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**REPORT ON THE WORKING METHODS OF THE HUMAN RIGHTS  
TREATY BODIES RELATING TO THE STATE PARTY REPORTING  
PROCESS**

**Note by the secretariat**

This report, produced by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in collaboration with the Division for the Advancement of Women (DAW), updates the comparative report on the working methods of all committees.

The report is complemented by the report on implementation of the recommendations of the fifth Inter-Committee Meeting and eighteenth meeting of chairpersons of human rights treaty bodies (HRI/MC/2007/6), which also contains a comparative chart on treaty body working methods prepared by the Secretariat.

## I. INTRODUCTION

1. The present report provides an overview of the current working methods of seven of the eight human rights treaty bodies: the Committee on the Elimination of Racial Discrimination (CERD); the Committee on Economic, Social and Cultural Rights (CESCR); the Human Rights Committee (HRC); the Committee on the Elimination of Discrimination against Women (CEDAW); the Committee against Torture (CAT); the Committee on the Rights of the Child (CRC) and the Committee on the Protection of All Migrant Workers and Members of Their Families (CMW). The report is confined to the working methods of those bodies with respect to the reporting process. It does not consider the Subcommittee on Prevention (SPT) established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CATOP) which is mandated to set up a system of regular visits to places where people are deprived of their liberty. The SPT held its first meeting in February 2007.

## II. OVERVIEW OF THE COMMITTEES

2. Seven of the eight United Nations human rights treaties provide for the establishment of a committee of independent experts to monitor implementation of the treaty provisions by States parties. CERD, the first treaty body to be established, monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination; HRC monitors implementation of the International Covenant on Civil and Political Rights; CEDAW monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women; CAT monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; CRC monitors implementation of the Convention on the Rights of the Child and the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; CMW monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the SPT monitors implementation of the CATOP.

3. The International Covenant on Economic, Social and Cultural Rights (ICESCR) does not explicitly provide for the creation of a treaty body, but gives the Economic and Social Council (ECOSOC) a general mandate to monitor implementation of the Covenant by States parties and United Nations specialized agencies through consideration of regular reports. In 1985, a sessional working group established by ECOSOC to assist it in the consideration of States parties' reports (ECOSOC decision 1978/10 of 3 May 1978), was reconstituted on the model of the treaty bodies and renamed the "Committee on Economic, Social and Cultural Rights" (CESCR) (ECOSOC resolution 1985/17). The Committee, which first met in 1987, is regarded as a treaty body.<sup>1</sup>

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<sup>1</sup> Human Rights Council resolution 4/7 calls for the initiation of a process to rectify, in accordance with international law, in particular the law of international treaties, the legal status of CESCR, with the aim of placing the Committee on a par with all other treaty monitoring bodies.

## Membership

4. Each committee is composed of independent experts, ranging in number from 10 to 23 members (see table 1), who are nominated by States parties and elected by them for fixed, renewable terms of four years. Elections for half of the membership take place every two years. Except in the case of SPT whose members are eligible for re-election once if renominated, the treaties impose no limit on the number of times a member's term may be renewed, and some members have served for long unbroken periods. It should be noted, however, that the two latest UN treaties, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, open for signature on 6 February and 30 March 2007, respectively, state that the members are eligible for re-election once.

**Table 1**

### Composition of the treaty bodies

CERD	18 members		
HRC	18 members		
CESCR	18 members		
CEDAW	23 members		
CAT	10 members		
CRC	10 members	18 members*	
CMW	10 members	14 members	41 States parties†
SPT	10 members	25 members	50 States parties**

\* Amendment to article 43 (2) of the Convention, approved by General Assembly resolution 50/155 of 21 December 1995, which entered into force on 18 November 2002 upon acceptance by two thirds of States parties.

† The membership of the CMW will increase on the entry into force of the Convention for its 41st State party.

\*\* The membership of the SPT will increase on the entry into force of the Optional Protocol for its 50th State party.

## Mandates

5. With the exception of the SPT, each treaty body currently operating is mandated to consider the reports which States parties are obliged to submit periodically on steps they have taken to implement the provisions of the relevant treaty and, in the case of the CRC, its

substantive protocols. Five of the treaty bodies (CERD, HRC, CAT, CEDAW and CMW) are entitled to consider individual communications where States parties have accepted this procedure, and two may conduct inquiries into alleged violations of their treaty's terms (CAT, CEDAW), again where this procedure has been accepted by the State party. As reporting is concerned, there are variations in the wording in the treaties in relation to the content of States parties' reports, but the content required is similar, and all committees have adopted guidelines on the form and content of reports to assist States parties with the preparation of their reports. It is to be noted that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families contains a specific provision which entitles the CMW to adopt additional reporting guidelines (art. 73, para. 3).

6. The treaties do not set out in detail how the various treaty bodies are to treat the reports that they receive, but each (except ICESCR) establishes the same basic framework for "consideration," "study" or "examination" of reports by its committee and the adoption of such "general comments" (HRC and CAT), "suggestions and general recommendations" (CERD, CEDAW and CRC) or "comments" (CMW) as the relevant committee may consider appropriate. The International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families contain express provision for its committee to request additional information from States parties. All treaties allow States parties to respond to a treaty body's comments, recommendations or suggestions with their own observations.

7. Under ECOSOC resolution 1985/17, CESCR "shall make suggestions and recommendations of a general nature on the basis of its consideration of those reports and of the reports submitted by the specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant."

8. Three treaties state a wider purpose for which its committee is created: CEDAW is established "for the purpose of considering the progress made in the implementation of the [...] Convention" (art. 17); the CRC has a general purpose "of examining the progress made by States parties in achieving the realization of the obligations undertaken" in the Convention (art. 43); and CMW the purpose of "reviewing the application of the [...] Convention" (art. 72).

### **States parties**

9. Although universal ratification has yet to be achieved, progress in this regard has been steady. Table 2 sets out the number of States that have ratified, acceded or succeeded to the treaties.

**Table 2**  
**States parties**

	No. of States parties
ICERD	173 (89%)
ICCPR	160 (82%)
ICESCR	156 (80%)
CEDAW	185 (96%)
CAT	144 (74%)*
CRC	193 (99%)
CRC-OPAC	114 (59%)
CRC-OPSC	118 (61%)
ICRMW	36 (19%)

\* As of 7 June 2007, 34 out of the 144 States parties to CAT or 26% had ratified the CATOP.

### **Rules of procedure**

10. All treaties, and in the case of ICESCR, ECOSOC resolution 1985/17, empower committees to formulate their own rules of procedure. ICCPR and CAT provide that specific rules relating to the quorum and adoption of decisions by majority vote should be included in the rules of procedure of each of their committees. All committees have adopted rules of procedure, compiled in the document HRI/GEN/3, which is revised regularly.

11. Each committee's rules of procedure are divided into two sections. The first section sets out the basic procedural rules governing decision-making within the committee. In most cases, these are based on the ECOSOC standard rules of procedure and contain detailed provisions for the resolution of deadlock within political bodies, which are rarely used by the treaty bodies. CEDAW and CMW have adopted a shorter set of procedural rules adapted in each case to the requirements of a body that functions on the basis of consensus. At its first session, the HRC decided, in a footnote to rule 51 of the provisional rules of procedure, attention should be drawn to the following: 1. The members of the Committee generally expressed the view that its methods of work should normally allow for attempts to reach decisions by consensus before voting, provided that the Covenant and the rules of procedure were observed and that such attempts did not unduly delay the work of the Committee. 2. Bearing in mind paragraph 1 above, the Chairperson at any meeting may, and at the request of any member shall, put the proposal to a vote. The second section elaborates certain procedures related to substantive work of the

committee, including consideration of State party reports and, where appropriate, consideration of individual communications and conduct of inquiries.

12. Not all of the working methods of the treaty bodies are set out in their rules of procedure. Working methods included in the rules of procedure of some committees are compiled in working methods reports (normally included in the annual report) by other committees. Committees with competence to consider individual complaints or conduct inquiries have also set out procedures related to these activities in their rules of procedure.

### **Officers**

13. All treaties contain provisions for the election of officers by the members of its committee for a term of two years. The International Covenant on Civil and Political Rights and the Convention against Torture specify that officers may be re-elected, and other committees provide for re-election in their rules of procedure. Rule 17 of the rules of procedure of CEDAW provides that officers may be re-elected, provided that the principle of rotation is upheld.

### **Official and working languages**

14. The official languages of the United Nations are Arabic, Chinese, English, French, Russian and Spanish. All treaty bodies, except CAT, have adopted these languages as their official languages. Arabic and Chinese are not included as the official languages of CAT.

15. Five of the committees have adopted working languages: the working languages of CAT, CERD, CESCR are Chinese (CAT), English, French, Russian and Spanish; and those of HRC and CRC English, French and Spanish. The pre-sessional working group of CEDAW uses English, French and/or Spanish as needed.

## **III. CONSIDERATION OF STATE PARTY REPORTS**

16. The treaties do not indicate how treaty bodies should approach the task of considering States parties' reports. However, all treaty bodies have adopted broadly the same approach, the main features of which are the "constructive dialogue" in which all committees engage with a delegation from the State party whose report they are considering, and the adoption of "concluding observations/comments", acknowledging progress made and indicating to the State party where further action is required. There is however considerable variation in the practice of each treaty body with respect to report consideration. For instance, initial reports to OPAC will be considered at a regular session of the Committee if the State party is facing or has faced serious difficulties in implementing the provisions of the Protocol. States parties without these difficulties may be offered the option of a 'technical review' pursuant to Decision No. 8 (2005) of the Committee, adopted at its thirty-ninth session. Under a technical review, the Committee will consider all available information and will adopt concluding observations on that basis.

### **A. Reporting guidelines**

17. All committees have issued guidelines on reporting to provide guidance to States parties on the preparation of their reports. These are compiled in document HRI/GEN/2, which is revised regularly. The guidelines are designed to ensure that reports are presented in a uniform manner so that treaty bodies and States parties can obtain a complete picture of the situation of each State party with respect to the implementation of the relevant treaty. Some committees recommend that States take an article-by-article approach, whereas others require reporting on clusters of related articles. Some committees elaborate detailed questions to be answered with respect to each article, whereas others allow the State party to decide what information is relevant under each article. A number of committees have separate guidelines for initial and periodic reports.

18. It should be noted that harmonized guidelines on reporting under the international human rights treaties using a common core document and treaty-specific reports have been prepared by an inter-committee technical working group and were accepted by the fifth Inter-Committee Meeting and eighteenth meeting of chairpersons of human rights treaty bodies in June 2006 (HRI/MC/2006/3 and Corr.1). As mentioned in the report on implementation of the recommendations of the fifth Inter-Committee Meeting and eighteenth meeting of chairpersons, a number of treaty bodies are currently reviewing their existing reporting guidelines for initial and periodic reports outlined below, in light of the new harmonized guidelines.<sup>2</sup>

19. The HRC guidelines call for comprehensive initial reports, prepared on an article-by-article basis. Although they do not set out specific information required under each article, States parties are required to take into account the Committee's general comments which cover specific articles. States parties are not required to report on every article of the Covenant in their periodic reports, but only on those provisions identified by the Committee in its concluding observations on the previous report and those articles in respect of which there have been significant developments since the submission of the previous report (A/56/40, paras. 50-54).

20. The reporting guidelines of CESCR contain detailed and specific requests for information relating to each substantive article of the Covenant, effectively constituting a questionnaire for States parties to use to structure their reports. No distinction is drawn between initial and periodic reports. A rapporteur appointed for revision of the reporting guidelines, has begun to review them and will seek to harmonize them with the new guidelines for the common core document.

21. The reporting guidelines of CERD detail the information that should be provided under each of the substantive articles of the Convention. The guidelines emphasize the importance the Committee attaches to information related to the de facto implementation of the Convention. The Committee requests that States parties ensure that reports strictly correspond with the provisions of the Convention and the reporting guidelines, and are as succinct and concise as possible (see A/58/18, annex IV).

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<sup>2</sup> HRI/MC/2007/6, section F.

22. CEDAW reporting guidelines provide general guidance for States parties in preparing their initial and periodic reports under the Convention. They call for reports to be as concise as possible, and impose page limits: initial reports should be no more than 100 pages long and periodic reports should not exceed 70 pages. Additional essential information may be included in annexes, but will not be translated (A/57/38, annex X). Both initial and periodic reports should address each substantive article of the Convention specifically, but periodic reports should focus on the period between the consideration of the previous report and the current report, using the concluding comments on the previous report as the starting point and highlighting new developments. The guidelines also request a broad range of relevant information, including the situation of non-governmental organizations (NGOs) and women's associations and their participation in the implementation of the Convention and the preparation of the report, measures to implement outcomes of United Nations conferences, summits and reviews, and follow-up to procedures related to the State party under the Optional Protocol.

23. CAT has adopted separate reporting guidelines for initial and periodic reports, and revised guidelines for initial reports were adopted in May 2005. Initial reports are to be structured in two parts, the first providing general background information and the second addressing each substantive article of the Convention in turn. Periodic reports should be presented in three parts, the first dealing with new measures and developments on the substantive articles since the previous report, the second covering any additional information requested by the Committee, and the third describing compliance with the Committee's concluding observations and recommendations on the previous report. The Committee emphasizes the importance of information related to the de facto implementation of the Convention. As mentioned below in para. 43, the Committee has adopted a new procedure on preparation of lists of issues prior to State party reporting.

24. CRC has adopted four sets of reporting guidelines regarding the form and content of initial reports and of periodic reports under the Convention and of initial reports under each of the Optional Protocols to the Convention. Revised guidelines for periodic reports were adopted by the Committee at its thirty-ninth session and are applicable from 1 January 2006. These guidelines build on the experience of the Committee, are much shorter than the earlier guidelines and contain an Annex of nine pages indicating the data requested by the Committee. The "cluster approach" to the provisions of the Convention has been maintained. The Committee has requested all States parties to the Convention to submit periodic reports that are concise, analytical and focused on key implementation issues, and do not exceed 120 regular-size pages (Decision, No. 5, (2002), CRC/C/148).

25. The CRC guidelines on initial and periodic reports request relevant legislative, judicial, administrative and other information, including statistical data, as well as information on follow-up to the previous concluding observations of the Committee, comprehensive national programmes and monitoring that have been put in place, the allocation of budgetary and other resources and factors and difficulties affecting the implementation of the Convention at the national level. To facilitate a more structured discussion during the consideration of the report by the Committee, the guidelines group the articles according to content into eight clusters: (a) general measures of implementation; (b) definition of the child; (c) general principles; (d) civil rights and freedoms; (e) family environment and alternative care; (f) basic health and welfare; (g) education, leisure and cultural activities; and (h) special protection measures, including (i) children in situations of emergency; (ii) children in conflict with the law; (iii) children in



situations of exploitation, including physical and psychological recovery and social reintegration; and (iv) children belonging to a minority or an indigenous group.

26. The guidelines on reporting under the Optional Protocol to the Convention on the involvement of children in armed conflict are brief and call for information on an article -by-article basis. The Committee has adopted revised guidelines on reporting under the Optional Protocol on the sale of children, child prostitution and child pornography in order to assist States parties to better understand the kind of information and data it considers necessary to understand and evaluate progress made by States parties in implementing their obligations and to enable it to provide them with appropriate observations and recommendations.

27. The CMW guidelines, adopted during the Committee's second session in April 2005, request that States parties provide general information relating to the framework for implementation of the Convention, followed by information on the implementation of each substantive article, which may be arranged according to a series of clusters, respecting the distinction in the Convention between all migrant workers and documented migrant workers.

28. There is wide variation in the size and quality of reports submitted by States parties. Both the HRC and CERD allow States parties to complement the information in their reports with additional information. The HRC imposes a specified deadline, whereas CERD accepts additional information at any time, even if it cannot be translated in time for the relevant session. The practice adopted by most treaty bodies of submitting lists of issues and questions to a State party once the report has been submitted also provides an additional opportunity for States parties to supplement the information contained in the report.

29. Since 1991, States that are parties to one or more of the international human rights treaties have been able to submit a "core document" containing basic legal and institutional information about the State party concerned. The objective of the core document, intended to be a common "initial part of the State party report" (HRI/CORE/1), is to facilitate the implementation by States parties of their reporting obligations by reducing repetition and overlap in the information submitted to several treaty bodies.

## **B. Submission of State reports**

30. Except in the case of CATOP, each of the human rights treaties establishes a framework for regular reporting by States parties on implementation of their obligations under those treaties. In most cases, the treaty explicitly sets out a timetable for the submission of initial and periodic reports, commonly referred to as the reporting "periodicity", based on the date of entry into force of the treaty for the specific State party. In the case of the two Covenants, the periodicity for submission of reports is not fixed in the provisions. The HRC is given discretion to decide when periodic reports should be submitted, and so is the Economic and Social Council to establish its own reporting programme; ECOSOC resolution 1988/4 consequently sets the periodicity for submission of periodic reports to CESCR. Table 3 outlines the periodicity for the submission of reports.

**Table 3**  
**Reporting periodicities under the treaties**

	Initial reports within	Periodic reports every
ICERD	1 year	2 years*
ICCPR	1 year	4 years <sup>†</sup>
ICESCR**	2 years	5 years
CEDAW	1 year	4 years
CAT	1 year	4 years <sup>†</sup>
CRC	2 years	5 years
CRC-OPAC	2 years	integrated in next CRC report, every five years; every five years for States not party to the CRC
CRC-OPSC	2 years	integrated in next CRC report, every five years; every five years for States not party to the CRC
ICRMW	1 year	5 years

\* In practice, States parties to ICERD can be granted up to three years before submitting their next report.

\*\* Article 17 of the Covenant gives ECOSOC discretion to establish its own reporting programme.

† Average periodicity. The HRC may vary the date the next report is due in accordance with its follow-up procedure. CAT also varies the due dates of the next periodic reports.

### **Flexible application of reporting periodicities**

31. Late submission of reports by States parties, as well as the time-lag between the submission and the consideration of a report can result in a State party's next periodic report falling due in the same year that the Committee considers the State's preceding report. The discretion given to HRC and CESCR to determine when periodic reports should be submitted has allowed these committees greater flexibility in this context, but other treaty bodies have also developed modalities to address this issue.

32. CESCR requires that, after submission of a State party's initial report, subsequent periodic reports should be submitted at five-year intervals (rule 58 of the rules of procedure).

Since 2000, CESCR has, as a general rule, applied the five-year rule, but has reduced this period in light of the timeliness of submission of reports, the quality of information provided, the quality of the constructive dialogue between the Committee and the State party, the adequacy of the State party's response to the Committee's concluding observations, and its implementation of the Covenant (E/C.12/2001/17, para. 1024). The due date of the next periodic report is indicated in the concluding observations. Since 2002, HRC has delegated the task of determining when a State should present its next periodic report to its Bureau. In general, subsequent reports are due four years after the submission of the previous report, but the Bureau may call for a report earlier or later, depending on the State party's level of compliance with the Covenant's provisions, including their reporting record (rules 66 and 70A of the rules of procedure). Neither CESCR nor HRC allow an accumulation of overdue reports: for any State party, only one report is due at any one time, regardless of how long that report has been overdue.

33. Despite the fixed periodicities set in their treaties, other committees have taken a flexible approach to the submission of reports. CERD allows States parties to submit "combined reports" (the combination of several reporting obligations in a single document), and since 1984 has automatically accepted the submission of an unlimited number of reports in one document. In 1988, CERD decided that States parties should submit a comprehensive report every four years and a brief updating report in the two-year interim. Since 2001, in cases where the period between the date of examination of the last periodic report and the scheduled date for the submission of the next periodic report is less than two years, CERD can suggest in its concluding observations that the State party submit the latter report jointly with its subsequent periodic report (A/56/18, para. 477), thereby allowing the State to return to conformity with the reporting schedule set by the Convention.

34. The CRC reduced the time-lag between the submission of reports and their consideration by implementing a two-chamber working method whereby, from October 2005 to September 2006, reports were considered by two groups of nine members of the Committee which has enabled it to reduce its backlog considerably. The Committee also exceptionally allows for the submission of combined reports. Thus, for example, a periodic report may be submitted combined with the next periodic report(s) at the time when the latter report is due, when the former is due within the year following the dialogue with the Committee or when it is already due at the time of the dialogue and the third (or fourth) report is due two years or more after the dialogue with the Committee. States are not entitled to submit combined reports automatically: the Committee must invite the State party to submit such a report in its concluding observations.

35. CEDAW adopted a similar procedure on an exceptional basis and as a temporary measure, and has invited States parties with overdue reports to combine all outstanding reports in a single document (Decision 23/II). CAT has accepted combined reports, but exceptionally, and has not adopted a formal position in this context. However, like CRC, CAT may invite States parties to submit combined reports.

### **C. Pre-session preparation: the drafting of lists of issues and questions**

36. All committees prepare lists of issues and questions for State parties whose reports are due to be considered, but the practice on how these lists are produced and their role in enhancing the work of the committees vary. Lists of issues provide an opportunity for States parties to

supplement the information contained in their report and also provide a guide to States parties on the line of questioning they are likely to face when their report is formally considered.

37. CESCR, HRC, CEDAW and CRC adopt lists of issues with respect to both initial and periodic reports. Currently, CAT adopts them only with respect to periodic reports but it has recently adopted a new procedure on the preparation of lists of issues prior to State party reporting, as outlined in para. 43 below. CERD leaves the decision of whether a list of issues and questions will be formulated with respect to a State party's report to the discretion of the designated country rapporteur. Over the past year, CERD has systematized this practice and all country rapporteurs submit lists of issues a few weeks in advance with respect to the State party's initial or periodic report assigned to them. CRC also adopts lists of issues and questions with respect to reports under its optional protocols. All committees appoint one or more of their members to act as country rapporteur for a specific country whose report is under consideration, and the rapporteur frequently takes the lead in drafting the list of issues (see section D below).

### **Pre-sessional working group/country taskforce**

38. Lists of issues are drafted prior to the session at which the report will be considered, either in a pre-sessional working group convened immediately after the previous session, immediately before the session at which the report will be considered, or during the plenary session.

39. CEDAW, CESCR and CRC convene a one-week pre-sessional working group to prepare lists of issues or questions with respect to the reports of States parties that are due to be considered by the Committee. CEDAW and CRC convene the working group immediately after the session, prior to the session at which the reports will be considered. During 2006 and 2007, CEDAW will convene three sessions each year, and the pre-session working groups are convened either immediately prior to, or after a session and will prepare lists of issues and questions in respect of reports to be considered at two forthcoming sessions. CEDAW is considering continuing this practice. The CESCR pre-sessional working group prepares lists of issues and questions up to two sessions or 18 months prior to the consideration of reports. CMW prepares list of issues in a closed meeting during the plenary session.

40. The pre-sessional working groups which meet in private, usually consist of four to five members of the respective committee, and in the case of CEDAW, include the country rapporteurs wherever possible. In 2006-2007, CEDAW pre-session working groups may consist of up to ten members of the Committee to prepare lists of issues and questions for up to two forthcoming sessions. At its thirty-fifth session in May 2006, CEDAW agreed to keep under review the working methods of the pre-session working group, and in particular the format and content of the preparatory work undertaken by its Secretariat. The Committee underlined the importance of the pre-session working group assessing progress made in implementation of the Convention as well as of follow-up action to the Committee's previous concluding comments. It also agreed that references to developments, or lack thereof, from earlier reports should be highlighted by the pre-session working group.

41. The CRC working group consists of all members of the Committee and from October 2005 to June 2006, it met in two parallel chambers in accordance with General Assembly resolution 59/261. CESCR pre-sessional working groups consist of five members, selected with

due consideration for balanced geographical representation. The working groups allow NGOs to present information on the countries to be examined by the working group during one three-hour meeting set aside for that purpose on the first day of the working group.

42. Although HRC convenes a pre-sessional working group, it deals with individual communications and has no role in the preparation of lists of issues and questions relating to reports. HRC assigns the preparation of its lists of issues to country report task forces, composed of the relevant country rapporteur(s) and between four and six other members of the Committee nominated by the Chairperson on the basis of a balanced geographical distribution and other relevant factors. The task forces meet during the session prior to which the report is examined. The country rapporteur(s), who has overall responsibility for the list of issues, presents a draft to the task force for discussion. Once the members have made their observations, the list of issues is adopted by the task force as a whole, and principal responsibility for certain questions included in the list of issues is allocated, based in part on the areas of particular expertise of the member concerned. The list of issues is then transmitted to the State party (A/56/40, paras. 50 to 54).

43. For CAT, the lists of issues and questions are prepared by the two country rapporteurs and submitted to Committee members for written comments during the session prior to that at which the report will be considered and are not formally adopted by the Committee. At its thirty-eighth session in May 2007, CAT adopted a new procedure on a trial basis which includes the preparation and adoption of lists of issues prior to the State party reports being written, i.e. the Committee will prepare a list of issues prior to the submission of a State party report and the written replies to the list of issues will constitute the State Party report. The Committee has decided to initiate this procedure with periodic reports due in 2009 and 2010 and the procedure was introduced and discussed at its recent meeting with States parties on 15 May 2007. CMW formally adopts lists of issues for each State party report which are drawn up by two country rapporteurs. Although CERD discussed this possibility during its sixty-third session in 2003, it currently does not convene a pre-sessional working group; lists of issues are elaborated by the country rapporteur, at his or her discretion, and transmitted to the State party in advance of its dialogue with the Committee. Lists of issues were drawn up for all States parties whose reports were considered at its last five sessions.

### **The form of the lists of issues**

44. Lists of issues produced by CERD and CAT are generally formulated on an article-by-article basis, drawing on the information contained in the State party's report. CEDAW adopts an article-by-article approach for lists of issues for initial reports (except in the case of articles 1 and 2; 7 and 8; and 15 and 16, which are considered together), whereas lists of issues for periodic reports are arranged in clusters. HRC formulates its lists of issues on a thematic basis, arranged by sequence of the substantive provisions of the Covenant, and grouped in clusters. Committees may include a number of standard questions, so that CAT, for example, routinely asks States parties about their counter-terrorism measures and about their intention to ratify the CATOP.

45. CESCR has a self-imposed formal limit of 40 questions for initial reports and 25 questions for periodic reports (E/C.12/2001/17, paras. 1035-36), grouped in four clusters.

However, additional necessary questions may be asked, depending on the quality of the report. The Committee limits requests for written information to statistical data, information requested in the guidelines but missing in the report, points of clarification regarding the report, and information on key legal, structural, policy and institutional issues (for the initial report) or new developments (with regard to periodic reports). The CEDAW list of issues focuses on data and information that require updating since the report was submitted or supplementary information, as well as a number of standard questions that relate, in particular, to the ratification of the Optional Protocol to the Convention and acceptance of the amendment of article 20, para. 1. For periodic reports, particular attention is paid to the State party's follow-up to previous concluding observations/comments, and questions are clustered according to priority issues rather than addressing specific articles. CEDAW limits itself to a total of 30 clear and direct questions (CEDAW/C/2004/II/4).

46. The CRC lists of issues for reports under the Convention usually call for: (i) additional data and statistics, requested according to the capacity of the State party to provide such data; (ii) information related to general measures of implementation; and (iii) updated information since the report was submitted. A final section highlights main issues to be raised during the dialogue, in order to assist the State party to constitute a delegation including experts in the appropriate fields. The lists of issues for the reports under the Optional Protocols to the Convention are shorter and specific, and relate primarily to issues requiring further elaboration or clarification, or requesting information that is lacking from the State party report.

47. Lists of issues for HRC, CESC, CEDAW, CRC, CAT and CMW are official documents of general distribution. They are translated into the working languages of the relevant committee, and are publicly available on the Official Documents System (ODS). Those adopted by CERD are informal documents, submitted by the country rapporteur to the State party, and are translated into the relevant language for the State party concerned, but are not publicly available.

### **Replies to lists of issues**

48. CEDAW, CESC, CRC and CMW require the State party to respond to the lists of issues and questions in writing, while CAT encourages the State party to do the same. CEDAW requires replies to be short, precise and to the point, and under 25 to 30 pages, although additional pages of statistical data may be included (A/59/38, paras. 418 to 440). CEDAW formally requests a response within six weeks in order to allow time for translation before the session, and forwards unedited versions of the lists to the State party immediately after their adoption to maximize the time available for response. With the approval of three annual sessions by the General Assembly, CEDAW prepare lists of issues and questions well in advance so as to provide sufficient time for States parties to submit written responses and their translation in time for consideration by the Committee.

49. Given the short period of time between the pre-session working group and the subsequent session of CRC, States parties normally have only six weeks in which to submit their written responses to the Committee. At its forty-second session, CRC urged States to limit the written replies to 40 pages. The HRC strongly encourages States parties to submit written responses, and since the Committee's eighty-sixth session in March 2006, States parties have been invited to submit written replies (with a maximum of 30 pages) at least three weeks prior to the examination of reports in order to allow sufficient time for translation. The HRC forwards

unedited versions of the lists of issues to the State party immediately after their adoption to maximize the time available for response. States parties have at least six months in which to prepare their responses to the lists of issues of CESCR. They are requested approximately six weeks prior to the session at which the corresponding State party report is to be examined, in order to allow sufficient time for translation in the working languages of the Committee.

50. Written responses submitted to CEDAW are published as official documents in the six United Nations languages and, together with the list of issues, are currently posted on the DAW website. The annexes are distributed to the Committee in the language received, and posted on the DAW website. States in general provide written replies within the given timeframe. In very few cases, where the lateness of replies does not allow for timely translation, only the original is posted on the website. Written responses to HRC in conformity with the above-mentioned guidelines (para. 47) are translated and posted on the HRC web page. CESCR and CAT also post the written responses on their websites as soon as they are received and they are translated into the working languages of the Committees. Some States parties, especially when they are familiar with the procedures of the other treaty bodies, may submit written replies to the lists of issues to CERD in advance of or during the session at which their report will be considered but this is not formally required. The replies are not translated but will be posted on the website as soon as they are received. Written responses submitted to CRC and CMW are issued as official documents. They are translated into the working languages of the Committees and are available on the ODS.

#### **The role of the list of issues in the constructive dialogue**

51. The primary role of the list of issues in CEDAW, CESCR, CERD and CRC is to elicit additional or updating information. The list also provides the State party delegation with advance notice of the issues with which the committee is likely to be concerned. HRC structures its constructive dialogue around the list of issues, and while the Committee requests that States parties provide full written responses to the questions for reference purposes, the members of the country task force pose additional questions based on the list of issues, and these may be followed up by other Committee members. In CAT, the delegation after its opening statement immediately proceeds to providing answers orally to the list of issues, even in cases where the responses are provided in written form, as these are not official documents. However, if the replies are submitted in time for translation into the working languages of Committee members, the State party is not required to provide answers orally to the list of issues and the Committee members may pose follow-up questions directly after the opening statement. CERD encourages the delegation to provide answers orally to the list of issues immediately after the opening statement by the head of delegation.

#### **D. Constructive dialogue with States parties**

52. Although not envisaged in the treaties, all human rights treaty bodies have adopted the practice introduced by CERD in 1972 of considering States parties' reports in the presence of representatives from the reporting State party. This approach may be contrasted with the 'technical review' adopted by the CRC with respect to the OPAC (see para. 16), and the paper-based procedures adopted by the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations in considering reports by States parties to the more than 150 ILO conventions that impose reporting obligations.

**Number of reports examined per session**

53. HRC and CRC convene three three -week sessions per year. CEDAW, CERD, CESCR and CAT convene two three -week sessions annually CMW currently meets twice a year for a one-week session. At its sixtieth session in 2005, the General Assembly adopted resolution A/RES/60/230 in which it authorized CEDAW to hold three annual sessions of three weeks each, with a one-week pre-sessional working group for each session, effective from January 2006 to August 2007, as a temporary measure. The resolution further authorized the Committee to meet on an exceptional and temporary basis in 2006 and 2007 for up to seven days in parallel working groups during its third (July/August) annual session in 2006, and its first (January) and third (July/August) annual sessions in 2007, taking due account of equitable geographical distribution, for the purpose of considering reports submitted under article 18 of the Convention.<sup>3</sup> The committees examine between 4 and 18 reports per session: HRC currently examines an average of 4 reports per session, CESCR 5, CAT 7, CEDAW between 8 (without parallel working groups) and 15 (with parallel working groups)<sup>4</sup>, CERD between 8 and 11 and CRC up to 14 (including Convention and Optional Protocol reports). CMW schedules the consideration of one report per one -week session. Committees devote additional session time to consideration of countries in the absence of a report, and other matters such as the drafting of general comments. Some committees must also allocate a substantial part of their meeting time to the consideration of individual communications. In March 2007, the HRC decided that it will discuss the modalities for the examination of five country reports per session in order to reduce the backlog of pending reports without reducing meetings allocated to individual communications.

54. The selection of reports to be considered at future sessions is based on chronological order of receipt, with priority being given to initial reports and reports submitted by States parties that have not reported for some time. Some committees seek to achieve a geographical balance in reports to be considered, and may give priority to consideration of certain reports at their discretion.

**Duration and timing of meetings for the examination of reports**

55. Each committee holds two meetings of three hours a day during the session. CRC, CERD and CEDAW devote two meetings (and CAT one meeting and a half) to the public examination of each State party report and, with the exception of CEDAW, CMW and CRC, they ensure that those meetings take place on two different days, allowing members of the delegation time overnight to address issues raised in the questioning. CRC considers each report over one day, although extra time may be allocated by CRC in exceptional circumstances, and it considers each report submitted under the Optional Protocols to the Convention in half a day. CESCR considers reports over three meetings, and HRC, in principle, considers initial reports over three meetings and periodic reports over two meetings. However, the Committee regularly calls for the cooperation of States parties, in particular their flexibility for a third meeting for periodic reports if needed.

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<sup>3</sup> CEDAW is considering a similar decision for the 2008/2009 biennium.

<sup>4</sup> During its thirty-sixth session in August 2006, its thirty-seventh session in January/February 2007, and its thirty-ninth session in August 2007, CEDAW will consider periodic reports in parallel working groups.



**Table 4****Number of reports examined each year by the treaty bodies**

	No. of sessions per year	No. of weeks per session	No. of reports per session	No. of reports considered annually*
CERD	2	3	8-11	16-22
HRC	3	3	4	12
CESCR	2	3	5	10
CEDAW	3 <sup>†</sup>	3	8-15	16 (2005) 31 (2006) 38 (2007)
CAT	2	3 <sup>**</sup>	7	14
CRC	3	3	10-14 (2007) <sup>***</sup>	30-42 (2007) 48 (2006)
CMW <sup>‡</sup>	2	1	1	-

\* Most committees also review a number of country situations in the absence of a State party report.

<sup>†</sup> In 2006 and 2007, CEDAW will meet in two chambers.

<sup>\*\*</sup> In 2006, the pre-sessional working group of CAT for its two-week session in November was converted into a plenary meeting.

<sup>\*\*\*</sup> The number of reports includes both Convention and Optional Protocol reports.

<sup>‡</sup> CMW currently convenes two annual sessions of one week each.

**Briefings of the State party prior to the session**

56. OHCHR and DAW provide collective briefings to representatives of States parties whose reports are due to be considered by one of the treaty bodies, generally four weeks in advance of the relevant session. These briefings provide an opportunity for States parties to familiarize themselves with the procedures of the specific committee with regard to the consideration of reports, especially in view of the differences of approach taken by each committee. The secretariat also has ongoing contact with delegations both in Geneva and New York and in the country concerned on matters relating to sessions.

### **Participation of members in the consideration of reports of States parties of which they are nationals**

57. All committees require that members refrain from participating in any aspect of the consideration of the reports of the States parties of which they are nationals in order to maintain the highest standards of impartiality, both in substance and appearance. HRC and CMW formally specify this in their rules of procedure (rule 71, para. 4, rule 33).

### **Conduct of the constructive dialogue with States parties**

58. The constructive dialogue in all of the committees follows the same broad structure:

- (i) The State party is invited to send a delegation to attend the meetings at which the committee will consider the State party's report;
- (ii) The head of the delegation is invited to introduce the report in an opening statement and, in some committees, replies to the lists of issues are presented;
- (iii) Members of the committee, usually led by the country rapporteur(s) or country task force members, raise questions to members of the delegation on specific aspects of the report of particular concern.

59. All treaty bodies have adopted the notion of "constructive dialogue" to describe the process, thus emphasizing the non-judgemental nature of the process of consideration of the report, which is aimed at assisting the State party in advancing implementation of the relevant treaty.

60. After a formal welcome by the chairperson, the head of the delegation is invited to make an opening statement introducing the State party's report and summarizing important developments. In the case of CEDAW, this statement should not exceed 30 minutes and the delegation is urged to provide precise, short and direct responses to questions asked in the interests of time management (A/59/38, Part II, paras. 418 to 440). In the case of the HRC, guidelines on the presentation of reports during their examination by the Committee are sent to the States parties. After introductory comments, committee members may make comments, observations and ask questions or seek clarification with regard to the report. CEDAW imposes strict time limits on members, who may not make more than two interventions of up to three minutes each per State party (A/59/38, II, para. 419). In general, CEDAW limits the number of interventions to no more than two per State party, or no more than three when the Committee meets in parallel chambers. Interventions by experts during the constructive dialogue are limited to three minutes, or up to five minutes when the Committee meets in parallel chambers. The time limit is monitored by a speech timer but is enforced flexibly. CEDAW considers initial reports on an article-by-article basis, with the exception of articles 1 and 2, 7 and 8, and 15 and 16, which are considered as three clusters. CESCR and CRC, as well as CEDAW (for periodic reports only), consider each report by clusters of articles, inviting the delegation to reply immediately to questions that do not require further reflection or research between each cluster. The remaining committees pose all their questions together, which are formulated article by article.

### **The role of the country rapporteur**

61. Most committees appoint one member (two in the case of CAT and CMW and one to three in the case of HRC) to act as country rapporteurs with respect to the report under consideration. Where possible, CEDAW appoints a rapporteur from the same geographical region as the State party whose report is being considered. Except in the case of CEDAW, HRC and CERD, the identity of the country rapporteur is public.

62. Country rapporteurs undertake a thorough study of the report and assume the task of drafting lists of issues and questions (in CERD, it is the rapporteur's decision whether or not to send a list of questions). In some committees, they take the lead in posing questions to the State party's delegation during the constructive dialogue and summing up after the discussion. Rapporteurs have primary responsibility for drafting the committee's concluding observations on the State party's report. In CERD, CAT and CRC, the country rapporteurs are the first members to pose questions to the delegation, and in the case of CERD and CRC, also the last to address the delegation. In CESCR, however, the country rapporteur does not open the questions and is not expected to sum up the discussion. At its thirty-eighth session in May 2007, CEDAW agreed to give country rapporteurs a stronger and more pro-active role in coordinating the work in chambers and that their country briefing notes should be circulated seven to ten days prior to the beginning of a session.

63. In HRC the members of the country task force are allocated specific questions from the list of issues to address to the delegation during the constructive dialogue. At its thirty-first session, CEDAW established country task forces to take the lead in posing questions to delegations during constructive dialogue and at its thirty-fourth session (January/February 2006), country task forces were used for consideration of the four periodic reports considered at that session. CEDAW has not used country task forces since then but its parallel chambers build on the experience gained with country task forces.

### **The delegation's responses to members' questions during the session**

64. All committees provide an opportunity for members to pose questions additional to those included in the list of issues. In CEDAW, CESCR and CRC members pose questions by clusters of articles, and the delegation is invited to respond to each cluster immediately, before moving to the next group of questions. In CRC, a brief pause is allowed between each cluster of questions, in which the members of the delegation can confer. The delegation may defer answering immediately any question which it wishes to refer to its capital for information.

65. In HRC, following its statement, the delegation responds to the first part of the list of issues, and then members ask questions. The remainder of the list of questions is dealt with in the same fashion. A brief break after Committee members' questions allows State party delegates to confer. The delegation may defer answering immediately any question which it wishes to refer to its capital for information. Such information can then be provided in written form within specific deadlines publicly announced by the HRC Chairperson (in general within three days to enable the HRC to take them into account in the process of discussion and adoption of its concluding observations). In CERD, following the delegation's statement, the remainder of the first meeting used to be devoted entirely to members' questions. Since the introduction of list of issues submitted by country rapporteurs, however, delegations have been encouraged to begin

answering the list of issues immediately. A growing number of delegations have taken this approach thereby promoting a more interactive dialogue between delegations and Committee members. In CAT, initial reports are introduced by the delegation and immediately thereafter the Committee poses questions. In the case of periodic reports, a short statement by the delegation is followed by its replies to the list of issues and questions, where these are not available in languages, after which the Committee poses further questions. Where both initial and periodic reports are concerned, the delegation returns the following afternoon to reply to the Committee's questions.

### **Postponement of the consideration of reports and consideration of reports in the absence of a delegation**

66. Although this has become the practice, the treaties do not oblige States parties to send a delegation to present their reports, and all treaty bodies have provision to consider reports in the absence of a delegation from the State party concerned, in order to address requests for last-minute postponement which have been refused by the committee and cases where the State party has failed to respond to the request to attend, or simply does not appear on that day.

67. States parties whose reports have been scheduled to be considered by a committee at a session sometimes request that consideration be postponed to a later session. In the period 2004-2005, treaty bodies responded positively to requests for last-minute postponement as a result of a natural disaster (hurricane) affecting the reporting State; problems in issuing travel documentation to delegation members; and major national political crises.

68. CESCR adheres to the formal rule that once a State party has agreed to the scheduling of its report for consideration, the Committee will proceed with the examination of that report at the time scheduled, even in the absence of a representative (rule 62, paragraph 3, of the rules of procedure). Both HRC (rule 68) and CAT (rule 66, para. 2) may, at their own discretion, either notify the State party of the alternative date on which it intends to consider the report, or consider the report as originally scheduled in the absence of a delegation. In the latter case, provisional concluding observations on the report will be submitted to the State party and the date when the report will be further considered or on which a new periodic report should be submitted will be identified.

69. CEDAW agrees to reschedule consideration of the report to another session (rule 51, para. 5), but if at such a subsequent session the State party, after due notification, fails to have a representative present, the Committee may proceed with the examination of the report in the absence of the representative of the State party (decision 31/III, para (i), A/59/38, part II). At its thirty-first session in July 2004, the Committee decided that, in principle, it will consider implementation of the Convention by a State party in the absence of a report, only as a measure of last resort and in the presence of a delegation. In July 2004, CEDAW invited two States parties to submit overdue initial reports, and both States parties submitted combined initial and periodic reports. In January 2007, the Committee invited four States parties to submit initial reports that were more than 20 years overdue. Neither CRC nor CERD have formal rules on this matter, but both may consider a report in the absence of representatives of the State party when, after being notified, it does not provide compelling reasons for deferral of the consideration of its report.

### **E. Concluding observations/comments**

70. All treaty bodies have adopted the practice established by CESCR in 1990 of formulating what are variously called “concluding observations,” “conclusions and recommendations” and “concluding comments” following the consideration of the reports of States parties. In general, these take the following structure: introduction; positive aspects; principal subjects of concern; and suggestions and recommendations. Concluding observations may also include factors and difficulties impeding the implementation of the treaty, a request for their wide dissemination in the State party concerned, and a paragraph may be included requesting that additional information be provided to the respective committee by a specified deadline (usually one year), or on specific points of the concluding observations (see section F below). The concluding observations of HRC and CESCR and those committees that have adopted a flexible approach to periodicity of reporting may also indicate the provisional date when the State party’s next periodic report is due. The last section of the concluding observations of CERD, CEDAW and CRC systematically indicates the date when the next report is due. Some committees group all positive points, all points of concern and finally the recommendations together; others identify concerns followed by a corresponding recommendation. At its thirty-sixth session in August 2006, CEDAW agreed to emphasise further enhancement of the quality of its concluding comments, including their specificity.<sup>5</sup>

71. Concluding observations of the treaty bodies are normally four to eight pages long; but those of CRC, however, average 16 pages. In all committees, the country rapporteur coordinates the drafting process, collecting comments and suggestions from other members before the draft is discussed and adopted in formal session. The draft concluding observations of all committees except CRC are translated during the session into the working languages of the committee, if time allows, in order to facilitate the drafting and adoption processes.

#### **Release of the concluding observations/comments**

72. Advance unedited versions of the concluding observations are normally given to the State party concerned before they are made available to others. HRC releases the text of its concluding observations during the session. Those concluding observations are first transmitted to the State party once formally adopted and finalised, and are made public after at least 12 hours. The concluding observations of CESCR, once formally adopted, have not been made public until 6 p.m. on the final day of the session, when they are sent to the States parties concerned. Similarly, CAT and CERD make their concluding observations public at the end of the session. CRC concluding observations are made public on the last day of a committee session during the adoption of the session report, of which they form part. CEDAW sends its concluding comments to the State party the week after the session and makes them public several days later in advance unedited versions. Final versions in the six languages are posted on the website within two to three weeks.

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<sup>5</sup> In accordance with a recommendation of the seventeenth meeting of chairpersons, on 9 and 10 November 2006 OHCHR organised a seminar on technical cooperation and follow-up to concluding observations with representatives of treaty bodies and specialized agencies, staff of OHCHR field presences, and members of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation. The report of the seminar is contained in document HRI/MC/2007/7.

73. Concluding observations/comments are included in the respective committee's sessional or annual reports, in accordance with specific provisions of most of the treaties, and all committees publish their concluding observations as separate official documents in all official languages. These are posted on the OHCHR web site, and in the case of CEDAW, on the DAW web site, initially in advance unedited form to allow interested parties immediate access. Once the translated texts are finalized, they are publicly available on the ODS. The concluding observations/comments are also distributed electronically to subscribers to the treaty bodies listserve, an electronic notification service administered by OHCHR.

### **Comments by States parties on concluding observations/comments**

74. In accordance with specific provisions in the treaties, States parties may, if they wish, submit to the relevant committee comments on the concluding observations/comments adopted with respect to their reports. All treaty bodies may make any such comments received publicly available. Observations by States parties on concluding comments of CEDAW are circulated to the Committee members and their receipt acknowledged in an annex to the Committee's report to the General Assembly (Decision 21/II, A/54/38/Rev.1, p. 45). The Committee may also decide to make the observations available independently of its annual report. In accordance with article 9 of the Convention, comments on CERD concluding observations are included in the Committee's annual report to the General Assembly. Comments on the concluding observations of HRC and CAT may be issued as an official document, and they may be referred to, but not included, in their annual reports. It should be noted that some States parties are also required to submit follow-up reports under these committees' follow-up procedures. CRC will similarly acknowledge comments received in its sessional and biennial reports, and may reproduce them in its biennial reports to the General Assembly upon formal request. CESCR makes any comments received public, as submitted, for information purposes only, as Committee documents and mentions them in its annual report (E/2005/22).

## **F. Follow-up to concluding observations**

### **Follow-up procedures**

75. All treaty bodies request States parties to provide information on implementation of the recommendations contained in previous concluding observations/comments in their subsequent reports or during the constructive dialogue. Several treaty bodies have also recently introduced formal procedures to monitor more closely implementation of specific concluding observations.

76. Since March 2001, HRC has systematically applied a follow-up procedure whereby the Committee identifies a number of specific recommendations in its concluding observations as requiring immediate attention, and requests the State party to provide additional information on their implementation within a set period of one year. The concluding observations set a provisional date for submission of the next periodic report. Since October 2006, the procedure is applied in cases where the Committee examines implementation of the Covenant by a State party in the absence of a report. HRC examines the rapporteur's follow-up progress report in a public meeting. In March 2007, HRC examined recommendations for the reinforcement of its follow-up activities which included, inter alia, more qualitative and in-depth follow-up, follow-up missions as well as an upgrade of follow-up activities in the work of the Committee during sessions. The Committee will continue its discussion at its next session in July 2007.

77. At its thirtieth session, in May 2003, CAT introduced a follow-up procedure (rule 68, para. 1), whereby the Committee identifies a limited number of recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report and requests follow-up reports within one year. Such “follow-up” recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The Committee has appointed a rapporteur to monitor the State party’s compliance with these requests who presents progress reports to the Committee on the results of the procedure. Since the establishment of the procedure through the end of the thirty-eighth session in May 2007, the Committee has reviewed 53 States for which it has identified follow-up recommendations. Of the 32 States parties that were due to have submitted their follow-up reports to the Committee by 30 April 2007, 23 had completed this requirement. One country had submitted its follow-up report in December 2006 even though it was only due in May 2007. As of 30 April 2007, nine States had failed to supply follow-up information that had fallen due, and each was sent a reminder of the items still outstanding and requesting them to submit information to the Committee.

78. CERD has a long-standing procedure, set out in rule 65 of its rules of procedure, whereby the Committee may request further information or an additional report concerning, *inter alia*, action taken by States parties to implement the Committee’s recommendations. At its sixty-fourth session, in March 2004, the Committee decided to supplement this procedure with the appointment of a coordinator on follow-up. The coordinator, the first of whom was appointed at the sixty-fifth session in August 2004, is appointed for a period of two years and works in cooperation with the country rapporteurs. A working paper clarifying the mandate of the coordinator was adopted by CERD at its sixty-sixth session in February/March 2005. Guidelines to follow-up on concluding observations and recommendations were adopted at its sixty-eighth session (20 February-10 March 2006) and the Committee decided that these guidelines should be sent to all State parties together with the concluding observations. The co-ordinator on follow-up of CERD presented his first report to the Committee at the sixty-eighth session.

79. CESCR may, in its concluding observations, make a specific request to a State party to provide more information or statistical data prior to the date on which the next periodic report is due. Information provided in accordance with this procedure will be considered at the next pre-sessional working group, which, based on that information, can recommend that the Committee take note of the information, adopt specific additional concluding observations in response to that information, recommend that the matter be pursued through a request for further information, or authorize the Chairperson to inform the State party, in advance of the next session, that the Committee will take up the issue at that session, preferably in the presence of a representative of the State party. If the additional information requested in accordance with these procedures is not provided by the specified date, or is considered to be unsatisfactory, the Chairperson, in consultation with the Bureau, may pursue the matter with the State party. Where the Committee has been unable to obtain the information it requires, it may request that the State party accept a technical assistance mission consisting of one or two Committee members, an approach which it has applied in relation to two States parties. In cases where the State party is unwilling to accept the proposed mission, the Committee may make appropriate recommendations to the Economic and Social Council. CESCR is considering a further strengthening of its follow-up procedure through the appointment of a rapporteur for follow-up.

80. At its thirty-eighth session in May 2007, CEDAW held a preliminary discussion on follow-up to concluding comments. It agreed that the development of a follow-up mechanism should be discussed within the framework of the Inter-Committee Meeting and be based on evidence of results achieved by other treaty bodies that have already used this procedure.

### **G. Strategies to encourage reporting by States parties**

81. All committees have adopted strategies to encourage reporting by States parties. Several allow for the combination of reporting obligations in a single document. A document on the recent reporting history of States parties is prepared for the annual meeting of chairpersons of human rights treaty bodies, and a list of reports that are overdue are included in the annual reports of most treaty bodies, with some, such as HRC, CEDAW and CERD, providing lists of States parties whose reports are 5 and 10 years overdue, respectively. Most committees send targeted reminders to States parties whose reports, in particular initial reports, are overdue. In the case of CAT, two members have been appointed by the Committee to maintain contacts with representatives of non-reporting States in order to encourage the preparation and submission of reports. In the case of CRC, the Chairperson informally contacts representatives of non-reporting States to encourage submission of reports. CESCR recently decided to follow a three-stage approach, in which non-reporting States are first invited to submit its overdue report. If no response is received, a second letter is sent inviting the State to submit the report by a specified date and informing of the session at which that report would be considered. If the report is not submitted by the deadline, a third letter is sent in which the State is informed that at a certain session, the status of implementation of the Covenant in the State party would be examined in the absence of a report. If no report is submitted, the Committee proceeds to consider the situation in the State party on the basis of all information available and draws preliminary conclusions.

#### **The review procedure: consideration of a country situation in the absence of a report**

82. All committees have adopted the practice, pioneered by CERD in 1991 under its “review procedure,” of proceeding with examination of the state of implementation of the relevant treaty by the State party even though no report has been received (see CERD, A/58/18, annex IV, Section P; CESCR, E/C.12/2004/9; CEDAW, rule 65; HRC, rule 70; CAT, rule 65; CRC, CRC/C/33, paras. 29 to 32 and rule 67). In general:

- (i) The committee notifies a non-reporting State party of its intention to examine implementation of the relevant treaty by the State party in the absence of a report during a public meeting on a specified date. The State party may respond by submitting a report, at which time the procedure is suspended and the normal process of consideration of the report begins. Where the State party concerned indicates that a report will be provided, pending receipt of that report, the review may be postponed to another session;
- (ii) The committee may formulate a list of issues and questions for the State party, which is invited to send a delegation to attend the session. If the State party is not represented, the committee may decide to proceed with the review, or it may notify the State party of a new date for consideration;



- (iii) The committee reviews the situation in the country on the basis of information available to it, including any dialogue with the State party delegation and information submitted by United Nations partners, national human rights institutions and NGOs. The committee will prepare provisional concluding observations, which will be referred to, but not published, in its annual report and which will be transmitted to the State party. These provisional concluding observations become final if the State party does not respond or indicate that it will submit a report in the near future.

83. This procedure is used in exceptional cases only. In many cases, notification by the committee that it intends to consider the situation in a country in the absence of a report encourages the State party to produce a report. As the procedure constitutes an important strategy to encourage States parties to submit reports, it is generally invoked where reports are very overdue. CESCR, HRC and CERD, for example, review States parties that are at least five years late in the submission of their initial or periodic reports. When no report has been received from a State party after the initiation of the first review, a subsequent round of reviews may take place. CESCR normally adopts preliminary concluding observations at the first review. If a report is subsequently submitted, it is examined according to the usual procedure and final concluding observations are adopted. If no report is received, the Committee reviews the State party's compliance with the Covenant based on all information available, and adopts preliminary concluding observations.

84. CRC has yet to carry out a review under this procedure, but, in 2004, issued 10 notices of planned reviews, resulting in submission of the 10 initial reports. For the first time, in July 2004, CEDAW invited two States parties whose initial reports were long overdue to submit them by a specified date. Both States parties have submitted their combined initial and periodic reports since that time. At its thirty-eighth session in May 2007, CEDAW decided to send reminder letters to States parties whose initial reports were more than 10 years overdue and to request the States parties that were more than 20 years overdue in submitting their initial reports to submit all their overdue reports as combined reports by a fixed date and, failing the receipt of the reports within the suggested timeframe, the Committee would proceed with consideration of the implementation of the Convention by States parties in the absence of a report. CAT has scheduled the consideration of two States parties with long overdue reports and both have submitted their reports.

#### **H. Early warning and urgent action procedures**

85. Since 1993, CERD has developed procedures relating to early warning measures and urgent action (A/48/18, annex III), the former directed at preventing existing problems in States parties from escalating into new conflict or preventing a resumption of conflict, and the latter to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention.

86. The procedures may be invoked by the Committee itself or by interested parties such as NGOs. The Committee has established a working group to direct its work under the procedures, which may request written submissions from the State party and may formulate questions for it. A delegation from the State party is invited to attend the meeting at which the matter will be discussed in order to respond to members' questions, but the Committee may proceed with

consideration of the matter even if the State party declines to send a delegation. Written submissions may also be made by other interested parties. After considering the matter, the Committee adopts a formal decision, which may include requests for action by the State party and the provision of further information in the next periodic report. These procedures have been used since 1993 in relation to more than 20 States parties. The Committee has conducted two field visits in connection with the procedure and has drawn the attention of the Secretary-General, the Security Council and other relevant bodies to situations in relation to six States parties. At its seventieth session in March 2007, CERD requested the Secretariat to draft a working paper on the early warning and urgent action procedures for consideration by the Committee at its seventy-first session. This paper will be based on the working paper adopted by the Committee in 1993 on early warning and urgent action procedures and will also include terms of reference for the five-member working group on early warning and urgent action procedures.

87. In the 1990s, HRC requested that several States parties facing serious difficulties in the implementation of rights contained in the Covenant either present their overdue initial/periodic reports without delay or prepare ad hoc reports on specific issues. Three States parties submitted ad hoc reports as requested. In March 2004, the Committee's Bureau discussed the possibility of reviving this urgent procedure/ad hoc reporting procedure and in March 2005, after further discussion, the Committee requested one State party to produce an ad hoc report.

### **I. Participation of United Nations agencies, funds and programmes**

88. Most treaty bodies have adopted modalities for interaction with specialized agencies and other bodies of the United Nations. This interaction is specifically envisaged in the provisions of some of the treaties (articles 16 to 24 of the International Covenant on Economic, Social and Cultural Rights; article 40, paragraph 2, of the International Covenant on Civil and Political Rights; article 22 of the Convention on the Elimination of All Forms of Discrimination against Women; article 45 of the Convention on the Rights of the Child; and article 74 of the Convention on the Rights of Migrant Workers. Most treaty bodies have made provision for this in their rules of procedure (HRC, rule 67; CEDAW, rules 44 and 45; CAT, rule 62; CRC, rule 70; CESCR, rules 66-68; CMW, rules 28-29). Two treaties, the Conventions on the Rights of the Child and on Migrants, mention specific specialized agencies in relation to the work of their treaty bodies - the United Nations Children's Fund (UNICEF) in article 45 of the Convention on the Rights of the Child and ILO in article 74 of the Convention on the Rights of Migrant Workers.

89. Most of the treaties provide for their committees to forward States parties' reports to relevant United Nations entities through the Secretary-General, although not all committees actually do this. Reports, as official documents, are sent to these entities as part of the general distribution, are available through the ODS and are posted on the OHCHR and DAW web sites.

### **Submission of written information by specialized agencies to the treaty bodies**

90. Three of the treaties (the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child) provide for United Nations specialized agencies to submit specific reports to the relevant treaty bodies on implementation of the treaty in areas falling within the scope of their activities. In practice, these committees do not require the

specialized agencies to submit separate reports on their own activities, but most committees may invite specialized agencies to provide written reports containing country-specific information on States parties whose reports are before them. Depending on the committee, such information is requested for the full committee session and the pre-session working group/country task force. All relevant agencies are informed by e-mail or fax of the countries whose reports are due to be considered in the pre-sessions or sessions of CEDAW, CESC, CRC, HRC and CMW, and input is requested. CERD systematically receives information from ILO and the Office of the United Nations High Commissioner for Refugees (UNHCR) at the request of the secretariat. CESC and CRC systematically receives information from UNICEF, UNHCR as well as from other UN partners including UNESCO, ILO, WHO and UNAIDS. CAT maintains regular contacts with UNHCR, which provides confidential information on a regular basis. UNICEF, ILO, the World Health Organization and UNHCR provide written information systematically to the treaty bodies. The Food and Agriculture Organization of the United Nations, the Office for the Coordination of Humanitarian Affairs, UNAIDS, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Fund for Women, the United Nations Population Fund and the International Organization for Migration (which is outside the United Nations system) also provide input on occasion. Some agencies may request that written information submitted be kept confidential.

91. At its thirty-fourth session in January 2006, CEDAW adopted guidelines for the submission of reports by specialized agencies and other bodies of the United Nations system. Accordingly, such entities are invited to provide country-specific information on the implementation of the Convention and the Committee's concluding comments. They are also invited to provide information about efforts made by the concerned entity to promote implementation of the provisions of the Convention and the Committee's concluding comments through its own policies and programmes. As applicable, United Nations bodies and agencies are invited to provide information about ongoing efforts towards supporting the ratification of the Optional Protocol, and acceptance of the amendment to article 20, paragraph 1 of the Convention concerning the Committee's meeting time in the State party concerned, or efforts to give publicity to the procedures available under the Optional Protocol.

#### **Provision for participation of representatives of specialized agencies**

92. Representatives of specialized agencies are also invited by CEDAW, CESC, HRC and CMW to meet with the committee during the session to discuss the situation in the countries whose reports are being considered. Representatives of United Nations entities may address CESC and CEDAW during a designated meeting at the beginning of the pre-session working group. HRC invites representatives to a designated meeting in plenary at the beginning of the session. CRC invites representatives of specialized agencies to address the Committee at a meeting during the pre-session working group. CEDAW and CESC invite representatives to the session, in addition to the pre-session working group meetings.

93. The participation of specialized agencies in the pre-session working groups of CEDAW and CRC and the beginning of CEDAW and HRC sessions takes place in closed meetings. In CESC, all or part of the meeting may be open or closed, according to the wishes of the representatives of the agencies present. In order for the Committee to benefit fully from the information provided, CEDAW encourages in its guidelines that agencies or bodies ensure that representatives are equipped to respond to the questions and comments that may be raised by

Committee members. For the first time, at its thirty-fourth session, three entities of the United Nations system jointly presented a report on three of the reporting States. A report was presented by the UN Country Team on another reporting State. Discussions on expanding this practice are ongoing among interested entities and, in particular, to enhance the direct involvement of UN Country Teams in providing such information to CEDAW. CEDAW encourages the United Nations country teams to undertake follow-up activities on the basis of the Committee's concluding comments, to support States parties in their implementation of the concluding comments at the country level, and to submit further information at the time of the next consideration of the respective State party reports.

94. Certain agencies maintain close links with specific committees. The working relationship between UNICEF and CRC, encouraged by the Convention, is close and extends beyond consideration of reports to include assistance to States parties to facilitate the reporting process, drafting of general comments, involvement in days of general discussion and assistance with informal field visits. The relationship between ILO and CMW is also specified in the Convention. CESCR has forged a close working relationship with the Joint Expert Group UNESCO in connection with the right to education. The ILO and UNESCO have been invited to attend each session of CERD since a decision was adopted in this regard in 1972. UNHCR is also invited to attend. ILO reports on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), as well as other relevant information, are made available to the members of CERD at each session. At its seventieth session in March 2007, CERD decided that as of its next session, the Committee would devote time on the first morning of the session to representatives of UN agencies (UNESCO, UNHCR and ILO) to brief the Committee on matters of common interest. UNHCR submits comments to the members of CAT on States parties whose reports are being examined and where UNHCR is active. UNHCR representatives attend the sessions of the Committee and report back on issues of concern raised by Committee members. Representatives of ILO, UNESCO and UNHCR are also regularly invited to participate in, and make interventions during thematic discussions organized by CERD and CESCR. Some United Nations agencies, funds and programmes have also worked together with certain treaty bodies to assist in the drafting of specific general comments.

95. In 2003, CERD also appointed such focal points, but they have hitherto not been active. At its seventieth session, CERD decided to seek nominations for members to act as focal points. At its forty-first session, the CRC appointed a member to act as focal point for various United Nations partners, and may consider increasing the number of focal points as required. In March 2006, the HRC appointed a rapporteur to liaise with specialized agencies and other bodies of the United Nations system. CESCR has appointed a focal point in 2005 to liaise on specific issues.

## **J. Interaction with special procedures**

96. Although relevant information from the reports of country-specific and thematic special rapporteurs is routinely provided to treaty bodies by OHCHR and DAW, input from the special procedures of the former Commission on Human Rights to the reporting process has been irregular, except for the close collaboration between the Special Rapporteur on torture and CAT, which includes the sharing of country-specific information relating to States parties' reports, article 20 inquiries and individual communications, as well as a formal annual meeting between the Special Rapporteur and the Committee.

97. Outside of its work in considering of reports, CESCR has often invited special rapporteurs of the former Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights, chairpersons of Commission working groups and others to address the Committee and engage in discussions. It has formed particularly close relations with the Special Rapporteurs on the right to adequate housing, the right to education, the rights of indigenous persons, among others, and the Committee plans to organise a meeting at each of its future sessions with one of the special procedures mandate holders with an economic, social and cultural rights mandate. Similarly, special procedures mandate holders have attended CERD session in the context of both its annual thematic debates and ad hoc debates that are held periodically. CERD has exchanged information on numerous occasions with the former Sub-Commission on the Promotion and Protection of Human Rights and has attended all sessions of the Inter-Governmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and provided it with written input. CERD has also held extensive dialogues over recent years with several mandate holders, including the Special Rapporteurs on racism, adequate housing, health and minority issues. CERD also cooperates with the Special Adviser of the Secretary-General on genocide.

98. CEDAW has interacted, in particular, with the Special Rapporteur on violence against women, its causes and consequences, and with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. The independent expert appointed by the Secretary-General to lead an in-depth study of the question of violence against children and several special rapporteurs have interacted with CRC. HRC has been in contact with the independent expert on minority issues and a meeting is envisaged in the near future. CMW has interacted, in particular, with the Special Rapporteur on the Human Rights of Migrants.

#### **K. Participation of national human rights institutions (NHRIs)**

99. Three committees have adopted general comments on the role of national human rights institutions in their work. General Comment No. 10 of CESCR acknowledges the role of NHRIs in monitoring implementation of the Covenant at the national level. In its general recommendation No. XVII concerning the establishment of national institutions to facilitate implementation of the Convention, CERD recommends that where NHRIs have been established, “they should be associated with the preparation of reports.” The detailed general comment No. 2 (2002) of CRC includes a section on reporting to the Committee and cooperation between NHRIs and United Nations agencies and human rights mechanisms. The Committee suggests that NHRIs should contribute independently to the reporting process and “monitor the integrity of government reports to international treaty bodies with respect to children’s rights, including through dialogue with the Committee on the Rights of the Child at its pre-sessional working group and with other relevant treaty bodies.” It also considers it appropriate for States parties to consult with independent human rights institutions during the preparation of their reports to the Committee, provided that the independence of these bodies and their independent role in providing information to the Committee is respected. The CRC considers that “it is not appropriate to delegate to NHRIs the drafting of reports or to include them in the government delegation when reports are examined by the Committee.” For the first time, CEDAW, at its thirty-third session in July 2005, allowed an NHRI to make an oral presentation to the Committee. At its thirty-fourth session in January 2006, the Committee further discussed its interaction with NHRIs. It confirmed its commitment to develop the modalities for such interaction in coordination with other human rights treaty bodies.

100. NHRIs of the States parties which are to be considered by CAT are routinely informed about the forthcoming consideration and invited to submit written information. NHRIs may request a private meeting with CAT, as is the case with the CRC. NHRIs may provide information to CRC in closed meetings during the pre-sessional working group and may respond to requests to clarify or supplement such information. NHRIs are also informed about the programme of work of CERD for each session and provided with copies of the reports due to be considered by the Committee (A/58/18, annex IV). For HRC, NHRIs may provide information to any interested members on issues relating to the consideration of reports of States parties, in informal meetings outside the Committee's working hours, and may respond to requests to clarify or supplement such information. On several occasions, NHRI representatives have taken part in such informal breakfast or lunchtime briefings.

101. At its last three sessions, with the agreement of the State party's delegation, CERD provided NHRIs that were present with the opportunity to make an oral presentation in the plenary on the second day of the consideration of the State party's report. NHRI representatives were seated separately from representatives of NGOs, with a sign clearly identifying them. Notably, concluding observations on States parties reports increasingly refer to national human rights institutions (a compilation of references to national human rights institutions in concluding observations has been prepared by the secretariat). CESCR regularly invites NHRIs to submit information and attend its sessions, which has not, however, resulted in a vivid response. CMW routinely informs NHRIs of the States parties which are to be considered by the Committee about the forthcoming consideration and invites them to submit written information and to attend both the private meeting with the Committee in preparation of the list of issues as well as the consideration of the report. At its fifth session, with the agreement of the State party's delegation, the Committee provided the representative of the NHRI present an opportunity to make an oral presentation during the second day of the consideration of the State party's report.

#### **L. Participation of non-governmental organizations**

102. Although all treaty bodies have developed modalities for interaction with NGOs, article 45 (a) of the Convention on the Rights of the Child and article 74, paragraph 4, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are the only human rights treaty provisions that expressly envisage a role for NGOs in the work of the treaty body. Article 45 (a) entitles CRC to seek expert advice on implementation of the Convention from specialized agencies and UNICEF, and "other competent bodies", which is understood to include NGOs. Since its first session in 1991, the Committee, in cooperation with the NGO Group for CRC, has systematically encouraged NGOs to submit reports, documentation or other information in order to provide it with a comprehensive picture and expertise as to how the Convention is being implemented in a particular country. Written information is received from international, regional, national and local organizations, and may be submitted by individual NGOs or national coalitions or committees of NGOs. Article 74 (4) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides that the CMW may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies to submit written information to the Committee. The Committee has interpreted 'other concerned bodies' as including NGOs.

103. CESCR and CRC have adopted specific guidelines on NGO participation in their work (CESCR, E/C.12/2000/6; CRC, CRC/C/90, annex VII). CESCR sets aside a half-day during the first day of both its sessions and pre-sessional working groups to hear statements from external partners. This is normally dedicated in whole or in part to statements by NGOs, which are issued as UN documents. The Committee requires that NGO statements be specific to the articles of the Covenant, focusing on the most pressing issues from the NGO perspective and providing suggestions for specific questions that the pre-sessional working group may consider incorporating in the list of issues with respect to the State party concerned. NGO input should also be of direct relevance to matters under consideration by the Committee, be reliable, and not abusive. CEDAW invites representatives of NGOs to make oral or written statements and provide information or documentation to the Committee or its pre-sessional working group (rule 47).

#### **Submission of written information**

104. HRC, CERD, CAT and CMW invite NGOs to provide reports containing country-specific information on States parties whose reports are due for consideration (see for example, CERD, Section B, Annex IV (A/58/18); CAT, rule 62; CMW, rule 29, see also A/60/48, para. 15), as well as to the country task forces in charge of the lists of issues. CESCR and CEDAW similarly welcome written information from national and international NGOs at both their pre-sessional working groups, during the drafting of the list of issues, and the full committee session at which the State party report will be considered. When many NGOs submit information, they are encouraged to organize and summarize their submissions in a single synthesis report. In a number of instances, synthesis reports of NGOs have consolidated the reports of over one hundred national NGOs. The CRC requires submissions to be made two months prior to its pre-sessional working group. CERD also accepts written submissions from NGOs in relation to its early warning and urgent action procedures, and these procedures may be invoked by NGOs. Written statements that are submitted at least three months in advance by NGOs with ECOSOC status (or sponsored by such an NGO) are issued as UN documents.

#### **Confidentiality of NGO information**

105. CESCR asks the secretariat to ensure that any written information formally submitted to it by individuals or NGOs in relation to the consideration of a specific State party's report be made available as soon as possible to the representative of the State concerned. From its thirty-sixth session in May 2006, this has been done through the website of OHCHR. However, when an NGO requests confidentiality, the Committee respects it. A similar approach is followed by the HRC, and CAT has adopted the same principle, although individual NGOs may object to the State party being given its written submission, in which case the Committee will disregard the submission. HRC and CAT make NGO information available on their respective websites. The CRC guidelines allow NGOs to request that their written submissions be kept confidential. If a request is not made to CRC, these submissions are posted in an external internet web page by the NGO Group for the CRC.

### **Oral briefings during pre-sessional preparations**

106. CESCR, CEDAW and CRC devote specific meetings during their pre-sessional working groups to NGOs to enable them to brief members orally on the situation in States parties whose reports are under consideration. Since March 2005, the HRC has invited NGOs to address the Committee during the process of drafting list of issues.

107. NGOs wishing to participate in the CRC pre-sessional working group must submit a written report to the Committee at least two months in advance. The Committee then invites selected NGOs to attend, on the basis of the written information submitted. Introductory remarks by participants are limited to a maximum of 15 minutes for NGOs coming from the country concerned and 5 minutes for others, allowing time for questions and answers. The CRC and CEDAW pre-sessional working groups meet in private, and CESCR meets with NGOs in an open meeting.

### **Oral briefings during session time**

108. Most committees make provision for representatives of NGOs to brief members during the session at which the State party's report is to be considered. HRC and CESCR set aside meeting time on the first day of the session for this purpose, and CEDAW at the beginning of the first and second week of the session, according to its schedule. CAT invites NGOs to brief Committee members orally in private during formal meetings, devoted to one country at a time, the day before the report of the State party is considered. Exceptionally, CRC may allow NGOs to update the Committee during the session at which the report of the State party concerned is to be considered. NGOs do not brief CERD during formal session time. Except in the case of CESCR, where the meeting is open and covered by the press services, and CEDAW, where the meeting is open, oral briefings during session time take place in closed meetings. At its fourth session, CMW decided that in future, it would provide an opportunity for NGOs to brief the Committee publicly and during the session at which the report of the State party concerned is to be considered.

### **Country-specific briefings to members at the time of committee session**

109. Additional breakfast or lunchtime briefings are regularly convened for HRC and CESCR to allow NGOs to provide the most up-to-date country-specific information to members, in advance of the examination of a particular State party's report by the Committee. The Human Rights Committee has reserved the right, in the future, to determine whether other briefings by NGOs should also become part of the Committee's official programme and thus be provided with interpretation (A/57/40, vol. I, annex III, para. 12). NGOs may request a private meeting with CRC. Lunchtime briefings are regularly convened by NGOs for CERD members on the first day of the examination of a particular State party's report by the Committee or for States whose situation is examined under the review procedure or under the early warning and urgent action procedures.

### **The role of coalitions of NGOs in coordinating NGO input into the treaty bodies**

110. In the case of several treaty bodies, coalitions are active in coordinating input. For example, CRC maintains a close working relationship with the NGO Group for the CRC, a



coalition of some 60 to 70 international NGOs, which were active in the drafting of the Convention and work together to promote its implementation. The NGO Group has a liaison unit that supports participation of NGOs, particularly national coalitions, in the CRC reporting process, including coordination of NGO written submissions. It also supports attendance of national NGOs at the Committee's sessions in Geneva. International Women's Rights Action Watch (IWRAP), and in particular IWRAP -Asia Pacific, facilitates interaction between NGOs and CEDAW through training sessions convened in New York at the time of the Committee's sessions. IWRAP -Asia Pacific also coordinates the submission of NGO reports to CEDAW in advance of sessions.

#### **IV. OTHER ACTIVITIES RELATED TO THE REPORTING PROCESS**

##### **A. General comments/recommendations**

111. All committees have adopted the practice of elaborating their views on the content of the obligations assumed by States parties in the form of "general comments". Two committees, CEDAW and CERD, refer to these as "general recommendations". CERD issued its first general recommendation in 1972 on the basis of article 9 of the Convention, which allows the Committee to make suggestions and general recommendations based on its examination of reports. CEDAW issues its general recommendations under article 21 of the Convention and HRC under article 40, paragraph 4, of the Covenant. CESCR began preparing general comments at the invitation of the Economic and Social Council, with a view to assisting the States parties in fulfilling their reporting obligations (rule 65). General comments have evolved in length and complexity and now constitute detailed and comprehensive commentaries on specific provisions of the treaties and on the relationship between the articles of the Convention and specific themes/issues. Several treaty bodies have revised or replaced their general comments in the light of experience gained through consideration of reports.

112. CESCR has defined the purpose of issuing general comments as:

- (i) To make the experience gained so far through the examination of States parties' reports available for the benefit of all States parties, in order to assist and promote their further implementation of the Covenant;
- (ii) To draw the attention of States parties to insufficiencies disclosed in a large number of reports;
- (iii) To suggest improvements in the reporting procedures, and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant.

##### **Process of adoption of general comments**

113. All treaty bodies have developed modalities for the formulation of general comments, which broadly follow the procedure adopted by CEDAW in 1997 (A/52/38/Rev.1, para. 480). This includes the following three basic stages:

- (i) Wide consultations with specialized agencies, NGOs, academics and other human rights treaty bodies, sometimes in the context of a day of general discussion or thematic debate;
- (ii) Elaboration of a draft by a designated member of the committee on the basis of the consultation process, for further discussion by the committee and interested parties;
- (iii) Formal adoption of the revised draft of the general comment in plenary session;
- (iv) Some committees seek expert advice from United Nations specialized agencies or other sources, including academics, in the elaboration of general comments, and informal background papers may be requested from other interested parties.

114. CESCR has adopted an outline for drafting general comments (E/2000/22, annex IX). The outline aims at ensuring consistency and clarity in the content, format, structure and ambit of future general comments, thus promoting their accessibility and strengthening the authoritative interpretation of the Covenant provided. In the Committee's view, general comments should be reader friendly and readily understandable to a broad range of readers, primarily States parties to the Covenant. The Committee may dedicate a Day of General Discussion to review the subject of the general comment or draft text, inviting inputs and discussion from a range of external experts in the subject.

115. At any time, members of a treaty body may propose that a general comment relating to a specific article, provision or theme be prepared. Most committees circulate draft general comments with a selected number of experts, including those from other treaty bodies, for comments, with some adopting the practice of calling for comments on the text of the general comment from other treaty bodies. Some treaty bodies request that draft general comments be posted on the OHCHR web site to allow for wider input. The fourth inter-committee meeting recommended that treaty bodies consider drafting joint general comments on issues of common concern, but a joint general comment has yet to be adopted.

### **B. Days of general discussion and thematic debates/discussions**

116. Four treaty bodies (CESCR, CERD, CRC and CMW) have adopted the practice of organizing what are variously described as "thematic debates", "thematic discussions" or "days of general discussion" in order to discuss issues of general concern to the implementation of their treaties. Thematic discussions have been convened by CERD on specific themes in order to specify the extent of its responsibilities under the Convention and provide States parties with guidance on more complete fulfilment of their obligations. CERD and CRC hold regular annual thematic discussions, whereas CESCR organizes these on an ad hoc basis, mainly in relation to the preparation of a general comment, and may decide to invite general participation or restrict it to a limited number of experts. CEDAW convenes open discussions in the context of preparation of general comments only.

117. Since 1992, CRC has convened fifteen days of general discussion, open to all interested parties, including discussions in working groups on sub-themes, identified in an outline adopted by the Committee up to twelve months in advance. At the end of its discussion days, CRC adopts recommendations. The general discussions of CRC's can also work in conjunction with article

45 (c) of the Convention, a unique provision that allows the Committee to recommend that the General Assembly request the Secretary-General to undertake action on specific issues related to the rights of the child. The 1992 discussion day on children in armed conflict formed the background to the Secretary-General's comprehensive study on the impact of armed conflict on children, while the general discussion days in 2000 and 2001 led to the General Assembly's request to the Secretary-General to conduct an in-depth study on violence against children.

### **C. Country visits by treaty body members**

118. Treaty bodies have not established formal guidelines or criteria to responding to invitations to committee members from States parties. The United Nations High Commissioner for Human Rights has endorsed guidelines for invitations to treaty bodies by States parties before the consideration of reports.

### **D. Committee statements**

119. Some treaty bodies formulate statements on international developments and issues that bear upon the implementation of their treaties. CESCR has adopted statements in the context of a number of world conferences, as well as statements on globalization, trade and intellectual property. CERD has adopted statements directed to world conferences. More recently, it adopted a statement on racial discrimination and measures to combat terrorism (2002) and a "declaration on the prevention of genocide" (2005). Statements by CEDAW have covered issues such as reservations, gender and racial discrimination, solidarity with Afghan women, gender and sustainable development, discrimination against older women, the situation of women in Iraq, and the tsunami disaster that occurred in South-East Asia on 26 December 2004. CEDAW has also issued statements in conjunction with the Convention's twenty-fifth anniversary, and with regard to the review and appraisal processes of the Beijing Platform for Action. Several committees have issued statements jointly with other United Nations bodies: CESCR has issued a joint statement with the special rapporteurs with regard to the Millennium Development Goals, and CAT issues an annual joint statement with the Special Rapporteur on torture, the SPT, the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and the High Commissioner for Human Rights on the occasion of the United Nations International Day in Support of Victims of Torture. HRC has not adopted the practice of issuing formal statements. The Chairperson of CMW issued a joint statement with the Special Rapporteur on the Human Rights of Migrants on the occasion of International Migrants' Day on December 2005. At its fourth session, CMW adopted a 'written contribution' to the High-Level Dialogue of the General Assembly on International Migration and Development.

120. CRC adopts what it formally terms "recommendations," but now terms "decisions," which can concern either its methods of work or substantive issues. Since 1991, the Committee has adopted over 40 such decisions/recommendations (see CRC/C/19/Rev.10). Recent decisions by the Committee have included the exceptional combination of reports, content and size of reports and the proposal for the committee to sit in two chambers. Other decisions, such as those concerning children in armed conflict, administration of juvenile justice and children without parental care have been made in the context of the Committee's days of general discussion.

## **V. OTHER MATTERS**

### **A. Meetings with States parties**

121. Committees have convened informal consultations with States parties to discuss matters of mutual concern. CEDAW has also convened such a meeting with States that are not party to the Convention.

### **B. Sources of additional information concerning the treaty bodies**

#### **Official publications**

122. OHCHR publishes a series of human rights fact sheets on a range of human rights issues, which include individual fact sheets on each of the human rights treaties, setting out in accessible language the provisions of the treaty and the work of its treaty body. These were supplemented in 2005 by a fact sheet on the "United Nations Human Rights Treaty System," which provides an overview of the seven core treaties and the seven human rights treaty bodies. A full list of fact sheets is available on the OHCHR web site, as well as the fact sheets themselves, in Portable Document Format (PDF).

123. In 2004, the OHCHR regional office in Santiago published compilations of the concluding observations relating to States parties from Latin America and the Caribbean for five treaty bodies: HRC (with the Centro de Derechos Humanos of the University of Santiago), CESCR (with UNDP), and CRC (with the UNICEF regional office for Latin America and the Caribbean-TACRO, Panama), CAT (with the Inter-American Institute, Costa Rica) and CEDAW (with the Economic Commission for Latin America and the Caribbean and the Division for the Advancement of Women). A CERD compilation was completed in 2006 (with the Inter-American Institute of Human Rights and the University of Talca). Similar compilations are being prepared by the OHCHR regional office in Suva, Fiji.

124. In 2006, OHCHR finalized a DVD which includes a short film on the treaty body system and the main human rights instruments. This is available in English, French and Spanish and is currently being translated into Arabic, Chinese and Russian.

#### **The treaty bodies database**

125. OHCHR maintains a treaty bodies database, which contains all official documentation related to the State party reporting process in English, French and Spanish, as well as the full reporting history of each State party to each treaty. The database is accessible through the OHCHR website. OHCHR also operates an electronic list serve which automatically circulates treaty body outputs to subscribers.

#### **Information related to the treaty bodies on the OHCHR and DAW websites**

126. The secretariat maintains web pages for each of the Geneva-based treaty bodies, hosted on the OHCHR website presenting information related to the work of the treaty bodies and their sessions in a consistent way. The DAW website contains the CEDAW web pages.