



Alternative reporting to the Committee against Torture

All States Parties to the UN Convention against Torture (UNCAT) must submit regular reports to the Committee against Torture (CAT). When a State Party is reviewed by the CAT, the State must describe how it has implemented the obligations of the Convention and the Committee will make recommendations for further necessary reforms to enable better implementation.

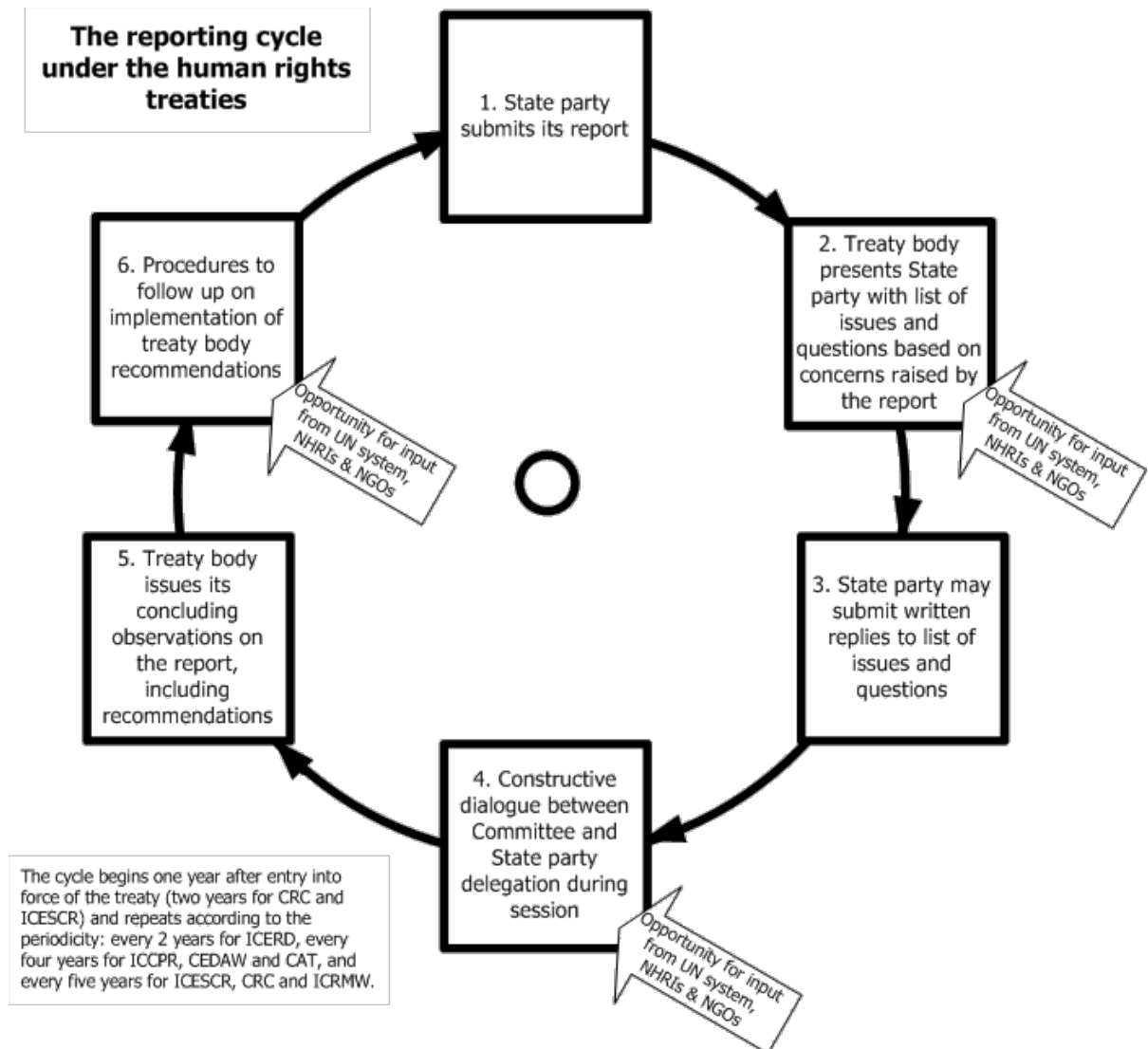
Alternative (or shadow) reporting is a means by which NGOs can make written submissions to participate in the review process of their country by the CAT and thus facilitate the enforcement of treaty obligations. The purpose of the alternative report is not to replace the report of the State, but to act as an analytical supplement during the reporting process.

1. How can NGOs participate?

The Committee provides NGOs with specific opportunities to participate in the reporting cycle (Article 19 UNCAT), both in the standard and optional reporting procedure. States Parties are required to submit an initial report one year after ratification and periodic reports every four years thereafter, each demonstrating how the State has implemented the provisions of the UNCAT into their domestic law and practice. The reporting cycle commences from the time of ratification and NGOs can participate from this point forward.

Standard reporting procedure

In the standard procedure, after submission of the State report, the CAT will adopt a List of Issues (LOIs) to send to the State Party which will respond with written submissions to be discussed during the dialogue in the CAT session. The CAT will then adopt concluding observations and recommendations, some of which will be followed up with the State Party within a year.



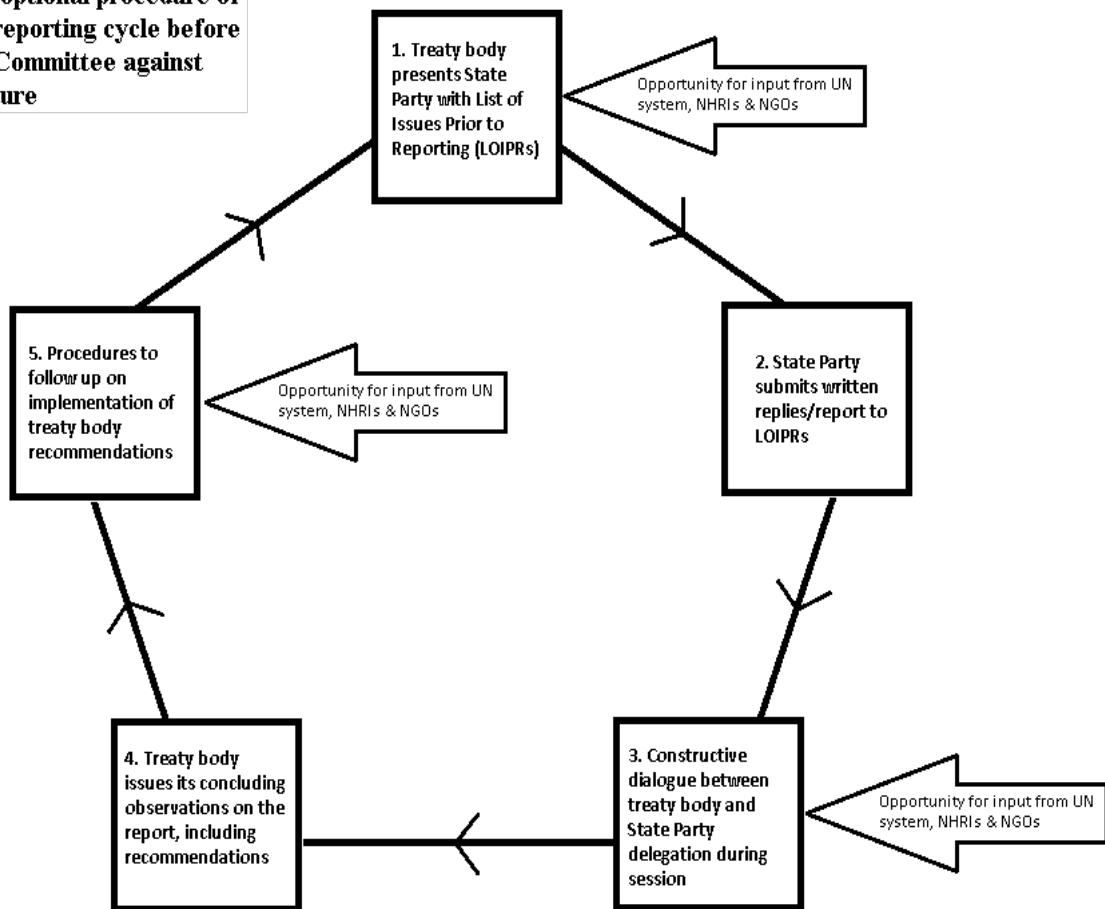
Cycle demonstrating the standard procedure of the reporting cycle¹

Optional reporting procedure

In the optional procedure, which may replace the standard procedure if the State Party so desires, the CAT will transmit a List of Issues Prior to Reporting (LOIPR) to the State Party one and a half year before the State's report is due. The State's response to the LOIPRs is sufficient to fulfil its reporting obligation to the Committee under Article 19. As in the standard procedure described above, the Committee will discuss these issues during a dialogue in the CAT session, adopt concluding observations with recommendations, and follow-up their recommendations within a year. In this case, NGOs will have similar opportunities to submit alternative reports.

¹ Available on the OHCHR website, at: <http://www2.ohchr.org/english/bodies/docs/ReportingCycle.gif>

The optional procedure of the reporting cycle before the Committee against Torture



Cycle demonstrating the optional procedure of the reporting cycle

In either procedure (standard or optional) of the reporting cycle, NGOs can send reports/written submissions to the CAT:

- to help with the adoption of the List of Issues (LOIs) or List of Issues Prior to Reporting (LOIPRs) to be presented to the State Party;
- for examination of the State Party's report during the review; or
- as feedback during the follow-up process.

The following guidelines are intended to assist NGOs to prepare alternative reports to the Committee. There are further ways NGOs may engage with the CAT, including participating in the review's oral briefing sessions, which also serve as a good opportunity for NGOs to communicate issues to the Committee. You can find further information on NGO participation before the Committee in the "Information for NGOs and NHRIs" section on the OHCHR website².

² http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm

2. Alternative reports – general guidelines

As explained above, alternative reporting is a useful way for NGOs to improve the effectiveness of the UN treaty reporting process and also ensure that their issues regarding implementation of the concerned treaty are addressed. NGOs should comment on the information in the most recent State Party report and, as information presented to the CAT is often incomplete, NGOs should submit additional information to the CAT to enable it to conduct a more complete analysis and understand relevant issues from a variety of perspectives.

The following drafting guidelines are not exhaustive. However, while we recommend that all of the guidelines should be incorporated in the shadow report, some might require more emphasis than others depending on the issues the NGO intends to focus on.

a. Review Committee and State Party reports

Consider the recommendations made by the CAT during its last review, and the information already submitted by the State Party. How has the State fulfilled these recommendations, or lived up to its own pledges? Obtaining copies of previous and current State reports of your country, along with previous concluding observations, recommendations, LOIs and LOIPRs issued by the CAT and related treaty bodies will help identify what information and issues should be included and what questions the CAT should be asking to the State.

b. Examine the UNCAT and general comments of the Committee

The Committee will only examine information submitted by NGOs that is within the purview of its jurisdiction. Any information that is not relevant to the implementation of the Convention will not be used. For this purpose, it is useful to study the treaty provisions and the Committee's general comments in detail, along with any reservations or declarations made by your country to fully understand its obligations.

c. Language of the report

NGO reports are not translated and, therefore, must be in at least one of the official languages of the UN (Arabic, Chinese, English, French, Russian and Spanish). If multiple translations cannot be provided, you should submit the report in English. This will ensure the widest circulation since a majority of Committee members use English as their working language.

d. All shadow reports are published

All information provided by NGOs is published on the CAT website once received by the Committee. For this reason, names of victims or their families must not be used without their express consent.

e. Timelines for submission

NGOs should plan the preparation of the shadow report in advance and according to the submission deadlines and practices set by the Committee. Deadlines are set according to the following criteria:

- i. Reports to help the Committee with the adoption of LOIs and LOIPRs should be submitted **10 weeks before the opening of the session at which the list is due to be adopted.***

*ii. Reports on the State Party's report should be submitted **2 weeks before the opening of the session** at which the State Party will be reviewed.*

Remember that the CAT may receive acceptances of the optional procedure by States at different points during the year. As such, a list of States Parties for whom LOIPRs will be adopted at the next Committee session may be issued quite late. As a consequence, it is difficult to predict which States Parties whose LOIPRs are adopted in any given year will be adopted in the May session, and which will be adopted in the November session. The Secretariat to the Committee have therefore recommended that NGOs prepare reports for any State Party whose list of issues are to be adopted in any year in advance of the May session of the Committee. If the LOIPR is not adopted in May, but in the November session instead, the NGO report submitted in advance of the May session will still be used.

f. Where to send reports

Reports should be submitted **electronically to the Secretariat** of the Committee, at cat@ohchr.org. NGOs should also submit **15 hard copies** of their report to the following address, if they want copies to be provided to each member of the Committee:

Secretariat to the Committee against Torture
Human Rights Treaties Division
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva (Switzerland)

3. Alternative reports – substance and form

There is no prescribed format to be followed for drafting shadow reports. However, as a basic rule, remember that the structure of the report should include **three main elements: introduction, body of substance, conclusions and recommendations.**

a. Comprehensive or thematic approach

When drafting an alternative report, you can use either of the two approaches. A comprehensive approach would include an article by article analysis, whereas a thematic approach would concentrate on the particular area or theme that you specialise in. It is entirely up to you which approach to choose and it will depend on your capacity and the focus of your work.

b. Content

i. Report for the adoption of LOIs/LOIPRs

The Committee will agree a list of the most important issues concerning effective implementation of the UNCAT. This list will direct the attention of the Committee for the forthcoming State Party review, and therefore it is critical for NGOs to alert the Committee to any cases, themes, or areas which should be identified as priority areas warranting further examination, and submit information to support their arguments.

ii. Report to State Party report

This can be both complementary and supplemental to the State report, in that it comments on submissions in the State report and provides additional or missing information. Specifically, it should provide answers to the questions: what, where, when, who, why and how.

iii. Offering feedback during the follow-up process

Feedback on how a State Party implements the recommendations of the Committee is often incomplete. In order for the Committee to monitor the situation more effectively, NGOs should report on how the recommendations of the Committee are being fulfilled, alert the Committee to circumstances which illustrate challenges to the implementation of recommendations, or to the non-compliance by the State Party.

c. Use reliable statistics and share your expert knowledge

Any issues raised in the alternative report will have much greater force when supported with statistical data or factual examples of specific cases of human rights violations/abuses. Submitting statistical data collected between one State review and the next will add credibility to the shadow report by substantiating your findings.

d. Length

The language used should be concise and the shadow report should be as succinct as possible. A well-written short report will ensure that the Committee's focus remains on the key issues you intend to highlight.

e. For good practice examples of shadow reports to the CAT, consider the following:

- Amnesty International's shadow report on Mexico (2012)³ (thematic report)
- ARCT's shadow report on Albania (2012)⁴ (optional reporting procedure)
- CCLA's report for LOIs to be adopted for Canada (2012)⁵

4. Sources of additional useful information

Status of ratification, reservations and declarations to UNCAT

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&lang=en

Status of ratification, reservations and declarations to the Optional Protocol to the UNCAT

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en

Calendar/timetable of UN sessions, meetings and events

<http://www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx>

³ See http://www2.ohchr.org/english/bodies/cat/docs/ngos/AI_Mexico_CAT49_en.pdf

⁴ <http://www2.ohchr.org/english/bodies/cat/cats48.htm>

⁵ <http://www2.ohchr.org/english/bodies/cat/cats48.htm>

Documentation of follow-up procedures available

<http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>

Sessions of the CAT, including documentation for each State Party

<http://www2.ohchr.org/english/bodies/cat/sessions.htm>

Rules of procedure for the Committee against Torture

<http://tb.ohchr.org/default.aspx?Symbol=CAT/C/3/Rev.5>

Alternative reporting guidelines for NGOs for the UN Human Rights Committee published by the Centre for Civil & Political Rights

<http://www.ccprcentre.org/publication/ngo-guidelines-on-the-reporting-process-of-the-un-human-rights-committee/>

ANNEX 1. List of States Parties who have accepted the optional reporting procedure (as of January 2013)

In 2007, the Committee against Torture adopted a new optional reporting procedure which assists States Parties in their reporting cycle by reducing the amount of information to be submitted to the Committee. To learn more about the status of States Parties reports/responses to the LOIPRs, visit the “Optional reporting procedure” section on the OHCHR website⁶.

Algeria	Iceland	Serbia
Argentina	Israel	Slovakia
Australia	Ireland	Slovenia
Austria	Italy	Spain
Azerbaijan	Japan	Sweden
Belgium	Jordan	Switzerland
Belize	Kenya	The Philippines
Benin	Korea	Turkey
Bolivia	Kuwait	Turkmenistan
Bosnia and Herzegovina	Kyrgyzstan	Uganda
Brazil	Latvia	Ukraine
Bulgaria	Lithuania	United States of America
Cambodia	Libya	Uruguay
Chad	Liechtenstein	Uzbekistan
Chile	Luxembourg	Zambia
China	Macedonia	
Colombia	Malta	
Costa Rica	Mauritius	
Croatia	Mexico	
Cyprus	Moldova	
Czech Republic	Mongolia	
Denmark	Monaco	
Ecuador	Montenegro	
El Salvador	Morocco	
Estonia	Netherlands	
Finland	New Zealand	
Georgia	Norway	
Ghana	Paraguay	
Greece	Peru	
Guatemala	Poland	
Gyana	Portugal	
Honduras	Romania	
Hungary	Russian Federation	

⁶ See <http://www2.ohchr.org/english/bodies/cat/reporting-procedure.htm>