

**CRC, CRC/C/137 (2004)**

**IV. WORKING METHODS**

665. At its 930th meeting, held on 20 January 2004, the Committee decided to try to organize an informal two and a half day meeting before its thirty-sixth session (17 May-4 June 2004) to work on its draft revised guidelines for periodic reporting. It would also discuss the format and content of its concluding observations and its list of issues.

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**CRC, A/59/41 (2004)**

**I. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD AT ITS THIRTIETH TO THIRTY-FIFTH SESSIONS**

**A. Organization of work: recommendation adopted at the thirtieth session**

*The Committee on the Rights of the Child,*

*Noting with appreciation* the exceptionally high number of States parties to the Convention on the Rights of the Child (191) and the rapid pace of ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (33), and the Optional Protocol on the involvement of children in armed conflict (33),

*Welcoming* the relatively high reporting rate for initial reports by States parties under the Convention on the Rights of the Child (167 out of 191),

*Stressing* the generally satisfactory quality of initial and periodic reports, as well as written responses to the list of issues, submitted by States parties under the Convention on the Rights of the Child,

*Concerned* about the workload of the Committee, including the forthcoming challenge generated by new reporting obligations under the two Optional Protocols,

*Concerned in particular* about the excessive length of some periodic reports submitted under the Convention,

1. *Decides* to review in the near future its guidelines for periodic reporting (CRC/C/58) in order to encourage States parties not to submit overly lengthy periodic reports;

2. *Requests* all States parties to the Convention to submit periodic reports that are concise, analytical and focus on key implementation issues, the length of which shall not exceed 120 standard pages;

3. *Also requests* all States parties to focus their periodic reports under the Convention in particular on two aspects of implementation aimed at:

(a) In the light of article 44 of the Convention, informing the Committee about progress made in the enjoyment of human rights by children, factors and difficulties affecting the degree of fulfilment of obligations under the Convention, and measures taken to implement the Committee's concluding observations - by explicitly referring to them - adopted with respect to the previous report of a State party and the ensuing dialogue;

(b) Informing the Committee about fundamental developments in the State party during the reporting period with regard to the human rights of children. In this regard, States parties should avoid repeating information already contained in previous reports submitted to the Committee, in the light of article 44, paragraph 3, of the Convention;

4. *Recommends* that, in addition to providing information on legislative developments and the situation de jure, States parties give due attention in their periodic reports to analysing the situation de facto in the State party, including information on concrete measures taken to enhance the implementation of domestic and international legal provisions and principles and, if any, related limitations and obstacles.

## **B. Organization of work: recommendation adopted at the thirty-second session**

*The Committee on the Rights of the Child,*

*Stressing* the crucial importance of periodic reporting by States parties, in conformity with the obligations under article 44 of the Convention on the Rights of the Child, (a) within two years after the entry into force of the Convention for the State party concerned and (b) thereafter every five years,

*Noting* that many States parties have yet to submit their second periodic report under the Convention,

*Acknowledging* that at the time of the dialogue with the Committee States parties have updated the information they provided in their initial report in the written replies submitted to the list of issues,

*Referring* to its recommendation adopted at its twenty-ninth session (CRC/C/114, chap. I) concerning overdue reports and the one-time schedule proposed to States parties in order that they may catch up with the established periodicity in the following two situations:

(a) When the second periodic report is due within the year following the dialogue with the Committee;

(b) When the second periodic report is already due at the time of the dialogue and the third report is due two years or more after the dialogue with the State party,

*Expressing the need* to support States parties in an effort to ensure compliance with the strict time frame established by article 44, paragraph 1, of the Convention,

1. *Decides* to inform States parties in the related concluding observations adopted by the Committee of the deadline for the submission of their second and, where appropriate, following periodic reports;

2. *Decides*, therefore, to apply the following additional rule:

(a) When the second periodic report is due between one and two years following the dialogue with the Committee, the State party shall be requested to submit that report combined with the third one; however, in view of the large number of reports received by the Committee every year and the consequent lengthy time period between the date of submission of a State party report and its consideration by the Committee, the Committee urges the State party, in order to reduce that period, to submit its consolidated second and third report 18 months before its due date. This rule also applies, *mutatis mutandis*, when a similar situation occurs with the third and fourth periodic reports;

3. *Stresses* that these rules apply only as an exceptional measure, for one time only, in an attempt to provide an opportunity for a State party to respect the strict reporting periodicity foreseen in article 44, paragraph 1, of the Convention.

#### **C. Organization of work: recommendation adopted at the thirty-fourth session**

*The Committee on the Rights of the Child,*

*Welcoming once again* the rapid and unprecedented number of ratifications of and accessions to the Convention on the Rights of the Child of 1989, making it, with 192 States parties, the most widely accepted international human rights instrument,

*Recalling* that in accordance with article 44 of the Convention, States parties are requested periodically to submit reports to the Committee on the Rights of the Child for the purpose of examining progress made in achieving the realization of the obligations recognized under the Convention,

*Noting with great concern* that the Committee on the Rights of the Child is faced with an extremely heavy workload and a significant backlog of States parties' reports awaiting review, and that reports submitted cannot be considered by the Committee until approximately two years after their submission,

*Aware* that 13 initial reports and 100 second periodic reports are overdue,

*Aware also* that since the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict entered into force in 2002, States parties have begun to submit initial reports on the implementation of these protocols,

*Recalling* the approval by the General Assembly at its forty-ninth session of the Committee's recommendation adopted at its fifth session in January 1994 requesting the Assembly to increase the number of its annual sessions and pre-sessional working groups to enable the Committee to address its workload,

*Recalling also* that in January 2000, the Committee decided to consider the reports of 27, rather than 18, States parties annually, thereby increasing its workload by 50 per cent, in order to address the backlog of States parties' reports awaiting review,

*Highlighting* the fact that in order to rationalize its work and that of States parties, the Committee decided at its thirtieth session in 2002 to request all States parties to limit their periodic reports to 120 pages,

*Welcoming* the entry into force on 18 November 2002 of the amendment to article 43, paragraph 2, of the Convention increasing the membership of the Committee from 10 to 18 members,

*Welcoming also* the ongoing dialogue the Committee has established with States parties to the Convention on its working methods, including during its informal meeting with States parties in Geneva on 19 January 2003,

*Recalling* the Secretary-General's emphasis, in his report on strengthening of the United Nations: an agenda for further change (A/57/387 and Corr.1), on the importance of continued efforts to modernize the human rights treaty system, and the General Assembly's call for streamlined reporting procedures contained in its resolution 57/300,

*Convinced* that fundamental reform of its working methods is required so that the Committee can consider States parties' reports in a timely manner,

1. *Decides* that beginning at its thirty-eighth session in January 2005, for an initial period of two years, it will consider the reports of States parties in two parallel chambers, each consisting of nine members of the Committee, taking due account of equitable geographical distribution, thereby increasing the number of States parties' reports to be examined from 27 to 48 a year;

2. *Requests* the General Assembly at its fifty-eighth session to approve the Committee's decision and to provide appropriate financial resources to enable the Committee to work in two chambers, beginning at the pre-sessional working group for its thirty-eighth session.

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## **IV. OVERVIEW OF THE OTHER ACTIVITIES OF THE COMMITTEE**

### **A. Methods of work**

#### **1. Reporting process**

21. At its twenty-ninth session (see CRC/C/114, para. 561), the Committee decided to send a letter to all States parties whose initial reports were due in 1992 and 1993, requesting them to submit that report within one year. Should they not report within one year, the Committee would consider the situation of child rights in the State in the absence of the initial report, as foreseen in the Committee's "Overview of the reporting procedures" (CRC/C/33, paras. 29-32) and in light of rule 67 of the Committee's provisional rules of procedure (CRC/C/4). In this regard, as at 1 November 2003, the Committee had received the initial reports of Dominica, Guyana, Sao Tome and Principe, and the Bahamas. In letters sent on 30 June 2003 to the Governments of Angola and Brazil, the Committee again requested that they submit their initial reports, before 15 November 2003, and reiterated its position that it would consider during 2004 the situation of child rights in those State parties, even in the absence of the initial report. Both reports were received by 1 April 2004.

22. At its thirty-third session, the Committee decided to send a letter to all States parties whose initial reports were due in 1994 (Albania, Bosnia and Herzegovina, and Equatorial Guinea), requesting them to submit that report within one year. Should they not report within one year, the Committee would consider the situation of child rights in the State party in the absence of the initial report. As at 1 April 2004, the Committee had received the initial reports of Albania and Equatorial Guinea.

#### **2. Amendment to article 43, paragraph 2 of the Convention**

23. In December 1995 the General Assembly, in its resolution 50/155, approved the amendment adopted by the States parties to the Convention to article 43, paragraph 2, of the Convention on the Rights of the Child to increase the membership of the Committee on the Rights of the Child from 10 to 18 members. Such an increase was considered crucial given the extremely heavy workload of the Committee, mainly as a result of the very encouraging high number of ratifications.

24. During the reporting period, the Committee, OHCHR and UNICEF actively encouraged States parties to facilitate the acceptance of the proposed amendment in their country and to submit their instrument of notification to the Secretary-General (see CRC/C/121, para. 21). In accordance with article 50, paragraph 2, of the Convention, the amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of States parties (128 out of 191). (See also paragraph 4.)

#### **3. Recommendation to work with a two-chambers system**

25. In an effort to address the backlog of reports awaiting review, in 2000, the Committee decided to consider the reports of 9 States parties at each session (instead of 6), so that it would consider the reports of 27 States parties annually (instead of 18). Despite this measure, the backlog of reports awaiting review by the Committee has continued to rise, and as at 1 May 2004, 49 reports which had been submitted had not been considered by the Committee. As a result of this backlog, the time between submission and consideration has increased to two years. This delay is likely to increase as reports required by the Optional Protocols, which at 1 May 2004 had each been ratified or acceded to by 71 States parties, are submitted.

26. Taking account of the increase in membership of the Committee from 10 to 18 and the fact the amendment to the Convention on this matter sought to increase the capacity of the Committee to deal with its growing workload, and after discussing various options during its thirty-fourth session, the Committee adopted a recommendation that, for an initial period of two years, reports submitted by States parties be reviewed by two parallel chambers of the Committee, each consisting of nine members (see chap. I). Each chamber would be constituted randomly, although the need for equitable geographical distribution and representation of the principal legal systems would be taken into account. The Committee's experience of working in two chambers would be assessed after the two-year period.

27. In reaching the decision to put forward this recommendation, the Committee took account of the need to reduce the number of reports awaiting review, the importance of timely consideration of States parties reports, and of the introduction of strategies to encourage States parties to report. Currently, 12 States parties have yet to submit their initial reports, and a little over 100 States parties have not submitted their second reports on time. Implementation of the Committee's recommendation will allow it to consider the reports of 48 States parties annually, which would have significant impact on the current backlog of reports to be reviewed.

#### **4. Informal consultations with States parties**

28. On 29 January 2003, at its thirty-second session (858th meeting), the Committee held an informal meeting with States parties to the Convention. Representatives of 75 States parties took part in an interactive dialogue with the Committee. The reporting process under the Convention, including under the two Optional Protocols, the implications of the increase of the membership of the Committee and the Secretary-General's treaty body reform proposals (see A/57/387) were the main issues discussed.

29. On 23 January 2004, at the thirty-fifth session (936th meeting), the Committee held an informal meeting in which 60 States parties took part. Four main issues were discussed: the revision of the Committee's guidelines for periodic reporting; the Committee's proposed two-chamber working method; working methods for the consideration of initial reports under the two Optional Protocols to the Convention; and the United Nations study on violence against children.

## **5. General comments**

30. During the period under review, the Committee adopted the following four general comments (see annexes VIII, IX, X, and XI respectively):

- General comment No. 2 - The role of independent national human rights institutions in the promotion and protection of the rights of the child
- General comment No. 3 - HIV/AIDS and the rights of the child
- General comment No. 4 - Adolescent health and development in the context of the Convention on the Rights of the Child
- General comment No. 5 - General measures of implementation for the Convention on the Rights of the Child.

31. As is its practice, the Committee involved other relevant United Nations human rights treaty bodies and mechanisms, United Nations agencies and bodies, non-governmental organizations and individual experts in the process of drafting these general comments.

## **6. Induction meeting**

32. On 15 and 16 May 2003, OHCHR organized a two-day informal induction meeting to give the 10 newly elected members a chance to familiarize themselves with the working methods and procedures of the Committee. Other members of the Committee also participated in the meeting.