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Treaty bodies' lists of issues prior to reporting (targeted/focused reports)

Overview of a new optional treaty-body reporting procedure

Note by the Secretariat

I. Background

1. The submission of reports by States parties to human rights treaty bodies started in the 1970s, after the entry into force of the first core international human rights treaties that included a reporting obligation.¹ Though the reporting procedure to the treaty bodies has progressively developed over time, both in scope and complexity, the technical process leading to the periodic submission of reports by States has remained constant over the decades. Every human rights treaty body has adopted and subsequently regularly revised reporting guidelines to be used by States parties when preparing their periodic reports under each respective ratified treaty.

2. In the early 1990s, the practice of adopting a list of issues was initiated by some treaty bodies as an additional step in the reporting process. The main objective of lists of issues was to gather from States parties additional, focused and updated information to clarify and/or complement their reports. Today, all the committees prepare in various forms lists of issues and questions for States parties whose reports are due to be considered. How these lists are produced and their role in enhancing the work of the committees nevertheless varies.

3. The Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Human Rights Committee adopt lists of issues with respect to both initial and periodic reports. Currently, the Committee against Torture adopts lists of

¹ The International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

issues only with respect to periodic reports, and has recently adopted a new optional procedure that consists of the preparation and remittal of lists of issues prior to the State party submitting its report. The Committee on the Rights of the Child also adopts lists of issues and questions with respect to reports under the optional protocols to the Convention. In March 2010 during its seventy-sixth session, the Committee on the Elimination of Racial Discrimination agreed to adopt a new approach (“list of themes”) to be implemented as of its session in August 2010 to replace its standard list of issues. In this Committee’s case, these lists are not formally adopted by the Committee and no longer require written replies from States parties, but are rather drawn up by designated country rapporteurs with respect to the State party’s reports.

4. The main purpose of this document is to present the new optional reporting procedure established by the Committee against Torture and the Human Rights Committee to interested parties, especially members of treaty bodies and participants in the Eleventh Inter-Committee Meeting at the end of June 2010, in order to share details of a new method of gathering information from States parties.² The document focuses essentially on the new procedure adopted by the Committee against Torture, as this body has been the most active so far in implementing an optional procedure. The document further aims at stimulating general reflection on possible ways to strengthen working methods under the reporting procedure and streamline State reporting.

5. The Human Rights Committee was the first treaty body to decide to adopt a list of issues prior to reporting in 2003; however, that decision was not implemented. At its ninety-seventh session in October 2009, when considering its new reporting guidelines, the Committee reopened the discussion and decided to adopt lists of issues prior to reporting for States parties submitting their second and any subsequent report. It requested its rapporteur on the revised reporting guidelines to submit a paper outlining the practical modalities for implementing this new procedure. The rapporteur submitted an initial paper at the Committee’s ninety-eighth session in March 2010 and was requested, on basis of the discussion that took place during that session, to submit a second paper containing further detail on the modalities of implementation to be considered and adopted at the ninety-ninth session of the Committee to be held in July 2010.

6. The Committee on the Elimination of Racial Discrimination established in 1991 a review procedure whereby it considers the situation with regard to the implementation of the Convention on the Elimination of All Forms of Racial Discrimination in the absence of a report for States parties whose reports are long overdue. As of 2005, the Committee decided to send a list of issues to the State party scheduled for consideration under the review procedure, so as to encourage the State party concerned to reinitiate the dialogue with the Committee on measures adopted to implement the Convention; this list of issues is sent to the concerned authorities with a precise deadline for response. If the State party provides written replies to the list of issues, a delegation is invited to a meeting of the Committee to engage in a constructive dialogue on the basis of the written replies.

² The Tenth Inter-Committee Meeting “recommended that documentation for the inter-committee meetings include a background paper on such theme [preparation and analysis as a basis for lists of issues, including lists of issues prior to reporting (targeted/focused reports), taking into account the application of the common core document and the treaty-specific reporting guidelines], prepared by the Secretariat, with respect to current practices as well as suggestions for possible areas for harmonization. This background paper will be circulated to all treaty bodies as early as possible prior to the inter-committee meeting to allow each treaty body to discuss the theme in preparation for the meeting”.

II. The new optional reporting procedure adopted by the Committee against Torture

7. After discussion, the Committee against Torture decided that a new optional reporting procedure could help States parties to fulfil their reporting obligation under the Convention against Torture (the Convention). This discussion arose from the consideration that, in general, the burden on States parties for reporting to treaty bodies was cumbersome for States that are a party to most of the eight major human rights treaties establishing a periodic reporting requirement. A new procedure could, in particular, help States parties to submit more focused reports to the Committee and report in a timely manner, as well as streamline the reporting process. Therefore, with a view to assisting States parties, the Committee adopted, in May 2007, a new optional reporting procedure. The new methodology was introduced after the Committee had met with States parties at its thirty-eighth session in May 2007 session to present and discuss this new approach to reporting. The Committee also collected the views of non-governmental organizations (NGOs) on the matter.

A. Rationale behind a new optional reporting procedure

8. This new reporting procedure (referred to as “lists of issues prior to reporting”) consists of the preparation and adoption of a list of issues to be transmitted to a State party in advance of the submission of its periodic report: the State’s response to this list will constitute its periodic report under the Convention, instead of a standard report submitted under traditional reporting guidelines. The State party that reports under this procedure will have fulfilled its reporting obligations under the Convention.

9. The conventional (standard) reporting procedure (submission of a report on the measures taken by a State party to give effect to its undertakings under the Convention) is established under article 19 of the Convention. As the new reporting procedure is optional, it is not in opposition to the Convention’s provisions and standard reporting procedure. Therefore, any State party may decide to continue to submit its report under the standard procedure, i.e., not to avail itself of this new procedure but submit a standard periodic report every four years after the initial report has been presented.

B. Potential added value of the new procedure

10. The rationale behind this new optional reporting procedure is to assist States parties in their reporting obligation, including those States that have limited human and financial resources. This proactive approach is also aimed at developing the treaty body reporting system by introducing a reinforced and streamlined procedure between concluding observations, the follow-up procedure (introduced by the Committee in 2003 in its concluding observations) and the next State reporting round, with the ultimate aim of improving implementation of human rights treaty obligations at country level. The new optional reporting procedure should obviously not compromise on quality, but rather allow for increase of efficiency and standards.

11. The Committee against Torture is of the view that the new optional reporting procedure will assist each State party:

(a) To report in more easily, as replying on specific issues is a less cumbersome task than preparing a standard report; thus, it will strengthen the State party’s capacity to fulfil its reporting obligation;

(b) To prepare a more focused report on the issues that are the most relevant to the Committee’s mandate, as the Committee selects specific issues to be addressed to the State party; and

(c) To submit its report in a timely manner, thus preventing long delays in the submission of reports, which jeopardize the Committee's monitoring mandate, as the Committee indicates a specific deadline for the replies to be provided.

The Committee is also of the view that the lists of issues prior to reporting provide the State party with:

(d) A simplified reporting procedure, as no subsequent list of issues will be prepared for the examination of the report, thus simplifying the procedure and reducing the workload of States parties;

(e) A speedier process, as the report will be considered as soon as possible by the Committee, which is expected to be within a maximum time frame of approximately one and a half year after its submission;

(f) More focused and relevant recommendations, considering that the information submitted by States will be more focused, therefore allowing the Committee to better define and target its recommendations. Subsequently more focused and targeted recommendations should assist States Parties in facilitating implementation of the provisions of the treaty.

These focused lists of issues are conveyed to States parties at least one year before the due date of their next periodic report, so that States may prepare their replies in a timely manner.

C. Non-selectivity

12. The Committee decided that this new procedure is not to be applied to initial reports or in cases where periodic reports have already been submitted and are awaiting consideration by the Committee. Furthermore, the Committee adopted a non-selectivity approach for this procedure, as this methodology will be applied equally to all States parties to the Convention that have submitted at least an initial report. For initial reports, the Committee considers that States parties should submit a standard report on all the measures undertaken to fulfil their obligations under the Convention. Regarding reports already submitted, it is unnecessary to duplicate the work of States parties, especially as this new procedure is optional, thus States parties cannot be compelled to submit a report under the new procedure if they have already submitted one under the standard procedure.

13. All periodic reports, irrespective of being long overdue or not, fall under this new reporting procedure. As article 19 of the Convention establishes a four-year reporting periodicity, this new procedure will be applicable to all periodic reports not pending before the Committee within a four-year period. After a period of four years, all States parties to the Convention, except the 33 States that have not yet submitted an initial report, should receive a list of issues prior to reporting if their report is not pending consideration. However, this is not an assurance that all these States parties will submit a report, as some may not accept this optional procedure or may accept it but thereafter not report under it.

D. Due date for reports

14. After an initial report is submitted, States parties have to submit periodic reports every four years. If the Convention entered into force for a specific State party in 1999, the initial report was due in 2000, the second report in 2004, the third in 2008 and the fourth in 2012. As the Committee introduced the procedure for reports due in 2009 onwards, a list of issues prior to reporting would be prepared for that specific State party to report in 2012. Since 2004, the Committee has systematically indicated in its concluding observations the next due date for each State party report. This is been done in order to make each State party's reporting obligations clear, by indicating plainly when the Committee expects the

next report, taking into consideration the specific information provided by that State party, including in the case of consolidated reports. In such cases, the Committee has used this date, instead of the normal conventional periodicity, to establish the due date for the replies to the lists of issues prior to reporting, as it reflects better its assessment of the need to receive information on a specific country.

E. Substance of these lists

15. Despite being similar to standard lists of issues, lists of issues prior to reporting have a different purpose from the former as their aim is to produce a report, while lists of issues aim to clarify and update State reports, prepare for their examination and facilitate dialogue with the State delegation. The elaboration of standard lists of issues is the easier exercise, as they are essentially based on the report submitted by the State party.

16. In the case of lists of issues prior to reporting, the major challenge for their preparation, especially for long overdue reports, is the question of access to reliable, relevant and updated information. These lists are prepared, drafted and adopted in a similar way as the standard lists, except with regard to the absence of information provided directly by the State party in its report. As they are tailored to each specific country, their preparation entails more research than that needed for standard lists of issues. However, the sources of information that might be used by the Committee are vast and the following are used to prepare these lists:

- (a) Previous concluding observations of the Committee;
- (b) Summary records of the consideration of the previous report;
- (c) Follow-up information provided by the State party, if any, and any other information provided by States parties;
- (d) Follow-up to inquiries undertaken by the Committee (art. 20), if any;
- (e) Follow-up to decisions under the individual complaints procedure (art. 22), if any;
- (f) Previous State party reports to the Committee;
- (g) Information provided by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (h) Concluding observations of other treaty bodies, including information provided by the State party to other treaty bodies;
- (i) Reports of special procedures, especially visits of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- (j) Information pertaining to the universal periodic review of the Human Rights Council, including the national report, the compilation of United Nations information, the summary of stakeholders' information and the report of the working group (outcome);
- (k) Other relevant sources of the United Nations system;
- (l) Reports of regional organizations or mechanisms;
- (m) Reports from national human rights institutions;
- (n) Reports from non-governmental organizations;
- (o) Any other public sources that the Committee deems relevant.

F. Format of these lists of issues prior to reporting

17. These lists consist of two main sections, a first specific section where issues/questions are raised article by article, depending on the case of each State party. This first section is entitled “Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee’s previous recommendations”.

18. The first section contains specific issues/questions divided by the respective articles of the Convention. Where there are recent concluding observations, these will constitute the basis for the lists of issues prior to reporting. This represents the ideal scenario for preparing lists with focused questions. For less recent concluding observations, the input from them is less useful, as their information is less up to date and they are not so detailed.

19. At the end of this first section, a subsection on others issues, not directly related to any specific substantive articles of the Convention, incorporates other questions such as specific declarations under articles 20, 21 and 22, reservations and declarations, ratification of the Optional Protocol to the Convention, situation of NGOs, etc.

20. In addition to this specific section, the list of issues prior to reporting also includes a second section, with standard paragraphs, on “General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention”. The three standard questions of this section are formulated to obtain general information from the State party. Under this section, States parties may provide detailed information on:

(a) Relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the previous periodic report, including any relevant case-law decisions;

(b) New political, administrative and other measures taken to promote and protect human rights at the national level that have occurred since the previous report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results; and

(c) New measures and developments undertaken to implement the Convention and the Committee’s recommendations since the consideration of the previous report, including the necessary statistical data, as well as any events that occurred in the State party and are relevant under the Convention.

21. This second section is important to prevent any possible omission of relevant residual issues in the document or by the State party in its replies. This will mean that the information provided by the State party is as complete as possible, thus ensuring that these replies will constitute a report as complete as a standard report presented under the standard reporting procedure.

G. Predictability

22. In order for the Committee to predict the submission of State reports, assess its workload and organize its future sessions, it, simultaneously to the remittal of the list of issues prior to reporting, requests each State party to indicate if it will avail itself of this optional procedure or continue to use the standard one.

23. This allows the Committee to plan its activities for the coming years and request, if need be, additional meeting time to consider such reports as rapidly as possible. However, this is very tentative, as it all depends on the timely submission of reports by States parties.

24. In the specific case of the Committee, such a consideration is relevant, as it only has two sessions of three weeks a year, despite having asked the General Assembly, to no avail, for additional meeting time. If this new procedure is successful, the backlog of States

reports and individual communications could increase due to lack of meeting time to examine these reports.

25. The Committee decided to give priority to the examination of reports submitted under this new procedure over other reports. Thus, while scheduling reports to be considered for its upcoming sessions, the Committee will prioritize only initial reports over lists of issues prior to reporting reports, in order to ensure that the time between their submission and their consideration is as short as possible. Otherwise, if the need to prepare a standard list of issues arises, the whole purpose of this procedure would be defeated.

26. It must be noted that, if this methodology is successful and most States parties submit their report under this new procedure, the Committee will be overloaded with close to 80 reports submitted over a four-year period. In that case, only additional meeting time could avoid a long gap between the submission of the report and its examination, which would also defeat the purpose of such a procedure.

H. Reports due in 2009: procedure on a trial basis

27. After its adoption in 2007, the new procedure was implemented by the Committee, on a trial basis in 2008 when these lists of issues prior to reporting were submitted to the 11 States parties whose periodic reports were due in 2009: Bosnia and Herzegovina, Cambodia, Czech Republic, Democratic Republic of the Congo, Ecuador, Greece, Kuwait, Monaco, Peru, South Africa and Turkey.

28. Of the 11 States parties whose reports were due in 2009, nine have formally (through a note verbale) or informally accepted this new reporting procedure and two have not replied. Six have already submitted their report under this procedure and one has submitted its report under the standard procedure.

29. Of the six reports submitted under this procedure for 2009 (Bosnia and Herzegovina, Cambodia, Ecuador, Kuwait, Monaco and Turkey), four have already been scheduled for the Committee's November 2010 session (Bosnia and Herzegovina, Cambodia, Ecuador and Turkey), without any additional list of issues being prepared in advance of their examination.

30. The two others (Kuwait and Monaco) were received after the Committee's forty-third session had taken place in November 2009, at which the Committee decided its programme of work for the forty-fifth session; thus it was not possible to schedule the reports for the latter session. However, they have been scheduled for the April 2011 session.

31. Considering the positive feedback received from States parties and the submission of reports under the new procedure, the Committee decided in May 2009 to continue on a regular basis with this methodology and prepare lists of issues prior to reporting for reports due in 2010, 2011 and 2012.

32. In addition, the Committee decided that this procedure was to be public and created a separate link in its webpage (<http://www2.ohchr.org/english/bodies/cat/reporting-procedure.htm>) where the procedure is explained, all the lists of issues prior to reporting are posted and the acceptance of the procedure by States parties is indicated.

I. Reports due in 2010, 2011 and 2012

33. In May 2009, the Committee adopted nine such lists to be submitted to States parties whose reports were due in 2010: Brazil, Finland, Hungary, Kyrgyzstan, Libyan Arab Jamahiriya, Mauritius, Mexico, Russian Federation and Saudi Arabia. Of these nine States parties, eight have formally accepted the procedure and one has not replied. The deadline to submit the reports will expire in September 2010.

34. As to reports due in 2011, the Committee adopted in November 2009 19 such lists, which were submitted to Bahrain, Benin, Denmark, Estonia, Georgia, Guatemala, Italy, Japan, Latvia, Luxembourg, Namibia, Netherlands, Norway, Paraguay, Poland, Portugal, Ukraine, United States of America and Uzbekistan. Of the 19, 15 States parties have already indicated that they will report under this optional reporting procedure, 1 has indicated that it will not report under it (Uzbekistan) and 3 have not yet provide any information on the acceptance of the procedure (Bahrain, Namibia and Ukraine). The deadline to submit the replies to the list falls in July 2011.

35. Reports due in 2012 will close the first four-year cycle of State reporting under this procedure, considering the four-year periodicity of the reporting obligations under the Convention against Torture. In 2010, the Committee will prepare, adopt and submit such lists in the cases of approximately 40 States parties.

J. Preliminary assessment

36. This procedure allows the Committee to have more focused information on the implementation of the Convention and thus to be able to better assess the State party's commitment to its obligations under the Convention. At its November 2010 session, the Committee will examine for the first time reports submitted under this procedure, thus assessing substantively such reports.

37. The potential of this proactive procedure is important but largely depends on States parties' engagement and cooperation: on one hand, to accept and report under it; on the other hand, to provide good quality reports, taking advantage of the focused questions posed by the Committee. States parties – especially those with limited financial and human resources to prepare a standard report – will benefit from these focused lists of questions, which will allow them to fulfil their reporting obligations more easily.

38. However, it would be premature to assess this new methodology, especially as its practical result will not be visible before 2011, when reports due in 2009 and 2010 will have been submitted and most of them examined by the Committee. A complete analysis of the procedure should be possible only in 2013 when all States under this procedure would have submitted their reports and been considered.

39. Despite that fact, a first statistical assessment (based on reports due in 2009) shows that 81 per cent of States parties have accepted the new procedure (9 of 11) and 66 per cent of these accepting States have to date submitted a report (6 of 9). Moreover, a further report was submitted under the standard procedure, bringing the overall result of 77 per cent (7 of 9 States), despite the State party having accepted the new procedure, probably because the preparatory work for the elaboration of the report had already begun when the lists of issues prior to reporting was conveyed to the State party.

40. For the Committee and the Secretariat, the preparation of these lists also implies – in a first phase – a significant increase in its workload, as additional documents have to be prepared and adopted at each session. However, in a second phase, as no standard list of issues needs to be prepared and adopted, less work will be required. Since the adoption of the new procedure, on average, the Committee has adopted 10 such lists of issues prior to reporting per session.

41. This requires meeting time for the Committee and additional human resources for their preparation, especially as they are more time-consuming to prepare than standard lists of issues. Furthermore, if not all of these lists are replied to by States parties, the Committee and the Secretariat will have worked in vain on these documents, spending the Committee's meeting time and the Secretariat's human resources for this process.

K. Fine tuning of the current procedure

42. With regard to the current format of the procedure, the Committee will need to decide on a certain number of issues before it considers extending it further. Other treaty bodies could benefit from such reflection and take advantage of this experience. Some of the questions that would need to be answered are:

(a) How long will the lists of issues prior to reporting remain valid after the deadline for response has expired, considering that, in 2009, only one State party replied strictly on time? The five other reports were submitted between one and nine months late. While this delay is not too significant, will it not affect the procedure, however, *quid juris* if a report is presented three or more years late?

(b) If these reports are not scheduled for examination by the Committee within a reasonable amount of time, does the Committee need to adopt a further list of issues? If no additional meeting time is provided to the Committee, this scenario might occur should the procedure be very successful.

(c) If the Committee judges that the information provided by a specific State party under this procedure is not satisfactory, how will it deal with this lack of information (this scenario can similarly happen with a standard State party report)?

III. Evolution of the procedure for the next cycle: key issues and questions

43. Upon completion of this first cycle of State party reporting, by the end of 2010, and based on its outcome, the Committee will be required, taking into account its experience, to assess the procedure and most probably strengthen it.

44. Some of the key issues to be discussed are identified below and might be of interest to all treaty bodies with a reporting procedure:

(a) Time invested to prepare and adopt lists of issues prior to reporting to which States parties do not respond

Question: Considering that, for reports due in 2009, approximately half (45 per cent – 5 out of 11) of the lists of issues prior to reporting prepared and sent to States parties remain without a response to date, is it meaningful to persist with the exact same format? Is it worth spending half of the time allocated to this procedure by the Committee and the Secretariat in vain?

Possible remedies:

(i) Seek the acceptance of the procedure by the State party before preparing the list, despite the fact that, if most States reply negatively, the procedure might become obsolete?

(ii) Prepare a simplified list of issues prior to reporting, which requires less preparation work and adoption time (see annexed model).

(b) Non-reporting States

Question: Will new lists of issues prior to reporting be drafted for every State party that accepted the procedure but did not submit any response (report)?

Possible remedies: Remedies identified under question (a) could apply

(c) Selectivity or universality of the procedure?

Questions: Should this procedure be redesigned only for States parties that regularly report, thus for States parties that have recent concluding observations which facilitate the elaboration of these lists of issues prior to reporting? Or, on the contrary, should this procedure be redesigned only for States parties that have more difficulties in reporting and

do not report regularly, thus for States parties that have limited human and financial resources, thereby actually improving their response to reporting obligations?

(d) Long overdue initial reports

Question: Should States parties that have never reported to the Committee (no initial reports submitted) be included in this procedure, considering that close to 23 per cent of States parties to the Convention (33 of 146) have never provided any information to the Committee with regard to the measures adopted to fulfil their obligations under the Convention, thus defeating the very purpose of the Convention and the Committee's mandate?

Comment: It could be anticipated that in reducing the reporting burden, States with limited human and financial resources, or undergoing serious instability, might be more inclined to report. Also, the absence of previous concluding observations of the Committee is a serious obstacle. The absence of a comprehensive report at the starting point of the reporting process could further handicap the Committee's work. On the other hand, if the State party with a long overdue initial report commits in advance to respond to the lists of issues prior to reporting, this could provide a unique opportunity for the Committee to engage with the State party.

(e) Specific guidelines for lists of issues prior to reporting

Questions: Should specific reporting guidelines be drafted for States parties that accept to report under the procedure? Should the Committee establish strict guidelines for the preparation of these lists of issues prior to reporting, such as a limit on the number of issues, paragraphs or of pages, establish more standard paragraphs, etc.?

Comment: Existing reporting guidelines remain and can be used by States parties as basic reference when drafting responses to lists of issues prior to reporting. One should not exclude the option to have short explanatory guidelines accompanying lists of issues prior to reporting. See also possible remedies under (a).

(f) Secretariat resources and treaty bodies meeting time

Question: Can the Secretariat ensure sufficient human resources to support the new optional reporting process and the Committee manage efficiently its meeting time, as a significant number of lists of issues prior to reporting need to be prepared in advance and adopted?

Comments: In the case of the Committee against Torture, the Secretariat and the Committee managed to support this new procedure, though with some difficulties. In the first instance, the human resources investment is significant for the preparation of lists, although this could be lowered where: (a) lists of issues prior to reporting are only sent to States parties that have agreed with the procedure in advance; (b) the treaty body chooses a more generic template (see model annexed). In terms of edition and translation of documentation, it is evident that the new procedure – which is reduced from two steps (one State party report and written replies) to one (one State party report) – would be less demanding on Conference Services.

Possible remedies: Remedies identified under question (a) could apply.

(g) Common core document

Question: Is the submission by States parties of the common core document³ still required under the new optional reporting procedure?

Comment: For States parties that agree to report under the optional reporting procedure, the requirement to submit a common core document (see HRI/GEN/2/Rev.6) remains. In fact, the Committee still considers both requirements as necessary to the performance of its mandate. Generally speaking, the common core document provides the broad framework for reporting on human rights implementation, while lists of issues prior to reporting and related responses provide for a tailored and very precise treaty-specific report.

(h) Standard reporting guidelines

Question: What is the role of the standard reporting guidelines under the new optional procedure?

Comment: Standard reporting guidelines remain valid and still apply for States that wish to continue reporting under the standard procedure. They can also be used by States as a reference document for assisting in responding to lists of issues prior to reporting. If necessary, the adoption of new, succinct and specific reporting guidelines for preparation of responses/reports under lists of issues prior to reporting could be considered.

(i) Treaty bodies follow-up procedures

Question: How does the follow-up procedure link with lists of issues prior to reporting?

Comment: A better-streamlined and more focused report under the lists of issues prior to reporting should allow for more precise and detailed concluding observations, which in turn will help strengthen the follow-up procedure by better targeting issues for follow up and implementation. In the subsequent reporting round for States parties wishing to use the new optional reporting procedure, questions raised through the follow-up procedure that have not been responded to (or insufficiently) can again be raised in the new lists of issues prior to reporting.

³ Since 2006, 31 States parties have submitted a common core document.

Annex

This document presents a simplified list of issues prior to reporting partly based on a generic template.

**List of questions in connection with the consideration of
[insert country name]**

Common core document

1. Please submit/update the State's common core document in line with the reporting guidelines contained in document HRI/MC/2006/3. The common core document will complement the responses to this list of issues.

Follow-up to previous concluding observations

2. With reference to the most recent concluding observations adopted by [insert name of treaty body] on [insert date] ([insert document symbol]), and taking into account the State party's follow-up report submitted within the time frame ([insert document symbol]), please provide concrete detailed information on all measures taken to ensure the full implementation of all the Committee's previous recommendations as detailed in paragraphs [insert paragraph numbers] (see document annexed). In order to do so, please indicate under each recommendation, the various measures undertaken to implement each recommendation at the following levels:

- (a) Policy;
- (b) Legislative;
- (c) Judicial
- (d) Institutional;
- (e) Programme and project;
- (f) Budgetary; and
- (g) Other.

Additional questions

3. In addition to the information submitted under question 2, please provide information in response to the following three questions [examples]:

(a) What is the current status of the Anti-Terrorism Bill S-59 which proposes amendments to the Criminal Code for the purpose of, inter alia, strengthening the existing legal protection against incitement to racial or inter-ethnic hatred?

(b) Please comment on the concern expressed by the Committee on Economic, Social and Cultural Rights in its recent concluding observations that the new approaches adopted by the State party to the issue of the indigenous rights on land and resource ownership do not differ much from the previously taken extinguishment and surrender approach. Please indicate whether the State party has completed its study.

(c) Has the State party undertaken any steps to implement the recommendations of the United Nations High Commissioner for Refugees to ensure accurate and reliable data collection on stateless persons under its jurisdiction?

New measures and recent developments relating to the implementation of the Convention

4. In addition to information already provided under questions 1–3, please provide succinct information on the national human rights situation, including new measures and developments relating to the implementation of the Convention. This information should focus on:

(a) Relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous review, including any relevant jurisprudential decisions;

(b) New political, administrative and other measures taken to promote and protect human rights at the domestic level that have occurred since the previous review, including on any national human rights plans or programmes, and the resources allocated to it, its means, objectives and results;

(c) New measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report in [insert year], including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.

NOTE: The report that will include the responses to this list of issues must not exceed xx pages. The common core document will not exceed xx pages. Longer documents will be returned to the relevant authorities for review (each page should not exceed xxx words in Microsoft Word format).
