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of the human rights treaty bodies  
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**REPORT ON THE IMPLEMENTATION OF RECOMMENDATIONS  
OF THE FIFTH INTER-COMMITTEE MEETING AND THE  
EIGHTEENTH MEETING OF CHAIRPERSONS\***

**Note by the Secretariat**

The present report contains information on the steps taken by the treaty bodies and the Secretariat to implement the recommendations adopted at the fifth Inter-Committee Meeting and the eighteenth meeting of chairpersons of human rights treaty bodies, held from 19 to 21 June and 22 to 23 June 2006, respectively.

The report will be considered at the sixth Inter-Committee Meeting and nineteenth meeting of chairpersons of human rights treaty bodies, which will take place in Geneva from 18 to 20 June and 21 to 22 June 2007, respectively.

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\* The present report is circulated as received.

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## I. INTRODUCTION

1. The present report provides information on the follow-up actions taken by the treaty bodies, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Division for the Advancement of Women (DAW) with regard to the substantive recommendations made by the fifth Inter-Committee Meeting and the eighteenth meeting of chairpersons, held from 19 to 21 June and 22 to 23 June 2006, respectively.
2. Part II and Part III of the report examine the actions taken to follow up the recommendations adopted at the fifth Inter-Committee Meeting and eighteenth meeting of chairpersons of human rights treaty bodies, respectively. A comparative table of working methods currently applied by the treaty bodies is contained in annex I.
3. The report is complemented by the report on the working methods of the human rights treaty bodies (HRI/MC/2007/4), which provides information on the implementation of the recommendations of the eighteenth meeting of chairpersons and the fifth Inter-Committee Meeting concerning cooperation with special procedures, modalities of the participation of non-governmental organizations (NGOs) in the work of the treaty bodies, liaison with United Nations specialized agencies, funds and programmes, and follow-up to concluding observations.
4. The report is further complemented by the report of the informal brainstorming meeting on treaty body reform held in July 2006, Malbun II (A/61/351, annex), the reports of recent meetings held by the working group on the harmonization of working methods (HRI/MC/2007/2 and Add.1) and the working group on reservations (HRI/MC/2007/5), an update of the report on reservations (HRI/MC/2005/5/Add.2), and the conclusions of the roundtable on national human rights institutes (NHRIs) and treaty bodies (HRI/MC/2007/3), in addition to the report of a seminar on recommendations by United Nations experts (HRI/MC/2007/7).

## II. FOLLOW-UP TO POINTS OF AGREEMENT OF THE FIFTH INTER-COMMITTEE MEETING

### A. Consultation on proposals for reform of the United Nations human rights framework

*Recommendation: With regard to the concept paper which included the High Commissioner's proposal for a unified standing treaty body,<sup>1</sup> the meeting requested the Secretariat to continue to organize, in appropriate forums, consultations among the treaty bodies, State parties, OHCHR, United Nations entities, NGOs, NHRIs and other stakeholders to discuss all proposals, including those put forward by the CRC and CEDAW, and to prepare a report on views expressed and on the outputs from earlier meetings and brainstorming events. It also recommended that the proposal to create a single body to consider individual complaints under all human rights treaties, which had been advanced by CERD and supported by several participants, be elaborated and presented for consideration at the brainstorming meeting in Liechtenstein.*

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<sup>1</sup> HRI/MC/2006/2.

5. A brainstorming meeting on reform of the human rights treaty bodies was organized jointly by OHCHR and the Government of Liechtenstein in Triesenberg, Liechtenstein, from 14 to 16 July 2006. The meeting, informally referred to as “Malbun II”, was attended by members of the treaty bodies, representatives of States, United Nations entities, NHRIs and NGOs. In addition to the concept paper on the High Commissioner’s proposal for a unified standing treaty body, a compilation of views on the question of the reform prepared by the Secretariat and a preliminary non-paper on legal options, the meeting considered reform proposals by CERD, the CRC and CEDAW. A summary of views expressed at the meeting, including in relation to CERD’s proposal to create a single body to consider individual complaints under all treaties, was circulated as a document of the General Assembly on 18 September 2006.<sup>2</sup>

### **B. Harmonization of working methods**

*Recommendation: The meeting recommended that a working group be established, consisting of seven members, one designated by each committee, to discuss proposals for harmonizing working methods, including those contained in paragraph 20 of the concept paper, and those put forward by CERD, CRC and CEDAW, and to report to the sixth inter-committee meeting in 2007.*

6. The working group on the harmonization of working methods was convened in Geneva from 27 to 28 November 2007 and from 17 to 18 April 2007 in order to elaborate on certain issues and finalize its report to the sixth Inter-Committee Meeting.<sup>3</sup> Preliminary points of agreement reached by the working group are contained in documents HRI/MC/2007/2 and Add.1.

### **C. Standardization of technical terminology**

*Recommendation: The meeting recommended that in light of the emerging agreement on the use of terms such as “concluding observations” and “general comments”, the Secretariat revise its proposal on standardization of terminology as contained in the annex to document HRI/MC/2005/2 and submit it to each committee for consideration with a view to the approval of standardized terminology by the nineteenth meeting of chairpersons in 2007.*

7. The Human Rights Committee (HRC), the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW) have broadly agreed with the proposed terms or adopted a flexible approach. While the HRC and CESCR had agreed that the terms “concluding observations” and “general comments” would be the most appropriate, CEDAW, while noting its flexibility with regard to

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<sup>2</sup> A/61/351, annex.

<sup>3</sup> Document HRI/MC/2007/2, which contains preliminary points of agreement. The representative of HRC noted that the Committee did not consider the document to have official status and did not subscribe to it.

this issue, had expressed a preference for the terms “concluding observations”, “general recommendations” and “suggestions”.<sup>4</sup> CERD held a discussion at its seventieth session, but could not agree on the use of the term “general comment” instead of the term “general recommendation” currently used by the Committee, as one member had argued that this change would contradict the Convention, which refers to “general recommendations” in article 9, paragraph 2. The CRC has appointed a member to consider the proposals made. The Secretariat will seek to ascertain the views of those Committees that have not yet formulated their respective positions prior to submitting a revised proposal. As regards the CRC and CESCR, it may be assumed that they will not object to the use of the proposed terms “concluding observations” and “general comments,” as they have consistently used these terms in their deliberations and documentation.

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

*Recommendation: The meeting recalled previous recommendations that each committee should continue to consider adopting procedures to ensure effective follow-up to their concluding observations/comments, including the appointment of a rapporteur on follow-up. It also recommended that follow-up be conducted in open meetings and follow-up seminars and that each committee should explore other follow-up measures.*

8. In addition to continuing and enhancing their existing follow-up activities, several committees have adopted specific procedures in line with the above recommendation.

9. The HRC has applied such procedures since October 2006 in those cases in which it examined State parties' compliance with relevant treaty obligations in the absence of a report. The rapporteur's progress report on follow-up is considered in a public meeting. In March 2007, the HRC examined recommendations for the reinforcement of its follow-up activities, including in relation to more qualitative and in-depth follow-up through follow-up missions and an upgrade of the Committee's follow-up activities during sessions. The discussion will continue at the HRC's forthcoming session in July 2007.

10. CERD, since July 2006, has considered follow-up reports from six States parties,<sup>5</sup> whom it subsequently invited to provide further information on certain issues. CERD's coordinator on follow-up also conducted a follow-up visit to Ireland at its invitation and reported to the Committee on this visit. A report on follow-up measures was included in the Committee's annual report to the sixty-first session of the General Assembly.<sup>6</sup> In a study on “possible measures to

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<sup>4</sup> See A/61/385, annex, paras. 6, 8.

<sup>5</sup> Australia, the Lao People's Democratic Republic and France, considered at the sixty-ninth session (July-August 2006), and France, Bahrain and Georgia, at the seventieth session (February-March 2007).

<sup>6</sup> A/61/18.

strengthen implementation through additional recommendations or the update of its monitoring procedures”, which had been requested by the Intergovernmental working group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG), CERD recommended that an optional protocol to the Convention be elaborated, which would also refer to the possibility of country visits by the co-ordinator on follow-up. The study will be submitted to the IGWG for consideration at its next meeting in September 2007.

11. The CRC, in light of its current workload, does not have the capacity to deal in a timely manner with interim reports focusing on short-term follow-up to recommendations made in the concluding observations. Nevertheless, in coordination with OHCHR, the CRC has organized regional follow-up seminars in Syria, Thailand, Qatar, Argentina and Costa Rica over the past five years, and is in the process of organizing two more such seminars, in Burkina Faso and the Republic of Korea. In addition, CRC members have participated in numerous follow-up activities organized by Governments or by other United Nations bodies.

12. CAT had introduced a follow-up procedure at its thirtieth session in May 2003, whereby the Committee requests follow-up reports in one year. A rapporteur to monitor the State party's compliance with these requests has been appointed.

13. CESCR has not taken any specific decision with respect to follow-up, but intends to continue to hold regional workshops on follow-up, such as that held most recently in Kyrgyzstan.

14. CEDAW, at its thirty-sixth session, 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 treaty bodies using such procedure. At its thirty-seventh session, CEDAW held a preliminary discussion on follow-up to concluding comments, which will be continued at its next session.

15. On the part of OHCHR, training activities for representatives of Governments, the judiciary, NHRIs, NGOs, lawyers and the media have also been continued within the framework of the project entitled “Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms”, which so far has benefited stakeholders in 23 countries. The overall objectives of these activities are to increase the participation of civil society in the work of the treaty bodies and to enhance the follow-up and implementation of treaty body recommendations at the national level. The sixth Geneva-based training workshop in the framework of this project is planned from 13 to 17 August 2007 with participants from Guyana, Indonesia and Republic of Korea. Follow-up workshops will take place in Georgia, Mauritius, Mexico, and Morocco from September to December 2007 to take stock of, and analyse, the level of implementation of all treaty body recommendations issued for these countries, and to develop specific plans of action to further enhance the implementation of the outstanding recommendations.

16. Questions relating to the enhancement of technical cooperation and follow-up, including through increased cooperation with specialized agencies, were also addressed at a seminar on recommendations of United Nations expert bodies held in Geneva from 9 to 10 November 2006.

## **E. Reservations**

*Recommendation: The meeting supported the ongoing efforts of the working group on reservations and recommended that it reconvene and submit a fuller report on this issue to the sixth Inter-Committee Meeting in 2007.*

17. The working group on reservations reconvened in Geneva on 14 and 15 December 2006 and adopted a number of recommendations, which are contained in document HRI/MC/2007/5. On 15 and 16 May 2007, the International Law Commission (ILC) met with treaty body members for an inter-active dialogue on reservations to human rights treaties. At that meeting, Mr. Alain Pellet, the Special Rapporteur of the ILC on reservations, gave an overview of the ILC work on reservations, referring also to the guidelines on practice that are being adopted by the ILC. Treaty body members then gave brief presentations on the practice of their respective treaty body. Two representatives of the Council of Europe were also present at the meeting and gave presentations on the approach of the Council of Europe (including the European Court of Human Rights) to reservations. Ms. Françoise Hampson (member of the former Sub-Commission) presented a paper on the legal regime on reservations in international law. The presentations were followed by a discussion of the conclusions reached by the working group on reservations at its last meeting.

## **F. Revised harmonized reporting guidelines**

*Recommendation: The meeting recommended that the committees apply, in a flexible manner, the revised harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3). It further recommended that the committees review as appropriate their existing reporting guidelines and compile indications of any difficulties experienced in implementation.*

18. CRC, CAT and CESCR, in their concluding observations adopted at the most recent sessions, invited States parties that have not yet done so to submit a core document in accordance with the requirements set out in the harmonised guidelines on reporting. CRC revised its reporting guidelines for periodic reports under the Convention in June 2005, and those for reporting under the Optional Protocol on the sale of children, child prostitution and child pornography in November 2006. The guidelines for reporting under the Optional Protocol on the involvement of children in armed conflict are currently being reviewed. CERD has commenced its work towards the adoption of revised reporting guidelines. Following an initial general discussion, the Committee established an open-ended working group, which has produced a revised draft on the basis of a document prepared by the Secretariat at CERD's request. This revised draft will be translated in the working languages of the Committee and submitted to members for further discussion and adoption at the seventy-first session. CESCR is also in the process of revising its reporting guidelines. CEDAW will continue to review its reporting guidelines, in the light of the acceptance, by the Inter-committee Meeting, of the revised harmonized reporting guidelines. The Committee invited its task force, with the assistance of the Secretariat, to complete a proposal for consideration at the thirty-eighth session. The HRC has postponed the consideration of this recommendation to its forthcoming session to be held in July 2007.

### **G. Liaison with specialized agencies and United Nations funds and programmes**

*Recommendation: The meeting reiterated the previous recommendation that all treaty bodies establish a mechanism of rapporteurs or focal points to enhance cooperation and facilitate more effective interaction on country-specific as well as thematic issues and follow-up with the United Nations specialized agencies.*

19. Most treaty bodies have now appointed rapporteurs or focal points to facilitate such interaction: HRC appointed a rapporteur to liaise with specialized agencies and other UN bodies in March 2006, and CESCR had already appointed a focal point in 2005 to liaise on specific issues. CEDAW has designated individual members to serve as focal points for various United Nations entities. The CRC, at the beginning of 2006, appointed one of its members to act as focal point for liaison, who will prepare an inventory of relevant agencies and report to the Committee on possible ways and means to enhance and facilitate cooperation. CERD is in the process of identifying members willing to act as focal points.

20. The question of effective interaction with specialized agencies was also addressed at a seminar on recommendations of United Nations expert bodies held in Geneva from 9 to 10 November 2006, pursuant to a recommendation of the seventeenth chairpersons meeting.<sup>7</sup> This seminar addressed in particular the question of how technical guidance from specialized agencies, funds and programmes could help in the formulation of more concrete recommendations on the part of the treaty bodies, and in improving the implementation of concluding observations at the national level. Participants in the seminar included representatives from the seven human rights treaty bodies, members of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation (UNVFTC), representatives of OHCHR field presences and representatives of specialized agencies, funds and programmes.

*Recommendation: The meeting recommended that the Secretariat organize a meeting with representatives of OHCHR, the Division for the Advancement of Women, UN specialized agencies, funds and programmes, and treaty body members to discuss modalities for enhanced cooperation and interaction with respect to treaty reporting and financial resources to that end. The meeting also recommended that relevant United Nations entities strengthen their cooperation with the treaty bodies, including in relation to monitoring, by allocating necessary human and financial resources to that end.*

21. The meeting will be organized in early 2008.

### **H. NGO participation**

*Recommendation: The meeting reiterated previous recommendations regarding the modalities of NGO participation in the monitoring activities of treaty bodies and recommended that the issue be put on the agenda of the sixth inter committee meeting.*

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<sup>7</sup> A/60/278, Recommendation (e).



22. Current practices regarding the modalities of NGO participation and ongoing efforts to address relevant issues in this regard are comprehensively covered in the report on the working methods of the treaty bodies.<sup>8</sup>

### I. National human rights institutions

*Recommendation: The meeting reiterated the recommendation of the fourth Inter-Committee Meeting that engagement with NHRIs should continue in a manner that reflected their necessary independence from Governments, and welcomed the intention of OHCHR to convene a round-table of NHRIs and experts.*

23. Most treaty bodies give NHRIs an opportunity to provide information either in informal meetings or during the sessions: CERD continues to give NHRIs the opportunity to take the floor briefly on the second day of consideration of periodic reports. The CRC invites NHRIs to provide information through written submissions or in closed meetings during its pre-sessional working group, which allows NHRI representatives to engage in a frank discussion with the Committee. CESCR regularly invited NHRIs through OHCHR's National Institutions Team, but has decided to extend invitations directly in the future. CAT routinely informs NHRIs of the States parties which are to be considered of the forthcoming consideration and invites them to submit written information. NHRIs may also request a private meeting. The Committee on the Rights of All Migrant Workers and Members of their Families (CMW) also invites NHRIs to submit written information, and affords them the opportunity to attend both the private meeting held in preparation of the list of issues as well as the meeting at which the relevant report is being considered. At its fifth session, during the second day of the consideration of the State party's report and with the agreement of the State party's delegation, the Committee provided the representative of the NHRI an opportunity to make an oral presentation. For the first time, CEDAW had allowed an NHRI to make an oral presentation at its thirty-third session in July 2005. At its subsequent session, in January 2006, it further discussed its interaction with NHRIs and confirmed its commitment to developing appropriate modalities for such interaction in coordination with other human rights bodies. The important role accorded to NHRIs is also emphasized in the general comments which three of the treaty bodies have issued on this matter.<sup>9</sup>

24. An international roundtable on the role of NHRIs and treaty bodies, organized jointly by the German and Danish Institutes for Human Rights and OHCHR, and attended by representatives of NHRIs, NGOs and treaty bodies, was held in Berlin from 23 to 24 November 2006. Participants adopted a draft harmonized approach for treaty-body engagement with NHRIs, which is contained in document HRI/MC/2007/3. The HRC discussed the conclusions of the Roundtable at its March 2007 session, and considered that it was

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<sup>8</sup> HRI/MC/2007/4.

<sup>9</sup> CESCR: General Comment No. 10; CRC: General Comment No. 2; CERD: General Comment No. XVII.

premature to take any decision and that broader participation of various actors, in particular NGOs, was needed before any decisions about the relationship with national institutions could be taken.

#### **J. Statistical information related to human rights**

*Recommendation: The meeting requested the Secretariat to undertake validation, including through piloting by the relevant committees, of the agreed indicators and develop further lists of indicators, where appropriate in collaboration with UN entities. It called on the Secretariat to submit a report on those activities to the Seventh Inter-Committee Meeting in 2008 and to provide information, including expert advice, on the progress achieved to each of the treaty bodies during 2006 and 2007.*

25. In December 2006, OHCHR organized an expert consultation that considered proposals on illustrative indicators for four additional human rights, namely the right to adequate housing, the right to participate in public affairs, the right to education and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment. Proposals were based on the agreed conceptual and methodological framework outlined in document HRI/MC/2006/7. The participants included members of treaty bodies, special rapporteurs, the United Nations Educational, Scientific and Cultural Organization, UN-Habitat, the United Nations Economic Commission for Europe (statistical division), World Bank, academics and non-governmental organizations. The proposals on these four rights have been revised in light of the discussion at the meeting and will be validated through the country level piloting and consultation meetings in the coming months.

26. OHCHR collaborated with the Food and Agricultural Organization to validate illustrative indicators on the right to adequate food in country level consultations at regional workshops in Uganda (October 2006) and Guatemala (December 2006). As part of follow-up workshops on the implementation of treaty bodies' concluding observations at national level, a module on illustrative indicators on the right to health and the right to judicial review of detention was presented in a workshop in Uganda in November 2006. Participants at these workshops included relevant Government staff, NHRIs, UN countries teams and NGOs. The inputs from these meetings were collected for reviewing and validating the proposals on indicators for the concerned human rights.

27. In the period 2007-2008, OHCHR will organize country level consultations and validation workshops in Asia and Africa, and participate in regional workshops on the use of indicators for human rights assessment in Latin America. Such events are scheduled to be held in New Delhi in July 2007 and in Brazil and Chile in June 2007. Work on elaboration of illustrative indicators on four additional human rights has also been initiated. Two expert consultations, involving members of treaty bodies and experts from UN agencies, academics and representatives from non-governmental organizations have been planned to consider the proposals on indicators for additional human rights and to help finalize the report to the inter-committee meeting in 2008. During this period, it is also envisaged that briefings will be organised for the treaty bodies and avenues will be explored to include a module on indicators in other planned OHCHR workshops at country level, with a view to seek feedback for further validating the ongoing work on indicators.

### **III. FOLLOW-UP TO RECOMMENDATIONS OF THE EIGHTEENTH MEETING OF CHAIRPERSONS OF HUMAN RIGHTS TREATY BODIES**

#### **A. Relationship with special procedures mandates holders**

*Recommendation: The meeting recommended that all treaty bodies consider developing procedures and guidelines for enhanced interaction, where appropriate, with the special procedures mandate holders in order to strengthen a coordinated and coherent approach to their work. It also recommended that the Secretariat seek ways and means to facilitate interaction between the treaty bodies and the special procedures, not only during the annual joint meetings, but also with respect to strengthening mandate-specific and direct interaction during sessions of the treaty bodies.*

28. The treaty bodies have taken efforts to strengthen their interaction with the special procedure mandate holders, including through the consideration of appropriate procedures and guidelines: CERD, at its seventieth session held in February/March 2007, held a meeting with the Independent Expert on Minority Issues, discussing both her recent visit to Ethiopia and general questions of cooperation on minority issues. At the same session, CERD decided to invite the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on the Situation of Human Rights and Fundamental freedoms of Indigenous Peoples to meet with the Committee during its forthcoming session in July-August 2007 to engage in separate dialogues with the Committee on the issue of double discrimination on one of the grounds of article 1, paragraph 1 ICERD, and on religion. The CRC met with the Independent Expert of the Secretary-General on violence against children in September 2006, and in January and May 2007, and has met with other rapporteurs in previous years. The HRC has been in contact with the independent expert on minority issues, with whom a meeting is envisaged to be held in the near future. The HRC will include the recommendation concerning the development of procedures and guidelines for enhanced interaction in the agenda of the Bureau at its forthcoming session in July. CESCR plans to regularly hold meetings with special rapporteurs on mandates relevant to its work. CAT has a relationship of close collaboration with the Special Rapporteur on Torture, which includes the sharing of country-specific information, as well as formal annual meetings between the Special Rapporteur and the Committee. CAT envisages meeting with the Special Rapporteur at least once a year. 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.

#### **B. Relationship with the Human Rights Council**

*Recommendation: The meeting recommended that in light of the interactive dialogue at the first session of the Human Rights Council the treaty bodies consider institutionalizing their relationship with the Council and consider and propose modalities for such a relationship. It requested the Secretariat to provide to the treaty bodies information on an ongoing basis on the work undertaken by the Human Rights Council.*

29. Pursuant to the above recommendation, and in light of information provided by the Secretariat on the work of the Human Rights Council, several committees have formulated their views on appropriate modalities for their relationship with the Council: The HRC, in its opinion of 30 October 2006 concerning the idea of creating a single human rights treaty body, proposed the creation of a coordinating body composed of representatives of the various treaty bodies which should *inter alia* promote an exchange of information and points of views between the Council and the treaty bodies. At its fourth meeting with States parties on 27 October 2006, participants expressed the view that the Council and treaty bodies have complementary roles in the protection of human rights, and that concluding observations should form part of the basis for the universal periodic review (UPR) so as to remind States under review of their substantive obligations with regard to reporting and follow-up of concluding observations. At its March 2007 session, the HRC considered that questions relating to its relationship with the Council should be discussed at a later stage, when the Council had completed its process vis-à-vis the UPR. CAT has postponed the discussion of this matter for similar reasons. CERD discussed proposals for reform of the UN human rights framework at its sixty-ninth session held in July/August 2006, and had a dialogue with the Secretariat on salient issues on 8 August 2006.<sup>10</sup> During the debate, members supported the view that it would be desirable to have interaction between the treaty bodies and the Council, and that treaty bodies should be able to draw the Council's attention to situations in which States are not responsive to calls for dialogue. On 19 February 2007, at the first day of its seventieth session, CERD stressed its support for an approach by which the human rights instruments to which a State is party should constitute a basis for the UPR. The CRC, at its fourth informal meeting with States parties held on 1 February 2007, expressed the desire to improve its relations with the Human Rights Council and added that the proposed UPR mechanism would be an excellent basis for cooperation between the Council and the treaty bodies. This matter will be further discussed at the joint meeting of the chairpersons of the treaty bodies and the special mandate holders to be held on 21 June 2007. With regard to the status of CESCR and its possible rectification, the chairperson of CESCR, on 18 May, sent a letter to the chairperson of the Human Rights Council, who indicated in his response that he would welcome a dialogue on that matter at the Council's September session.

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<sup>10</sup> CERD/C/SR.1771.

## Annex I:

## COMPARATIVE CHART ON TREATY BODY WORKING METHODS

## Lists of issues

Treaty Body	List of Issues	Pre-session Working Group	Form of List of Issues	Status	Replies to Lists of Issues	Compliance
<b>CERD</b>	Decided by country rapporteur, 40 questions for initial reports, 25 for periodic reports, grouped in 4 clusters.	N/A	Article by article.	Informal documents, submitted by country rapporteur to State Party, translated into relevant language for State Party, not publicly available.	State Parties given a few weeks to prepare written replies. Not formally required. Replies not translated. Posted on the website as soon as received.	
<b>HRC</b>	For initial and periodic reports.	Individual communications only.	Thematic and clustered.	Official document for general distribution, translated into working languages of Committee, publicly available on ODS.	State Parties are encouraged to respond at least 3 weeks prior to consideration, maximum 30 pages. Translated and posted on HRC website.	
<b>CESCR</b>	For initial and periodic reports.	Lists of Issues, up to 18 months before consideration.	Article by article.	Official document for general distribution, translated into working languages of Committee, publicly available on ODS.	Written response required. Translated into working languages of Committee. Not available on ODS. Posted on website as soon as received.	
<b>CEDAW</b>	For initial and periodic reports, 30 clear and direct questions.	Lists of issues for next session and up to next two sessions. With three annual sessions, Lists of Issues generally prepared two sessions in advance.	Article by article (and grouping articles 1 and 2; 7 and 8; 15 and 16) for initial reports. Clustered by priority issues and focus on follow-up to Concluding Observations for	Official document for general distribution, translated into all six official languages, publicly available on ODS.	Short and precise written response required. 25-30 pages (plus annexes), generally within 6 weeks of receipt of List of Issues. Responses are translated into all official languages, issued as official documents for general distribution, and posted on the DAW website.	States generally provide written replies within the given timeframe. In very few cases, the lateness of

Treaty Body	List of Issues	Pre-sessional Working Group	Form of List of Issues	Status	Replies to Lists of Issues	Compliance
<b>CAT</b>	Periodic reports.	Individual communications only. The two pre-sessional working groups have been replaced by a third week of plenary in November of each year.	<p>periodic reports. Some standard questions, particularly regarding the ratification of the Optional Protocol, and acceptance of amendment of article 20 (1).</p> <p>Article by article. Some standard questions.</p>	Official document for general distribution, translated into working languages of Committee, publicly available on ODS.	Annexes are distributed to the Committee in the language received, and posted on the DAW website.	replies does not allow for timely translation. In such cases, the original is posted on the website.
<b>CRC</b>	For initial and periodic reports and reports under Optional Protocols.	List of Issues for next session.	Requests standard and updated information on issues for discussion. Shorter and more specific information is requested with regard to Optional Protocols.	Official document for general distribution, translated into working languages of Committee, publicly available on ODS.	State Parties are encouraged to submit written replies 10 weeks before the session. They may, however, submit responses prior to or during consideration. Formally required. The Committee is considering reviewing this policy.	Require written response within 6 weeks, with a limit of 40 pages. Translated into working languages of Committee. Available on ODS. Posted on CRC website.

Treaty Body	List of Issues	Pre-sessional Working Group	Form of List of Issues	Status	Replies to Lists of Issues	Compliance
CMW	For all State Party reports, in plenary.	N/A	Clustered.	Official document for general distribution, translated into working languages of Committee, publicly available on ODS.	Written State Party response required. Issued as formal documents, translated into working languages of Committee and available on ODS.	

**Exceptional Consideration of Reports and Concluding Observations**

Treaty Body	In absence of report	In absence of delegation	Release of Concluding Observations	Comments by States Parties on Concluding Observations	Follow-up procedures
<b>CERD</b>	Examines compliance in absence of a report, A/58/18, annex IV, Section P. Reviews initial and periodic reports which are 5 or more years overdue. If no response is received after review, there may be a subsequent review. Lists of Issues are drawn-up in absence of a report.	No formal rule.	Advance unedited version given to State Parties. Made public at end of the session.	Comments may be included in annual report, under article 9.	Under rule 65, the Committee may request further information or an additional report on action taken to implement the Concluding Observations. A coordinator on follow-up, who was appointed in March 2004 for two years, works with the country rapporteurs. Guidelines have been adopted and will be sent to the State Parties with Concluding Observations. The first State party follow-up report was received April 2006.
<b>HRC</b>	Examines compliance in absence of report, rule 70. Reviews initial and periodic reports 5 or more years overdue. If no response after review, there may be a subsequent review. Lists of Issues are drawn up in the absence of a report.	May suggest alternative date or consider the report (rule 68).	Advance unedited version given to State Party. Releases text during session once adopted, finalized and transmitted to State Party.	Comments may be issued as an official document and may be referred to, but not included in annual report.	Systematically identifies specific recommendations in Concluding Observations and requests States Parties to provide information on implementation (within a year). The rapporteur on follow-up reviews information. Based on the follow-up report, the Committee may confirm or



Treaty Body	In absence of report	In absence of delegation	Release of Concluding Observations	Comments by States Parties on Concluding Observations	Follow-up procedures
<b>CESCR</b>	Examines in absence of report, E/C.12/2004/9. Reviews initial and periodic reports which are five or more years overdue. If no response is received, there may be subsequent review. If a report is submitted, it is examined and Concluding Observations are adopted. If no report is received, the Committee reviews State Party compliance with the Covenant based on available information and adopts preliminary Concluding Observations. Lists of Issues are drawn up.	Will examine in absence (rule 62 (3)).	Made public at 6 pm on final day and sent to State party.	Makes comments public for information only and mentions in annual report (E/2005/22).	<p>amend the date for submission of the report (rule 72). This is applicable to Concluding Observations adopted in absence of a report and made final and public.</p> <p>May request more information in Concluding Observations to be considered at next pre-sessional working group, which can make recommendations to Committee. If information is not provided or found unsatisfactory, the Chair and Bureau may follow up with the State Party. If information cannot be obtained, they may request the State Party to accept a technical assistance mission of 1-2 members (which has been applied two times so far). The Committee may make recommendations to ECOSOC.</p>

Treaty Body	In absence of report	In absence of delegation	Release of Concluding Observations	Comments by States Parties on Concluding Observations	Follow-up procedures
<b>CEDAW</b>	<p>May examine compliance in absence of a report (decision 31/III, paragraph (i), A/59/38, part II). At its 31<sup>st</sup> session, the Committee decided that, in principle, it will consider implementation of the Convention by a State party in the absence of a report, as a measure of last resort, and in the presence of a delegation. In July 2004, CEDAW invited two State Parties to submit overdue initial report. Both State Parties submitted combined initial and periodic reports. In January 2007, the Committee invited four State Parties to submit initial reports that were more than 20 years overdue. The Committee draws up Lists of Issues on the basis of the report received.</p>	<p>May postpone, but proceed without report at next session (rule 51 (5)). No action has been taken to date.</p>	<p>Sent to State Party week after the session and made public several days later in advance unedited version. Final versions in 6 languages posted on DAW website within 2-3 weeks.</p>	<p>Circulated to members and receipt acknowledged in annex to session report, Decision 21/II, A/54/38/Rev.1, p. 45.</p>	<p>Under review.</p>
<b>CAT</b>	<p>Examines compliance in absence of a report, rule 65. Scheduled consideration of two State Parties with long overdue reports. Both have been submitted. Lists of Issues had been drawn up, however, since the State Parties submitted initial reports, the Lists of Issues were not used.</p>	<p>May suggest alternative date or consider the report (rule 66 (2)).</p>	<p>Advance unedited given to State Party. Made public at end of the session.</p>	<p>Comments may be issued as an official document and may be referred to, but not included in annual report.</p>	<p>At 30<sup>th</sup> session (May 2003), the Committee introduced a new procedure (rule 68 (1)). The Committee requests follow-up reports within a year. A rapporteur has been appointed to monitor State Parties' compliance with these requests.</p>

Treaty Body	In absence of report	In absence of delegation	Release of Concluding Observations	Comments by States Parties on Concluding Observations	Follow-up procedures
<b>CRC</b>	Examines compliance in the absence of a report, CRC/C/33, paragraphs 29 to 32 and 67). In 2004, the CRC issued 10 notices of planned reviews, which led to submission of 10 initial reports. The Committee would consider preparing Lists of Issues in the absence of a report, which would be determined on a case by case basis. N/A	No formal rule, but has occurred in the case of the Marshall Islands in January 2007 (44 <sup>th</sup> session).	Advance unedited adopted and given to State Party on last day of the session.	Acknowledge receipt of comments in sessional and biennial reports. May be reproduced in biennial reports to GA on formal request.	Follow-up activities include regional workshops and participation in national-level initiatives.
<b>CMW</b>	N/A	N/A	Advance unedited version given to State Party.	N/A	N/A

## Reporting Technicalities

Treaty Body	Periodicity of reports	Sessions per year	Average reports per session	Time for consideration of reports	Reports considered annually
<b>CERD</b>	Initial report within 1 year, periodic reports every 2 years, though in practice, States can be granted up to three years before submitting their next report.	2 x 3 week sessions	8-11	2 meetings, 2 days	16-22
<b>HRC</b>	Initial report within 1 year, periodic reports every 4 years.	3 x 3 week sessions	4	In principle, 3 meetings for initial and 2 meetings for periodic (with a possibility of a third meeting).	12
<b>CESCR</b>	Initial report within 2 years, periodic reports every 5 years.	2 x 3 week sessions	5	3 meetings	10
<b>CEDAW</b>	Initial report within 1 year, periodic reports every 4 years.	2 x 3 week sessions. Currently: 3 x 3 week sessions and parallel chambers.	8 15 during parallel chambers.	2 meetings, 1 day	16 (2005) 31 (2006) 38 (2007)
<b>CAT</b>	Initial report within 1 year, periodic reports every 4 years.	2 x 3 weeks	7	1 ½ meetings	14
<b>CRC</b>	Initial report within 2 years, periodic reports every 5 years (for Optional Protocols, initial reports are due within 2 years, and periodic reports every 5 years).	3 x 3 week sessions	10-14 (with Optional Protocols).	2 meetings, 1 day or ½ day for Optional Protocols.	48 (2006 - parallel chambers) 35 (2007 +)
<b>CMW</b>	Initial report within 1 year, periodic reports every 5 years	2 x 1 week session	1	2 meetings, 1 day	N/A

## Participation of Non-State Actors

Treaty Body	Country Rapporteurs	United Nations agencies, funds and programmes	Special procedures	National Human Rights Institutions (NHRIs)	NGOs
<b>CERD</b>	One rapporteur. Identity confidential. Decides whether to send Lists of Issues. First to pose questions to delegation and last to address delegation.	Systematically receives information from ILO and UNHCR. ILO, UNESCO invited since 1972. UNHCR also invited. In 2003, designated members as focal points for United Nations entities, which system is not active at present. In March 2007 (70 <sup>th</sup> session), CERD decided to seek nominations for members to act as focal points and to grant possibility for agencies to give oral briefing to committee on the first morning of a session.	Mandate holders have attended meetings for annual thematic debates and ad hoc debates. CERD has exchanged information on numerous occasions with Sub-Commission on former Commission on Human Rights, has attended all sessions of the Inter-Governmental Working Group on Effective Implementation of the Durban Declaration, and provided it with written input. Has held extensive dialogues over recent years with several mandate holders (racism, housing, health, minority issues). Also cooperates with Special Adviser of the SG on Genocide.	General recommendation XVII refers to participation of NHRIs in preparation of reports. NHRIs are being informed about Committee's programme of work at each session and provided with copies of State Party reports. At the last three sessions, the State Party agreed to allow representatives of NHRIs to make oral statements to Committee.	Invites NGOs to submit country-specific information on State Parties whose reports are due for consideration, Section B, Annex IV (A/58/18). Accepts written submissions from NGOs concerning early warning and urgent action procedures. NGOs do not brief Committee during formal session time. Lunchtime briefings are regularly convened on the first day of examination of State Party report, or for State Parties being examined under the review procedure or under early warning and urgent action procedures.
<b>HRC</b>	One rapporteur. Identity confidential. Members of country task force allocated specific questions from Lists of Issues during dialogue.	Article 40 (2), rule 67. Specialized agencies informed by email/fax of reports to be considered and input requested. Invited to meet Committee during		May provide information to interested members, in informal meetings and may respond to requests for additional or clarifying information.	Invites NGOs to submit country-specific information on State Parties due for consideration. HRC makes NGO information

Treaty Body	Country Rapporteurs	United Nations agencies, funds and programmes	Special procedures	National Human Rights Institutions (NHRIs)	NGOs
<b>CESCR</b>	One rapporteur. Identity public.	<p>plenary session. March 2006, appointed rapporteur to liaise with specialized agencies and other United Nations bodies.</p> <p>Articles 16-24, rules 66-68. Covenant provides for receipt of relevant written information from specialized agencies. Informed of upcoming reports. Input requested. Sent by UNICEF, UNHCR, UNESCO, ILO, WHO. Invited to meet Committee during 1<sup>st</sup> day of session and in Pre-session Working Group. Open or closed according to wishes of agency representatives.</p>	<p>Has invited Special Rapporteurs, Chairs of working groups of former CHR and formed close relationship with Special Rapporteurs on housing, education, indigenous peoples and others.</p>	<p>General Comment No. 10 acknowledged the role of NHRIs in monitoring implementation.</p>	<p>available on website. NGOs can request information be confidential. Since March 2005, has invited NGOs to address Committee during drafting of Lists of Issues and on the first day of the session. Breakfast and lunchtime briefings are regularly convened. Has reserved the right to determine if briefings by other NGOs should become part of official programme with interpretation (A/57/40, vol. I, annex III, para. 12).</p> <p>Guidelines on NGO participation (E/C.12/2000/6). Welcomes written information from national and international NGOs at pre-session working group, during drafting of Lists of Issues and at full session. Written statements submitted by NGOs with ECOSOC status (or sponsored by one) at least three months in advance are issued as</p>

Treaty Body	Country Rapporteurs	United Nations agencies, funds and programmes	Special procedures	National Human Rights Institutions (NHRIs)	NGOs
		<p>Close relationship w/ UNESCO through Joint Expert Group. Appointed focal point in 2005 to liaise on specific issues.</p>			<p>United Nations documents. NGO statements must be specific to articles and pressing issues and suggesting questions to be considered by pre-sessional working group for possible inclusion in Lists of Issues. Input should be of direct relevance, reliable and non-abusive. When many NGOs are reporting, they are encouraged to coordinate their efforts to summarize information and submit synthesized report. Information is posted on the OHCHR website unless confidentiality is requested. Half a day is set aside during the plenary on the first day of the session and at the pre-sessional working groups to hear oral statements from external partners. Also meets with NGOs in closed lunchtime briefings which are regularly convened.</p>

Treaty Body	Country Rapporteurs	United Nations agencies, funds and programmes	Special procedures	National Human Rights Institutions (NHRIs)	NGOs
CEDAW	<p>Roles and functions of country rapporteurs are set out in <i>Guidelines on the role and function of country rapporteurs</i> (A/61/38, Part II, paragraphs 388 to 399). Identity public. Country task forces used on several occasions since 31<sup>st</sup> session to take lead in the constructive dialogue (periodic reports).</p>	<p>Article 22, rules 44-45. Convention provides for receipt of relevant written information from specialized agencies which are informed of reports to be considered. Input requested, not to exceed 8,500 words. In 2006, Committee adopted guidelines for submission of reports: entities invited to provide country-specific information on implementation of Convention and Concluding Observations, and efforts made by entity to promote implementation. Invited to provide information on efforts to support ratification, publicity of Optional Protocol and acceptance of amendment to article 20 (1). Invited to meet Committee during session and Pre-session Working Group (closed). Encouraged to answer questions by members. Joint reports by United Nations country teams submitted on one reporting State Party at 34<sup>th</sup> session, five at 36<sup>th</sup>, and five at 37<sup>th</sup>. Committee discontinued practice of focal points to United Nations entities.</p>	<p>Interacts with Special Rapporteurs on an ad hoc basis, including on violence against women and housing.</p>	<p>For the first time, at the 33<sup>rd</sup> session, invited NHRI to make oral presentation to Committee. Discussed interaction with NHRIs at 34<sup>th</sup> session (January 2006) and confirmed its commitment to developing modalities for this interaction in coordination with other treaty bodies.</p>	<p>NGO representatives from national and international NGOs are invited to make oral or written statements and provide information or documentation to the Committee at the pre-session working group, and at session, at the first day of the first and second week (rule 47). When many NGOs are reporting, they are encouraged to coordinate their efforts to summarize information and submit a synthesized report/make joint oral presentation. IWRAW Asia-Pacific facilitates interaction between NGOs and the Committee, and, in particular, circulates NGO shadow reports electronically and in hard copy in advance of the session.</p>



Treaty Body	Country Rapporteurs	United Nations agencies, funds and programmes	Special procedures	National Human Rights Institutions (NHRIs)	NGOs
<b>CAT</b>	Two rapporteurs. Identity public. First to pose questions to delegation.	Rule 62. Regularly receives confidential info from UNHCR.	Close collaboration with Special Rapporteur on Torture, includes sharing country-specific information, article 20, and individual communications and formal annual meeting with Committee.	NHRIs of reporting State Parties routinely informed of forthcoming consideration of reports. NHRIs are invited to attend the session to brief the Committee in private if they so wish.	Invites NGOs to submit country-specific information on State Parties whose reports are due for consideration, rule 62. Information is made available on the OHCHR website. If an NGO requests confidentiality, the Committee disregards the submission. Invites NGOs to orally brief the Committee in private during formal meetings, one country at a time, a day before consideration.
<b>CRC</b>	One rapporteur. Identity public. First to pose questions to delegation. Last to address delegation.	Article 45, rule 70. CRC refers to UNICEF in art. 45. Convention provides for receipt of relevant written information from specialized agencies. Specialized agencies informed in writing of reports to be considered and input requested. Systematically receives information from UNICEF and UNHCR, UNESCO, ILO, WHO, UNAIDS. Invited to meet Committee during pre-session working group. Close working relationship with UNICEF	Independent expert appointed by SG to lead study on question of violence against children and several Special Rapporteurs. Have interacted with Committee.	General Comment No. 2 (2002) includes section on reporting and cooperation between NHRIs and United Nations specialized agencies and Human Rights mechanisms. Also calls for independent monitoring and reporting by NHRIs and independent consultation with State Parties during drafting process. NHRIs and Child Ombudspersons invited in writing to attend. NHRIs may	Art. 45 (a) enables Committee to seek expert advice from 'other bodies', which is understood to include NGOs. Since 1991, in cooperation with the NGO Group for the CRC, it has encouraged NGOs to submit reports, documentation or other information on implementation. Written information is received from international, regional, national or local organizations and may be submitted by individual

<b>Treaty Body</b>	<b>Country Rapporteurs</b>	<b>United Nations agencies, funds and programmes</b> and extends to many areas of reporting process. At 4 <sup>th</sup> session, appointed member to act as focal point and may increase as required.	<b>Special procedures</b>	<b>National Human Rights Institutions (NHRIs)</b> request private meeting with Committee. May provide information to interested members or during informal meetings and may respond to requests for additional or clarifying information.	<b>NGOs</b> NGOs, national coalitions or committees of NGOs. If many NGOs are reporting they are encouraged to coordinate efforts and submit a synthesized report. NGOs can request that information be kept confidential or will be posted on website of NGO Group for CRC. Meetings are devoted to NGOs during the pre-session working group (closed). Requires submission 2 months in advance. NGOs are then invited to attend. NGOs from the country under review are given 15 minutes to make statements; others are given 5 minutes. NGOs may request a private meeting with the Committee. Exceptionally, NGOs may be allowed to provide additional information at the session when the report is considered. Committee has a close working relationship with the NGO Group for the CRC.
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Treaty Body	Country Rapporteurs	United Nations agencies, funds and programmes	Special procedures	National Human Rights Institutions (NHRIs)	NGOs
CMW	Two rapporteurs. Identity public.	Art. 74, rules 28-29. CMW refers to ILO in art 74. Specialized agencies informed by email/fax of reports to be considered and input requested. Invited to meet Committee during session.	Interacted with Special Rapporteur on Human Rights of Migrants.		Art. 74 (4) provides for Committee to invite other concerned bodies to submit written information, which the Committee understands to include NGOs. Invites NGOs to submit country-specific information on State Parties whose reports are due for consideration, rule 29. Guidelines on NGO participation CRC/C/90, annex VII. See also A/60/48 (15). At 4 <sup>th</sup> session, CMW decided would provide opportunity for NGOs to publicly brief the Committee and during session when report considered.

## Other activities related to the reporting process

Treaty Body	General Comments/ Recommendations	Days of general discussion and thematic debates	Country visits	Committee statements	Meetings with State Parties
<b>CERD</b>	General recommendations. First issued in 1972 (article 9). Consultation, draft by member, formal adoption.	Specific themes regarding its responsibilities under the Convention and to assist State Parties.	No formal guidelines on criteria. HCHR endorsed guidelines for invitations (23 March 2005).	On world conferences, racial discrimination and terrorism and prevention of genocide.	Informal meeting to discuss matters of mutual concern. Next meeting with State Parties to be held in August 2007 (71 <sup>st</sup> session).
<b>HRC</b>	General comments (article 40 (4)). Consultation, draft by member, formal adoption.		No formal guidelines on criteria. HCHR endorsed guidelines for invitations (23 March 2005).	N/A	Informal meeting to discuss matters of mutual concern.
<b>CESCR</b>	General comments. Invited by ECOSOC (rule 65). Consultation, draft by member acc. to drafting outline, formal adoption.	Ad hoc basis, often re. preparation of General Comments. May be general participation or limited to experts.	No formal guidelines on criteria. HCHR endorsed guidelines for invitations (23 March 2005).	On world conferences, globalization, trade, intellectual property and MDGs (with Special Rapporteurs).	Informal meeting to discuss matters of mutual concern.
<b>CEDAW</b>	General recommendations, (article 21). Consultation, draft by member, formal adoption.	Convenes open discussions in context of preparation of general recommendations.	N/A No formal guidelines on criteria. HCHR endorsed guidelines for invitations (23 March 2005).	On gender and racial discrimination, sustainable development, older women, Afghan women, tsunami, women in Iraq, reservations, CEDAW and Beijing PfA, treaty body reform.	Informal meeting to discuss matters of mutual concern.
<b>CAT</b>	General comments. Consultation, draft by member, formal adoption.		No formal guidelines on criteria. HCHR endorsed guidelines for invitations (23 March 2005).	Joint statement with Special Rapporteur on torture, HCHR, Board of UNVFVT on 26 June (International Day in Support of Victims of Torture).	Informal meeting to discuss matters of mutual concern.

Treaty Body	General Comments/ Recommendations	Days of general discussion and thematic debates	Country visits	Committee statements	Meetings with State Parties
<b>CRC</b>	General comments. Consultation, draft by member, formal adoption.	Annual. 15 held since 1992, open to all, based on issue selected up to 12 months in advance. May become background to studies according to article 45 (c). Adopted practice.	No formal guidelines on criteria. HCHR endorsed guidelines for invitations (23 March 2005).	Adopts 'decisions'. 40 adopted since 1991 on technical or substantive issues.	Informal meeting to discuss matters of mutual concern.
<b>CMW</b>	General comments. Consultation, draft by member, formal adoption.	Adopted practice.	No formal guidelines on criteria. HCHR endorsed guidelines for invitations (23 March 2005).	Joint statement with Special Rapporteur on the Human Rights of Migrants, December 2005 for International Migrants' Day; contributed to GA High-Level Dialogue on International Migration and Development.	Informal meeting to discuss matters of mutual concern.

Treaty Body	Universal Periodic Review (UPR)	Gender Architecture			
<b>CERD</b>					
<b>HRC</b>					
<b>CESCR</b>					
<b>CEDAW</b>					
<b>CAT</b>					
<b>CRC</b>	Preliminary discussion held at informal meeting of States parties in February 2007 on potential areas of complementarity between the Committee and the Council, particularly regarding the universal periodic review (UPR).				
<b>CMW</b>					

**Acronyms**

HCHR: High Commissioner for Human Rights

NHRIs: National Human Rights Institutions