



## **Convention on the Elimination of All Forms of Discrimination against Women**

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### **Meeting of States parties to the Convention on the Elimination of All Forms of Discrimination**

#### **against Women**

#### **Fifteenth meeting**

New York, 30 July 2008

Item 6 of the provisional agenda\*

#### **Other matters**

## **Reporting guidelines of the Committee on the Elimination of Discrimination against Women**

### **Note by the secretariat**

The present information note is intended to bring to the attention of the fifteenth meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women the Convention-specific reporting guidelines adopted by the Committee on the Elimination of Discrimination against Women at its fortieth session (14 January-1 February 2008) (decision 40/I), contained in the annex. The Convention-specific reporting guidelines should be applied in conjunction with the harmonized reporting guidelines on a common core document (HRI/GEN/2/Rev.5, chap. I). Together they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women.

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\* CEDAW/SP/2008/1.

## Annex

### **Reporting guidelines of the Committee on the Elimination of Discrimination against Women<sup>a</sup>**

#### **A. Introduction**

1. The present treaty-specific reporting guidelines of the Committee on the Elimination of Discrimination against Women<sup>b</sup> must be applied in conjunction with the harmonized reporting guidelines on a common core document.<sup>c</sup> Together they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. They replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women.<sup>d</sup>

2. Reports of States parties on the implementation of the Convention thus constitute two parts: a common core document and a document that specifically relates to the implementation of the Convention.

#### **Common core document**

3. The common core document constitutes the first part of any report prepared for the Committee in accordance with the harmonized reporting guidelines.<sup>e</sup> The common core document contains information of a general and factual nature.

4. In general, information that is contained in the common core document need not be repeated in the Convention-specific document submitted to the Committee. The Committee underlines that, should a State party not have submitted a common core document, or if the information in the common core document has not been updated, all relevant information must be included in the Convention-specific document. In addition, the Committee encourages States to review information given by them in the common core document as to its sex and gender dimensions. If that is found to be insufficient, States are encouraged to include relevant information in the Convention-specific document and in the next update of the common core document.

#### **Convention-specific document**

5. The present guidelines pertain to the preparation of the second part of reports and apply to the initial as well as all subsequent periodic reports to the Committee. The Convention-specific document should contain all information relating to the implementation of the Convention.

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<sup>a</sup> Technical assistance may be sought from the Office of the United Nations High Commissioner for Human Rights or other United Nations entities for reporting and for the creation of mechanisms to collect data.

<sup>b</sup> To be issued in *Official Records of the General Assembly, Sixty-third Session, Supplement No. 38 (A/63/38)*, annex.

<sup>c</sup> The harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.5, chap. I).

<sup>d</sup> HRI/GEN/2/Rev.5, chap. V.

<sup>e</sup> See, in particular, HRI/GEN/2/Rev.5, paras. 24-59.

6. While general factual information on the general framework for the protection and promotion of human rights disaggregated according to sex, where applicable, and on non-discrimination and equality and effective remedies should be included in the common core document,<sup>f</sup> additional information specific to the implementation of the Convention and to the relevant general recommendations of the Committee, as well as information of a more analytical nature on the impact of laws, the interaction of plural legal systems, policies and programmes on women should be provided in the Convention-specific document. Analytical information should also be provided on the progress made in ensuring enjoyment of the provisions of the Convention by all groups of women throughout their life cycle within the territory or jurisdiction of the State party.

## **B. Reporting obligation**

7. Every State party, upon ratifying or acceding to the Convention, undertakes, under article 18, to submit, within one year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

## **C. General guidance for the contents of the reports**

### **1. General**

8. The report should follow paragraphs 24-26 and 29 of the harmonized reporting guidelines.<sup>g</sup>

### **2. General recommendations of the Committee**

9. General recommendations adopted by the Committee should be taken into account in preparing the Convention-specific document.

### **3. Reservations and declarations**

10. General information on reservations and declarations should be included in the common core document in accordance with paragraph 40 (b) of the harmonized reporting guidelines. In addition, specific information in respect of reservations and declarations to the Convention should be included in the Convention-specific document submitted to the Committee in accordance with the present guidelines, the Committee's statements on reservations<sup>h</sup> and, where applicable, the Committee's

<sup>f</sup> See HRI/GEN/2/Rev.5, paras. 40-59. This includes general information on customary or religious law affecting women's equality in and before the law; inclusion of the prohibition of sex discrimination in the constitution; the existence of specific anti-discrimination legislation, equal opportunity legislation and legislation prohibiting violence against women; whether the legal system allows for or mandates special measures; the number of court cases on allegations of sex discrimination; the institution(s) serving as the national machinery for women; the gender dimension of national human rights institutions; the existence of gender budgeting and its results; and human rights education targeted specifically at women.

<sup>g</sup> HRI/GEN/2/Rev.5, chap. I.

<sup>h</sup> *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38 (A/53/38/Rev.1)*, part two, chap. I, sect. A.

concluding observations. Any reservation to or declaration relating to any article of the Convention by the State party should be explained and its continued maintenance clarified. States parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 2 and/or 7, 9 and 16 should report on the interpretation and the effect of those reservations. States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

#### **4. Factors and difficulties**

11. Information on factors and difficulties of particular relevance to the implementation of the provisions of the Convention and not covered in the common core document, in accordance with paragraph 44 of the harmonized reporting guidelines, should be provided in the Convention-specific document, including details of the steps being taken to overcome them.

#### **5. Data and statistics**

12. While general factual and statistical information should be included in the common core document,<sup>i</sup> the Convention-specific document should include specific data and statistics disaggregated by sex<sup>j</sup> which are relevant to the implementation of each article of the Convention and the general recommendations of the Committee in order to enable the Committee to assess progress in the implementation of the Convention.

### **D. Initial report**

13. The initial Convention-specific document, together with the common core document, constitutes the State party's initial report and is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention.

14. A State party should deal specifically with every article in parts I to IV of the Convention; in addition to information contained in the common core document, a detailed analysis of the impact of legal norms on women's factual situation and the practical availability, implementation and effect of remedies for violations of provisions of the Convention should be provided and explained in the Convention-specific document.

15. The initial Convention-specific document should, to the extent that such information is not already contained in the common core document, outline any distinctions, exclusions or restrictions made on the basis of sex and gender, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on women's enjoyment of each provision of the Convention.

16. The initial Convention-specific document should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative, judicial and other texts which guarantee and provide remedies in relation to the rights and provisions of the Convention, in particular when those are not attached to the report or are not available in one of the working languages of the United Nations.

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<sup>i</sup> See HRI/GEN/2/Rev.5, para. 32.

<sup>j</sup> Using appropriate indicators as set out in HRI/GEN/2/Rev.5, chap. I, appendix 3.

## **E. Periodic reports**

17. The subsequent Convention-specific document, which, together with the common core document, forms a subsequent periodic report, should focus on the period between the consideration of the State party's previous report and the presentation of the current report.

18. Periodic Convention-specific documents should be structured so as to follow the main clusters (parts I-IV) of the Convention. If there is nothing new to report under any article, it should be so stated.

19. There should be at least three starting points for such subsequent Convention-specific documents:

(a) Information on the implementation of concluding observations (particularly "concerns" and "recommendations") to the previous report and explanations for the non-implementation or difficulties encountered;<sup>k</sup>

(b) An analytical and result-oriented examination by the State party of additional legal and other appropriate steps and measures undertaken towards the implementation of the Convention;

(c) Information on any remaining or emerging obstacles to the exercise and enjoyment by women of their human rights and fundamental freedoms in the civil, political, economic, social, cultural or any other field on the basis of equality with men, as well as information on measures envisaged to overcome those obstacles.

20. Periodic Convention-specific documents should, in particular, address the impact of measures taken, and should analyse trends over time in eliminating discrimination against women and ensuring women's full enjoyment of their human rights.

21. Periodic Convention-specific documents should also address the implementation of the Convention with respect to different groups of women, in particular those subject to multiple forms of discrimination.

22. Where a fundamental change has occurred in the State party's political and legal approach affecting the implementation of the Convention, or where new legal or administrative measures have been introduced by the State party which require the annexure of texts and of judicial or other decisions, such information should be provided in the Convention-specific document.

## **F. Exceptional reports**

23. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports that may be requested and which are governed by rule 48.5 of the Committee's rules of procedure and its decisions 21/I and 31/III (h) on exceptional reports.

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<sup>k</sup> States parties may decide to present such information at the beginning of the report or to integrate it, with specific reference to the particular concluding observation, under the relevant parts of the report.

## **G. Annexes to reports**

24. If needed, the report should be accompanied by a sufficient number of copies, in one of the working languages of the United Nations, of the principal legislative, judicial, administrative and other supplementary documentation that the reporting States may wish to have distributed to all members of the Committee to facilitate the consideration of their report. Those texts may be submitted in accordance with paragraph 20 of the harmonized guidelines on reporting.

## **H. Optional Protocol**

25. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued views entailing provision of a remedy or expressing any other concern relating to a communication received under that Protocol, the Convention-specific document should include further information about the remedial steps taken as well as other steps taken to ensure that any circumstance giving rise to the communication does not recur.

26. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, the Convention-specific document should include details of any further measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

## **I. Measures to implement outcomes of United Nations conferences, summits and reviews**

27. There is a significant synergy between the substantive content of the Convention and the Beijing Platform for Action,<sup>1</sup> and they are therefore mutually reinforcing. The Convention comprises legally binding obligations and sets out women's right to equality in the civil, political, economic, social, cultural or any other field. The Platform for Action, through its 12 critical areas of concern, provides a policy and programmatic agenda that can be used for the implementation of the Convention. The Convention-specific document should also contain information on how the implementation of the 12 critical areas of the Platform for Action, as they relate to specific articles of the Convention, is integrated into the State party's implementation of the Convention's substantive equality framework.

28. The Convention-specific document should also include information on the implementation of the gender elements of the Millennium Development Goals and on the outcomes of other relevant United Nations conferences, summits and reviews.

29. Where applicable, the Convention-specific document should include information on the implementation of Security Council resolution 1325 (2000) and its outcomes.

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<sup>1</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

## **J. Format of the Convention-specific document**

30. The format of the Convention-specific document should be in accordance with paragraphs 19 to 23 of the harmonized reporting guidelines. The initial report should not exceed 60 pages, and subsequent Convention-specific documents should be limited to 40 pages. Paragraphs should be numbered sequentially.

## **K. Consideration of reports by the Committee**

### **1. General**

31. The Committee intends its consideration of a report to the Committee to take the form of a constructive dialogue with the delegation, the aim of which is to improve the implementation of the Convention by the State party.

### **2. List of issues and questions with respect to initial and periodic reports**

32. On the basis of all information at its disposal, the Committee will supply in advance a list of issues and questions intended to clarify and complete information provided in the common core document and the Convention-specific document. Written answers to the list will be required from the State party at least three months in advance of the session at which the report will be considered. The delegation should come prepared to respond to additional questions by Committee experts.

### **3. State party's delegation**

33. The State party's delegation should include persons who, through their knowledge and competence and their position of authority or accountability, are able to explain all aspects of women's human rights in the reporting State and are able to respond to the Committee's questions and comments concerning the implementation of the Convention.

### **4. Concluding observations**

34. After its consideration of the report, the Committee will adopt and publish its concluding observations on the report and the constructive dialogue with the delegation. The concluding observations will be included in the annual report of the Committee to the General Assembly. The Committee expects the State party to disseminate the concluding observations widely, in all appropriate languages, with a view to public information and discussion for implementation.

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