

ANNEX 4:

INITIAL REPORTS TO THE COMMITTEE AGAINST TORTURE – GENERAL GUIDELINES



Article 19 of UNCAT provides that all States parties shall prepare an initial report “on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State party concerned.”

Following its submission, the initial report of the State party will be considered by the Committee against Torture as a priority at one of its following sessions, and a delegation from the State party will be invited to participate and respond to questions from the Committee.¹⁰

To provide States parties with further advice on what should be included in their initial reports, the Committee has prepared a detailed guidance note.¹¹ These supplementary *General Guidelines* offer replies to common questions raised by States which have yet to submit an initial report, and directs States parties to further resources as well as commended examples of initial reports so that States may better prepare, organise and prioritise the large amount of information which might be shared with the Committee during the initial review.

The CTI has also developed a tool on reporting, to help guide States through the process and to share the experiences of other States. See, *CTI's UNCAT Implementation Tool: Reporting to the UN Committee against Torture*.

¹⁰ OHCHR with assistance of UN Country teams with access to video conferencing facilities have been requested to offer, at the request of a State party, the opportunity for members of its delegation to participate in the review of that State party by videoconferencing in order to facilitate wider participation in the dialogue. See UN General Assembly resolution A/Res/68/268, 21 April 2014, at 23.

¹¹ Guidelines on the Form and Content of Initial Reports Under Article 19 to be Submitted by States Parties to the Convention Against Torture, CAT/C/4/Rev.3, 18 July 2005.

Why report?

Reporting to the Committee against Torture (the Committee, or CAT) is a constructive process of dialogue. 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.

Important changes in the requirements for initial reports

As the practice of the CAT has evolved, the level of detail and the format of initial reports submitted has changed. Additionally, as a result of the recent efforts by the UN to enhance the efficiency of treaty body operations, new reporting requirements have been agreed. Consequently, any initial report which follows the format used in early sessions of the Committee against Torture (or other human rights treaty body) is unlikely to be adequate for the Committee to conduct a thorough review, and up to date information should always be sought from the CAT Secretariat (+41 22 917 97 06, cat@ohchr.org) or from the CAT website (www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx).

The changes to initial reports have been caused by at least two historic factors. First, the introduction of the 'common core document' (a requirement of human rights treaty reporting since 2006)¹² and, second, the 2005 revisions to the guidelines on the form and content of initial reports.¹³ Both factors have made

¹² See HRI/GEN/2/Rev.6, 3 June 2009.

¹³ Guidelines on the Form and Content of Initial Reports Under Article 19 to be Submitted by States Parties to the Convention Against Torture, CAT/C/4/Rev.3, 18 July 2005.

early examples of initial reporting less relevant for any State Party seeking to submit a report to the CAT.

More recent efforts by the UN General Assembly to make treaty body reviews more efficient has led to the establishment of word limits for all State party documentation. The **word limit for initial reports is 31,800 words**, 21,200 for subsequent periodic reports and common core documents should not exceed 42,400 words.¹⁴

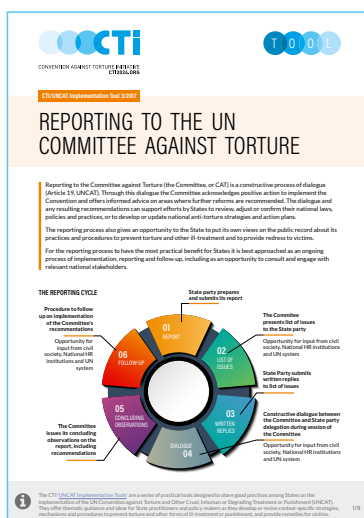
It should be noted that where States Parties submit initial reports which are manifestly inadequate, treaty bodies frequently ask the State to provide additional information or even return during the following session with an additional report and go through the process again. Equally, reports which exceed the set word limits are sent back to the State with a request to re-submit a new version complying with the word limit.

As a result of these changes in content and procedure, States Parties should use good practice examples of initial reports from States parties after the date when the changes in treaty body reporting were adopted, to guide their preparation of an initial report to the Committee.

Good practice examples

CTI's [UNCAT Implementation Tool: Reporting to the UN Committee against Torture](#) captures a number of good examples.

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



¹⁴ UN General Assembly Resolution A/Res/68/268, Strengthening and enhancing the effective functioning of the human rights treaty body system, 21 April 2014, at 16.

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.

It can also be helpful for the State party to indicate to the Committee any areas of priority for future reforms, and the timeframes envisaged.

What if the initial report is late?

While best practice requires that States parties submit their initial report within one year of ratification, the reality is that few States have been able to submit their reports on time. There are many reasons States parties' reports are delayed, from a shortage of resources or lack of capacity, to natural disaster or armed conflict.

States should always endeavour in good faith to submit their initial report within one year. However, if this is not possible, States should engage with the Committee Secretariat as a priority and agree a date soon thereafter when the submission of the initial report will be possible. The CAT has in recent years started to review States parties in the absence of a report. States should also be aware that technical assistance and advice on reporting to treaty bodies is available from OHCHR, other UN bodies, CTI and civil society organisations. ***See the separate briefing on 'How the CTI Can Help' for more information.*** From Concluding Observations of the Committee against Torture (CAT) issued following reviews of various States parties' initial reports, several priorities emerge.

In initial reports, States parties should:

- 1 Comply with the Committee's general guidelines on the form and content of initial reports¹⁵ (and the new procedural requirements on word limits),
- 2 Add a common core document, as an essential complementary element of treaty body reporting,¹⁶
- 3 Provide specific examples and statistics of how the Convention is implemented by the State party in practice,¹⁷
- 4 Be frank and acknowledge the State party's shortcomings in the implementation of the Convention,¹⁸
- 5 Report on the entire period under review,¹⁹
- 6 Submit the initial report within a year after ratification, and
- 7 Encourage civil society to participate in the preparation of the report.²⁰

¹⁵ Compare the Concluding Observations for Iraq (CAT/C/IRQ/CO/1, 14 August 2015): "... The Committee welcomes the submission of the initial report of Iraq and the information contained therein. It regrets, however, that the report does not follow generally the Committee's Guidelines on the form and content of initial reports..."; with the Concluding Observations for Burundi (CAT/C/BDI/CO/1, 15 February 2007): "The Committee welcomes the submission of the initial report of Burundi, which is in conformity with the Committee's guidelines for the preparation of initial reports..."

¹⁶ Concluding Observations for Qatar (CAT/C/QAT/CO/1, 25 July 2006), §2.

¹⁷ See Concluding Observations for the Congo (CAT/C/COG/CO/1, 28 May 2015): "[the CAT] regrets that the report does not contain statistical data and concrete examples relating to the implementation of the Convention". Or Mongolia (CAT/C/MNG/CO/1, 20 January 2011): "while generally following the Committee's guidelines for reporting, [the report] lacks statistical and practical information on the implementation of the provisions of the Convention." OHCHR have published a guide to the measurement and implementation of human rights, with illustrative indicators which might assist States in their collection of relevant data. See OHCHR, Human Rights Indicators (Geneva, 2012), available online at <http://www.ohchr.org>. See, in particular, illustrative indicators on p.91 (Table 4).

¹⁸ The Committee always appreciates efforts by the State party to present its shortcomings honestly. In the Concluding Observations for Burundi (CAT/C/BDI/CO/1, 15 February 2007), "[t]he Committee notes with satisfaction the frankness with which the State party acknowledges the gaps in its legislation relating to the elimination and prevention of torture. It also appreciates the effort made by the State party to identify the corrective steps needed." See also Concluding Observations for Guyana (CAT/C/GUY/CO/1, 7 December 2006, §2), Kenya (CAT/C/KEN/CO/1, 19 January 2009, §2), and Chad (CAT/C/TCD/CO/1, 4 June 2009, §2).

¹⁹ See Concluding Observations for Tajikistan (CAT/C/TJK/CO/1, 7 December 2006), §2.

²⁰ See Concluding Observations for Mongolia (CAT/C/MNG/CO/1, 20 January 2011), §2.