

CEDAW, A/57/38 (2002)

Part II

Chapter I
Matters brought to the attention of States parties

Decisions

Decision 27/I
Reporting guidelines of the Committee

The Committee decided to adopt revised guidelines for the reports of States parties (see annex).

Chapter VI
Ways and means of expediting the work of the Committee

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Action taken by the Committee under agenda item 6

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Overdue reports

368. The Committee decided, as part of a strategy to encourage States parties to report in accordance with article 18 of the Convention, to request the secretariat to provide it with a profile of non-reporting States parties, including their reporting history with respect to all treaty bodies. The Committee would identify priority non-reporting States parties, for example, long-term non-reporting States parties, followed by short-term non-reporting States parties, and analyse the reasons for non-reporting, for example, lack of resources, capacity or political will.

369. The Committee recommended the following incremental measures to encourage reporting by States parties:

- (a) Non-reporting States parties would receive reporting reminders on a systematic basis. Notes verbales drawing attention to the Committee's decision 23/II (consolidation of reporting obligations) and the availability of technical assistance would be directed at States parties whose reports were five years or more overdue;
- (b) High-level United Nations officials would be requested to encourage reporting;

- (c) Non-reporting would be included as an item on the agenda of the meeting of chairpersons of human rights treaty bodies with a view to the adoption of a coordinated approach to the issue;
- (d) Committee members, the bureau and Chairperson of the Committee would be encouraged to meet informally with non-reporting States parties, including on a regional basis;
- (e) The Committee would convene a closed meeting with representatives of individual non-reporting States parties to discuss challenges to timely reporting;
- (f) The Division for the Advancement of Women, other United Nations entities or bodies, including at the field level, other international organizations or non-governmental organizations would be encouraged to provide technical assistance for States parties at their request;
- (g) All human rights treaty bodies would be encouraged to discuss fulfilment of reporting obligations under other human rights treaties in constructive dialogue for States parties;
- (h) Fulfilment of reporting obligations under article 18 should be included in the agenda of the twelfth meeting of States parties to the Convention, to be held in August 2002.

Consideration of reports by the Committee and constructive dialogue with States parties

370. The Committee decided that, in cases where a member of the Committee is a national of a State party which is presenting its report, the Committee's decision 18/III on the non-participation of that member in any part of the consideration of the State party's report would be explained by the Chairperson at the beginning of the meeting at which that report would be considered and the contribution of that member to the work of the Committee acknowledged.

371. The Committee decided that, in the consideration of periodic reports, questions by experts would be clustered in accordance with the four substantive parts of the Convention. After experts had posed questions on each cluster, the State party would be given an opportunity to respond. Experts would seek to focus on issues identified by the pre-session working group, and would avoid intervening under each cluster.

372. The Committee decided that presentation of initial reports would be limited to a maximum of 45 minutes, presentation of periodic reports would be limited to a maximum of 30 minutes, and such periods would be reflected in the Committee's programme of work and the *Journal of the United Nations*. The closed meeting of the Committee to discuss the contents of the concluding comments would be scheduled for a minimum period of 30 minutes, which would be reflected in the Committee's programme of work in the *Journal*. The Committee decided that interventions by experts would be limited to five minutes. The time limit would be enforced flexibly but monitored by a speech timer.

Pre-session working group

373. The Committee decided that, as far as possible, country rapporteurs for States parties presenting periodic reports should be included in the pre-session working group convened to draw up the list of issues and questions with regard to those States parties. In cases where the country rapporteur is not included in the relevant pre-session working group, she or he would be encouraged to submit a list of issues and questions to the group.

Concluding comments of the Committee

374. The Committee decided that its concluding comments would include a section on “factors and difficulties” affecting the implementation of the Convention only in the most exceptional circumstances. The persistence of stereotypical attitudes relating to the roles of women and men would not be categorized as a “factor or difficulty”.

375. The Committee decided that a standard paragraph requesting information on the implementation of aspects of outcomes of United Nations conferences, summits and special sessions of review should be included in its concluding comments on reports of States parties, as follows:

“Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.”

Annex

Revised reporting guidelines

A. Introduction

A.1. These guidelines replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women (CEDAW/C/7/Rev.3), which may now be disregarded. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports which may be requested which are governed by the Rule 48.5 of the Committee's Rules of Procedure and its Decision 21/I on exceptional reports.

A.2. These guidelines will be effective for all reports to be submitted after 31 December 2002.

A.3. The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

A.4. Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

B. Framework of the Convention concerning reports

B.1. Every State party, upon ratifying or acceding to the Convention, undertakes, under article 18, to submit, within a year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

C. General guidance for contents of all reports

C.1. *The articles and the Committee's general recommendations.* The terms of the articles in Parts I, II, III and IV of the Convention must, together with general recommendations adopted by the Committee on any such article, or on a theme addressed by the Convention, be taken into account in preparing the report.

C.2. *Reservations and declarations.* Any reservation to or declaration as to any article of the Convention by the State party should be explained and its continued maintenance justified. Taking account of the Committee's statement on reservations adopted at its nineteenth session (see A/53/38/Rev.1, part two, chap. I, sect. A), the precise effect of any reservation or declaration in terms of national law and policy should be explained. States parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 2 and/or 3 should report on the effect and the interpretation of those reservations. States parties should provide information on

any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

C.3. *Factors and difficulties.* Article 18.2 of the Convention provides that factors and difficulties affecting the degree of fulfilment of obligations under the Convention may be indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome them.

C.4. *Data and statistics.* A report should include sufficient data and statistics disaggregated by sex relevant to each article and the general recommendations of the Committee to enable it to assess progress in the implementation of the Convention.

C.5. *Core document.* Where the State party has already prepared a core document, this will be available to the Committee. It should be updated as necessary in the report, particularly as regards “General legal framework” and “Information and publicity” (HRI/CORE/1, annex).

D. The initial report

D.1. General

D.1.1. This report is the State party’s first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention which it has ratified. The report should:

- (a) Establish the constitutional, legal and administrative framework for the implementation of the Convention;
- (b) Explain the legal and practical measures adopted to give effect to the provisions of the Convention;
- (c) Demonstrate the progress made in ensuring enjoyment of the provisions of the Convention by the people within the State party and subject to its jurisdiction.

D.2. Contents of the report

D.2.1. A State party should deal specifically with every article in Parts I, II, III and IV of the Convention; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies for violation of provisions of the Convention should be explained and exemplified.

D.2.2. The report should explain:

- (1) Whether the Convention is directly applicable in domestic law on ratification, or has been incorporated into the national Constitution or domestic law so as to be directly applicable;

(2) Whether the provisions of the Convention are guaranteed in a Constitution or other laws and to what extent; or if not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

(3) How article 2 of the Convention is applied, setting out the principal legal measures which the State party has taken to give effect to Convention rights; and the range of remedies available to persons whose rights may have been violated.

D.2.3. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the implementation of the provisions of the Convention.

D.2.4. The report should include information about any national or official institution or machinery which exercises responsibility in implementing the provisions of the Convention or in responding to complaints of violations of those provisions, and give examples of their activities in this respect.

D.2.5. The report should outline any restrictions or limitations, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on the enjoyment of each provision of the Convention.

D.2.6. The report should describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

D.3. Annexes to the report

D.3.1. The report should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Convention rights.

D.3.2. The reports should be accompanied by these texts, which will not be translated or copied, but will be made available to the Committee.

E. Subsequent periodic reports

E.1. In general, the subsequent periodic reports of States parties should focus on the period between the consideration of their previous report and the presentation of the current reports. There should be two starting points for such reports:

(a) The concluding comments (particularly "Concerns" and "Recommendations") on the previous report;

(b) An examination by the State party of the progress made towards and the current implementation of the Convention within its territory or jurisdiction and the enjoyment of its provisions by those within its territory or jurisdiction.

E.2. Periodic reports should be structured so as to follow the articles of the Convention. If there is nothing new to report under any article, it should be so stated. Periodic reports should also highlight any remaining obstacle to the participation of women on an equal basis with men in the political, social, economic and cultural life of the State party.

E.3. The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to periodic reports.

E.4. There may be circumstances where the following matters should be addressed:

(a) A fundamental change may have occurred in the State party's political and legal approach affecting Convention implementation: in such a case a full article-by-article report may be required;

(b) New legal or administrative measures may have been introduced which require the annexure of texts, and judicial or other decisions.

F. Optional protocol

F.1. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance giving rise to the communication does not recur.

F.2. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, a report should include details of any measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

G. Measures to implement outcomes of United Nations conferences, summits and reviews

G.1. In the light of paragraph 323 of the Beijing Platform for Action, adopted at the Fourth World Conference on Women, in September 1995, initial and subsequent reports of States parties should contain information on the implementation of the actions to be taken in regard to the 12 critical areas of concern identified in the Platform. Reports should also contain information on the implementation of the Further actions and initiatives to implement the Beijing Declaration and Platform for Action agreed by the twenty-third special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first session" in June 2000.

G.2. Taking into account the gender dimensions of declarations, platforms and programmes of action adopted by relevant United Nations conferences, summits and special sessions of the General Assembly (such as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), reports should include information on the implementation of specific aspects of these documents which relate to specific articles of the

Convention in the light of the subjects with which they deal (for example, migrant women or older women).

H. The Committee's consideration of reports

H.1. General

H.1.1. The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Convention rights in the State.

H.2. List of issues and questions with respect to periodic reports

H.2.1. On the basis of all information at its disposal, the Committee will supply in advance a list of issues or questions which will form the basic agenda for consideration of periodic reports. Written answers to the list of issues or questions will be required from the State party several months in advance of the session at which the report will be considered. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

H.3. The State party's delegation

H.3.1. The Committee wishes to ensure that it is able effectively to perform its functions under article 18 and that the reporting State party should obtain the maximum benefit from the reporting requirement. The State party's delegation should therefore include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of the Convention's provisions.

H.4. Concluding comments

H.4.1. Shortly after the consideration of the report, the Committee will publish its concluding comments on the report and the constructive dialogue with the delegation. These concluding comments will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

H.5. Extra information

H.5.1. In the course of its consideration of a report, the Committee may request, or the delegation may offer, further information; the secretariat will keep a note of such matters, which should be dealt with in the subsequent report.

I. Format of the report

I.1. Reports should be submitted in one of the six official languages of the United Nations (Arabic, Chinese, English, French, Spanish or Russian). They should be submitted in hard and electronic form.

I.2. Reports should be as concise as possible. Initial reports should be no more than 100 pages; periodic reports should be no more than 70 pages.

I.3. Paragraphs should be sequentially numbered.

I.4. The document should be on A4-sized paper; and presented in single-spaced format.

I.5. The document should be printed on one side of each sheet of paper so as to allow for reproduction by photo-offset.