation to be multi-sectoral with representatives from a range of key ministries and other authorities responsible for the implementation of the UNCAT, and gender balanced. This can assist the delegation to respond to any specific, technical questions raised during the consideration of the report.
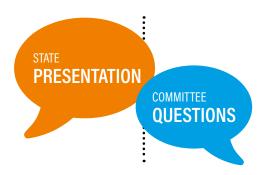
The Committee meets separately with NHRIs, National Preventive Mechanisms (NPMs) and NGOs in private and in advance of its consideration of the report.

> " *In the Committee against Torture, we strive to establish a constructive dialogue with the State party. We aim for our recommendations to be truly helpful to the State party in its efforts to implement the Convention. The Committee is composed of independent members from a wide variety of countries and professional fields, and this can be quite useful for States to receive advice or ideas on different approaches that may be suitable to their particular country context."*
>
> Dr. Jens Modvig, Chair of the Committee against Torture, 2017

> " *Denmark's dialogue with the Committee has always been open and helpful, and even though we do not always agree with the Committee, it has provided very useful inputs to help us reflect on our own domestic situation."*
>
> H.E. Mr. Carsten Staur, Ambassador of Denmark to the UN in Geneva, 2017

STATE
PRESENTATION

COMMITTEE
QUESTIONS

The dialogue lasts **two half-days**.
The discussion is streamed live via the UN Web TV at: http://webtv.un.org/live/.

Concluding observations and recommendations

Once the dialogue is concluded, the Committee issues "Concluding Observations" which highlight positive aspects as well as areas for further attention, with corresponding recommendations to guide States on the measures that may be required to implement the Convention fully. The CAT also asks States to report back to it within a year on specific aspects that require more short-term follow-up (usually no more than 3 issues).

NATIONAL MECHANISMS ASSIST IN THE PREPARATION OF REPORTS AND IMPLEMENTATION OF RECOMMENDATIONS

Some States have found that establishing national mechanisms with a specific responsibility for coordinating and preparing State reports as well as monitoring their own progress on implementation and following-up on the Committee's recommendations to be practical and effective.

National mechanisms for reporting and follow-up can help:

> " *The most important thing is to start implementing the Convention, after that reporting will follow."*
>
> Fiji's Attorney-General,
> Mr. Aiyaz Sayed-Khaiyum, to the CTI Regional event for Pacific countries on ratification and implementation of UNCAT, Natadola, Fiji, October 2016

- Provide a focus for collating relevant and up-to-date data

- Coordinate responses and strengthen interaction between ministries, institutions and stakeholders, such as the national human rights institutions, National Preventive Mechanism (if applicable), and civil society

- Provide a focal point to engage with the international and regional human rights bodies

- Facilitate implementation and follow-up by disseminating and monitoring progress towards recommendations

- Build human rights expertise within government

Some States prefer standing mechanisms over more ad hoc arrangements, as they make good use of resources and provide needed continuity and sustained engagement across relevant ministries and with a range of stakeholders. Standing mechanisms may have a permanent mandate, and be based either within a single government ministry, convened across a number of ministries (inter-ministerial), or be an institutionally separate mechanism established by the government. However, States can decide on the most appropriate structure for their particular context.

Latvia: a working group to prepare a report

To assist in the drafting of its fifth report to the Committee against Torture, Latvia established a working group comprised of representatives from a range of ministries, as well as the State Police and the Prosecutor's Office. The working group invited representatives from civil society organisations to present their comments on the draft report and also sought comments from the Ombudsman's Office. Following official approval, the report was subsequently published in the Official Journal "Latvijas Vēstnesis" and published on the website of the Ministry of Foreign Affairs, the Office of the Representative of the Cabinet of Ministers before International Human Rights Organisations, as well as the web pages of other public state institutions.

Paraguay: a coordinated approach through a network of institutions

Paraguay's seventh report to the Committee was prepared using a coordinated network of institutions. The "Human Rights Network of the Executive Level" is composed of 23 institutions, including representatives from the legislature, judiciary and civil society organisations. The Network is overseen by the Ministry of Justice. It has a broad mandate which includes monitoring the implementation of human rights treaties, assisting in the preparation of reports to human rights bodies and developing implementation actions plans. To aid the gathering of data and assist the work of this Network, Paraguay has developed, in cooperation with the OHCHR, an online public system to collate information and monitor recommendations from human rights bodies.

Rwanda: a multi-institutional taskforce led by the Ministry of Justice

The preparation of the Republic of Rwanda's second periodic report to the Committee was coordinated by the "National Treaty Body Reporting Taskforce". The Taskforce is headed by the Ministry of Justice and is composed of representatives from all branches of government as well as from civil society. To assist in the preparation of the report to the Committee, the Taskforce organized meetings and stakeholder consultations, involving workshops, and interviews with representatives of public institutions responsible for implementation of the Convention, the national human rights institution and civil society organisations.

CONSULTATION WHEN PREPARING REPORTS AND IMPLEMENTING RECOMMENDATIONS

In preparing reports and reflecting on the Committee's observations and recommendations, many States consult across relevant government departments as well as with a range of other stakeholders such as national human rights institutions, NPMs and NGOs. Not only does this assist the government in gathering accurate and relevant information, it has also been found to establish lines of communication between State institutions and other actors, build trust between them, and solidify relations such that any reforms can be more smoothly implemented. National statistics offices can also be helpful in providing and collecting important data for reports.

Burkina Faso: consultations with government departments and civil society

Burkina Faso's initial report to the Committee was prepared following consultations with various government departments and civil society organisations. The consultation process involved meetings between the stakeholders and the drafting team, an analysis of their publications, and review by a validation workshop. The validation workshop was attended by a range of stakeholders concerned with human rights issues in general and torture in particular. The draft report was also submitted for the consideration of the Interministerial Committee on Human Rights and International Humanitarian Law and adopted by the Council of Ministers. Burkina Faso noted that the process of preparing its report provided an opportunity to review its legislative, administrative and judicial provisions on torture and other cruel, inhuman or degrading treatment or punishment.

Chile: gathering statistics

For its sixth periodic report to the Committee, Chile submitted an annex setting out a range of disaggregated statistics. The data was compiled from information received from various ministries and State institutions and covered a range of issues such as the number of men and women held in pre-trial detention; the number of foreign nationals in detention; details of investigations into allegations of ill-treatment and their outcome; the number and nationality of persons extradited; and details of deaths in custody.

Timor-Leste: using focal points for broad consultation

Timor-Leste's initial report to the Committee was coordinated by a core team of eight people led by the Ministry of Justice. Individuals comprising focal points from line ministries and the municipalities, as well as UN agencies involved in the implementation of the Convention assisted in the consultations on the report. Timor-Leste received technical and capacity building support from the United Nations Human Rights Advisory Unit (HRAU) in Timor-Leste to assist in the submission of their initial report. In order to gather data for the report, public consultations involving local authorities, civil society organisations, religious representatives, police, military, health workers, teachers, and the Ombudsman office, were held in the six municipalities.

USING THE DIALOGUE WITH THE COMMITTEE TO INFORM DOMESTIC STRATEGIES AND IMPLEMENTATION

The Committee's Concluding Observations and recommendations help States parties take stock of their domestic priorities in relevant areas, such as prisons, police and criminal justice, or legislative reform and, where relevant, identify actions, resources and responsibilities. At the time of ratification, it is not expected that States have a perfect record, but rather that they show progress in addressing challenges, in the first instance by identifying such challenges and highlighting any actions being taken or planned to respond to them.

Some States have found that putting in place a system to cluster recommendations by themes across the treaty bodies and UPR can help in the analysis of recommendations and identify duplication as well as priority concerns. Recommendations relating to torture prevention can easily be grouped in this way.

Disseminating the outcomes of the dialogue – through for example meeting with a range of stakeholders, including at public forums, electronically, and via the media – can increase transparency and trust in the government and help build coalitions and ultimately assist in implementing UNCAT. It also offers an opportunity to publicise positive aspects highlighted by the Committee.

Peru: developing a communication strategy

In Peru, the National Human Rights Council is responsible for drafting reports in cooperation with the relevant institutions. The National Human Rights Council publishes the State reports on its website together with the Committee's Concluding Observations. Official notifications of the Concluding Observations are also sent to all the member institutions of the Council, as well as to all the agencies whose work is closely related to the matters covered by the Convention. This includes public officials from various government agencies, members of the armed forces and the national police who participated in the drafting of the report.

United Kingdom: engaging with a parliamentary committee to develop implementation strategies

In the United Kingdom, a Joint Parliamentary Committee on Human Rights has been established to examine matters relating to human rights within the UK. The Committee consists of 12 members, appointed from both the House of Commons and the House of Lords. Part of its mandate is to review the Concluding Observations from UN treaty bodies including the Committee against Torture, with relevant government officials and discuss steps towards implementation of the recommendations. The Committee can also seek additional information from other institutions and civil society organisations. Once the examination process has been completed the Joint Committee publishes a detailed report including its assessment of priority areas for implementation. This can then be used by the Government to develop its anti-torture strategies.

Uzbekistan: developing an implementation campaign and action plan

To assist with follow-up on its third State report to the Committee, Uzbekistan established a working group composed of representatives of government bodies and NGOs to prepare and implement a national plan of action. Uzbekistan also established a broad campaign to raise awareness of the outcome of the consideration of the report. The Concluding Observations were translated into the Uzbek language and disseminated among government bodies, NGOs, clubs and associations, and the media. The Concluding Observations were also widely debated at meetings of parliamentary committees and the highest organs of the judiciary and law enforcement agencies, national human rights institutions and civil society institutions.

TECHNICAL ASSISTANCE

At the domestic level, the United Nations Office of the High Commissioner for Human Rights (OHCHR) offers technical and capacity-building support to States in many areas, including for those governments wishing to establish standing national mechanisms for reporting, implementation and follow-up. Much of the coordination and reporting can now be done automatically using off-the-shelf software developed by the OHCHR.

States can also seek additional support and guidance on the reporting procedure and follow-up from the CTI Secretariat, CTI Friends and partners.

> " *Particularly relevant have been the incipient results observed through the treaty body capacity building programme, created as one of the outcomes of the treaty body strengthening process. Having specialized colleagues on the ground through our network of regional offices, has boosted our capacities to support States in meeting their reporting obligations and widening their ratifications of international human rights instruments."*
>
> Ms. Kate Gilmore, Deputy High Commissioner for Human Rights, to the Human Rights Council, 34th session, under item 10, on 23 March 2017

THINGS TO CONSIDER

National mechanisms to help reporting, implementation and follow-up

1.
Is there a national mechanism that supports reporting, implementation and follow-up to recommendations and observations from the UPR or other treaty bodies that could be used also to facilitate reporting to the UN Committee against Torture?

2.
Does the State use an ad hoc national mechanism for reporting? If so could that body be made a permanent mechanism to provide continuity, to assist with systematic collection of relevant data and monitor follow-up of recommendations?

3.
If no existing structures are in place, what would work best to support reporting, develop national plans for implementation and follow-up?

Gathering information, and coordinating and consulting prior to reporting

4.
Could the appointment of focal points for matters relating to the implementation of UNCAT in relevant ministries assist in gathering information, and coordinating and disseminating necessary data? If focal points already exist, are relevant stakeholders aware of who is the point of contact?

5.
How is data on the implementation of UNCAT recorded and shared? Could a system be put in place to cluster recommendations by theme from the UN treaty bodies and UPR? Is the Statistics Office involved in State party reporting?

6.
Is there a process in place for consulting on the State's report to the Committee prior to reporting? Is there an up-to-date list of key stakeholders to consult, including focal points in ministries, State institutions and agents, as well the NPM (where relevant), NHRI and civil society?

Facilitating reporting and the dialogue with the Committee

7.
Has the State party been offered, or requested, the option of using the simplified reporting procedure? If so, could this assist the process of reporting?

8.
Has the State considered requesting a videoconference link to allow a multi-sectoral delegation to be involved in the consideration of the report and avoid the heavy costs of travel to Geneva?

Dissemination of the outcome of the dialogue

9.

How can the State disseminate the Committee's Concluding Observations and recommendations? Could the State report and Concluding Observations be posted on the website of the Ministry of Foreign Affairs or Justice? Could the Minister responsible hold a press conference after the review? Could social media be used to raise awareness?

10.

Is there an opportunity for parliamentary review of the State report and Concluding Observations?

Implementation of the recommendations

11.

Has the State considered incorporating the Committee's recommendations into a national action plan on torture prevention, or within the State's broader human rights strategy, as appropriate? On national action plans on torture prevention, see the CTI/UNCAT Implementation Tool 2/2017 on State strategies to prevent and respond to torture and other ill-treatment or punishment.

ADDITIONAL RESOURCES:

- CTI Initial Reporting to the Committee against Torture - General Guidelines

- Committee against Torture Guidelines for follow-up to Concluding Observations

- UN Guidance note for States parties on the constructive dialogue with the human rights treaty bodies

- OHCHR National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms

- OHCHR Human Rights Indicators: A guide to measurement and implementation, in particular Table 4, p.91

- OHCHR's leaflet on international cooperation & national human rights follow-up systems and processes

Layout &design: BakOS DESIGN