

**INTERNATIONAL COMMISSION OF JURISTS
BACKGROUND NOTE**

**OVERVIEW OF THE PERIODIC REPORTING PROCESS OF THE UN
HUMAN RIGHTS TREATY BODIES**

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

THE TREATY BODY REPORTING PROCESS

When a State becomes party to one of the universal human rights treaties, the Treaty Body responsible for monitoring the implementation of the corresponding treaty (known as a Committee) will request the State party to submit reports to it on the State's legislative, judicial, policy and other measures taken to ensure the enjoyment of the rights and freedoms set out in the treaty.

The Committee monitoring the implementation of the International Covenant on Civil and Political Rights (ICCPR) is called the Human Rights Committee (HRC, or CCPR). The Committee monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) is called the Committee on Economic, Social and Cultural Rights (CESCR). The Committee monitoring the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (CAT) is called the Committee Against Torture (CAT). The Committee monitoring the Convention Eliminating all forms of Discrimination Against Women (CEDAW) is called the Committee on the Elimination of Discrimination Against Women (CEDAW). The Committee monitoring the Convention on the Rights of the Child (CRC) as well as its Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), is called the Committee on the Rights of the Child (CRC).

The current document provides an overview of the reporting processes under these five treaty bodies, first providing a background to the aims and overall functioning of the reporting process, and then explaining each of the main steps involved in the process.

The treaty bodies perform other core functions and activities, including the consideration of individual communications and the development of General Comments on the meaning and application of the treaties in respect of which they operate. These functions are outlined in a separate background document on *Core Functions and Activities of the UN Human Rights Treaty Bodies*.

INTRODUCTION

Aims and objectives of the State reporting system

As explained by the former UN High Commissioner for Human Rights: "The process of reporting provides an opportunity for an individual State party to conduct a comprehensive review of the measures it has taken to bring its national law and policy into line with the provisions of the treaties to which it is a party".¹

In relation to the ICESCR, the Committee has outlined seven key objectives that are fulfilled by the reporting obligations under the ICESCR.² These are:

1. To ensure the State party undertakes a comprehensive review of national legislation, administrative rules and procedures, and practices in order to ensure the fullest possible compliance with the Covenant;
2. To ensure that the State party regularly monitors the actual situation on each of the rights and the extent to which they are being enjoyed by all individuals in that country;
3. To provide a basis for government elaboration of clearly stated and targeted policies for implementing the Covenant;

¹ Summary of General Comment 1 in Concept Paper on the High Commissioner's proposal for a unified standing treaty body, UN Doc HRI/MC/2006/2 (2006).

² CESCR General Comment No 1, *Reporting by States Parties*, Third Session (1989).

4. To facilitate public scrutiny of government policies and encourage the involvement of the various sectors of society in the formulation, implementation and review of relevant policies;
5. To provide a basis on which both the State party and the Committee can effectively evaluate progress towards the realisation of the obligations under the Covenant;
6. To enable the State party to develop a better understanding of problems and shortcomings impeding the realisation of economic, social and cultural rights; and
7. To facilitate exchange of information amongst States parties and to help develop fuller appreciation of both common problems and possible solutions in the realisation of each of the rights contained in the Covenant.

These seven objectives are also applicable to the reporting obligations under the other four treaty bodies.

When do States submit reports?

Committee	Initial Report	Periodic Reports
CCPR	Due within one year of entry into force of the ICCPR ³	Whenever the Committee requests, but usually every four years ⁴
CESCR	Due within two years of entry into force of the ICESCR ⁵	Due every five years following the Initial Report ⁶
CAT	Due within one year of entry into force of CAT. ⁷	Due every four years following the initial report. ⁸
CEDAW	Due within one year of entry into force of CEDAW. ⁹	Due every four years following the initial report. ¹⁰
CRC	Due within two years after entry into force of CRC. ¹¹	Due every five years following the initial report. ¹²

When do the Committees meet?

Committee	Sessions per year	Length of session	Time of year	Number of reports examined during session	Place of meeting
CCPR	3 sessions per year ¹³	3 weeks	March, July and October	Normally five ¹⁴	UN Headquarters in New York or at the UN Office in Geneva. ¹⁵
CESCR	2 sessions per	3 weeks ¹⁶	May and	5 or 6	UN Office in

³ Article 40(1)(a) of the ICCPR. See also Part II of the CCPR Working Methods, available at URL <http://www2.ohchr.org/english/bodies/hrc/workingmethods.htm>.

⁴ Article 40(1)(b) of the ICCPR; and Rule 66(2) of the Rules of Procedure of the CCPR.

⁵ Rule 58(2) of the Rules of Procedure of the CESCR.

⁶ Rule 58(2) of the Rules of Procedure of the CESCR.

⁷ Rule 65(1) CAT Rules of Procedure.

⁸ Rule 65(1) CAT Rules of Procedure.

⁹ Article 14 of the Convention.

¹⁰ See CEDAW General Recommendation 1 (fifth session 1986).

¹¹ Rule 70(2), CRC Rules of Procedure.

¹² Rule 70(2), CRC Rules of Procedure.

¹³ Rule 2 of the Rules of Procedure of the CCPR.

¹⁴ Part II of the Working Methods of the CCPR, available at URL <http://www2.ohchr.org/english/bodies/hrc/workingmethods.htm>.

¹⁵ Rule 5 of the Rules of Procedure of the CCPR.

¹⁶ Rule 1 of the Rules of Procedure of the CESCR.

	year		November/ December ¹⁷		Geneva. ¹⁸
CAT	2 sessions per year. ¹⁹	4 weeks. ²⁰	May and November. ²¹	6-9 on average ²²	UN Office in Geneva. ²³
CEDAW	3 sessions per year. ²⁴	3 weeks. ²⁵	February, July and October. ²⁶	Usually 8. ²⁷	UN Office in Geneva and New York. ²⁸
CRC	3 sessions per year. ²⁹	3 weeks. ³⁰	January/ May and September. ³¹	9. ³²	Un Office in Geneva. ³³

How do the Committees work?

Committee	Number of members	Election criteria/ other considerations	Quorum required	Voting rules
CCPR	18 elected members ³⁴	Members must be nationals of States parties to the Covenant, and "persons of high moral character and recognized competence in the field of human rights", with "consideration given to the usefulness of the participation of some persons having legal experience" ³⁵	12 members constitute a quorum ³⁶	Each member has one vote. ³⁷ All reasonable efforts are made to reach a consensus, although only a majority is necessary ³⁸
CESCR	18 elected members ³⁹	Members must be "persons of high moral character and recognized competence in the field of human rights". ⁴⁰ They are nominated by States parties to the Covenant. ⁴¹ Due consideration must be given to equitable geographical distribution and to the representation of different forms of social and legal systems. ⁴²	12 members constitute a quorum. ⁴³	Each member has one vote. ⁴⁴ Consensus is preferred, but where it cannot be reached, majority will suffice. ⁴⁵

¹⁷ Dates are decided in consultation with the UN Secretary General. See Rule 2 of the Rules of Procedure of the CESCR.

¹⁸ Rule 1 of the Rules of Procedure of the CESCR.

¹⁹ Rule 2(1), CAT Rules of Procedure.

²⁰ See URL: <http://www2.ohchr.org/english/bodies/cat/sessions.htm>.

²¹ See URL: <http://www2.ohchr.org/english/bodies/cat/sessions.htm>.

²² See URL: <http://www2.ohchr.org/english/bodies/cat/sessions.htm>.

²³ See URL: <http://www2.ohchr.org/english/bodies/cat/sessions.htm>.

²⁴ As decided by the General Assembly in 2007: see UN Doc A/C.3/62/L.20/Rev.1 (2007).

²⁵ Para 4, CEDAW Working Methods.

²⁶ See URL: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>.

²⁷ Para 4, CAT Working Methods.

²⁸ See URL: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>.

²⁹ See URL: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>.

³⁰ See URL: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>.

³¹ See URL: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>.

³² Part II, CRC Working Methods.

³³ See URL: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>.

³⁴ Rule 11 of the Rules of Procedure of the CCPR.

³⁵ Article 28 of the ICCPR.

³⁶ Rule 37 of the Rules of Procedure of the CCPR.

³⁷ Rule 50 of the Rules of Procedure of the CCPR.

³⁸ Rule 51 of the Rules of Procedure of the CCPR. Footnote 1 to Rule 51 reflects a decision of the Committee in its first session to try in all cases to reach consensus, so long as this does not unduly delay the work of the Committee.

³⁹ Rule 9 of the Rules of Procedure of the CESCR.

⁴⁰ See URL: <http://www2.ohchr.org/english/bodies/cescr/elections.htm>.

⁴¹ Resolution 1985/17 of the Economic and Social Council (ECOSOC) of 28 May 1985.

⁴² ECOSOC Resolution 1985/17, para (b).

⁴³ Rule 32 of the Rules of Procedure of the CESCR.

⁴⁴ Rule 45 of the Rules of Procedure of the CESCR.

CAT	10 elected members. ⁴⁶	The members must be “experts of high moral standing and recognised competence in the field of human rights.” ⁴⁷	6 members constitute a quorum. ⁴⁸	Each member has one vote. ⁴⁹ The Committee will endeavor to reach decisions by consensus, but otherwise only a majority vote is required. ⁵⁰
CEDAW	23 elected members. ⁵¹	“High moral standing and competence in the field covered by the Convention.” ⁵²	12 members constitutes a quorum. ⁵³	Consensus will be sought, otherwise a majority. ⁵⁴
CRC	18 elected members. ⁵⁵	“Experts of high moral standing and recognized competence in the field covered by this Convention” ⁵⁶	12 members constitutes a quorum. ⁵⁷	Majority of the members present. ⁵⁸

THE PERIODIC REPORTING PROCESS

Legal basis of the reporting obligation

All States that have ratified or acceded to the five Conventions undertake to submit reports to the monitoring Committees.⁵⁹

The Core Document

Harmonized reporting guidelines on a common core document have been produced to assist States in the preparation of this document.⁶⁰

The Core Document is a preliminary report that is circulated to all treaty bodies prior to the State’s Initial Report. It details basic information about a State, its demography and geography as well as its constitutional, legal and political structures and other general information. It gives a general background to the country, and should be updated when necessary, to avoid this information being duplicated in subsequent Periodic Reports.⁶¹ Information contained in the Core Document should not be repeated within the treaty-specific State reports.⁶²

The CCPR Guidelines on State reporting explain that the Core Document should “contain general information about the reporting State, the general framework for the protection and promotion of human rights, as well as information on non-discrimination, equality and effective remedies”.⁶³ The same principle is stated within the CESCR Guidelines.⁶⁴ The CAT

⁴⁵ Rule 46 of the Rules of Procedure of the CESCR.

⁴⁶ Rule 11, CAT Rules of Procedure.

⁴⁷ See page 1, OHCHR Fact Sheet No.17, The Committee Against Torture; available at URL: <http://www2.ohchr.org/english/bodies/cat/>.

⁴⁸ Rule 36, CAT Rules of Procedure.

⁴⁹ Rule 49, CAT Rules of Procedure.

⁵⁰ Rule 50, CAT Rules of Procedure.

⁵¹ Article 17 of the Convention.

⁵² Article 17 of the Convention.

⁵³ Rule 29, CEDAW Rules of Procedure.

⁵⁴ Rule 31, CEDAW Rules of Procedure.

⁵⁵ Rule 11, CRC Rules of Procedure.

⁵⁶ Article 43, Convention on the Rights of the Child

⁵⁷ Rule 45, CRC Rules of Procedure.

⁵⁸ Rule 59, CRC Rules of Procedure. See footnote 1 to rule 59 which expresses the view of committee members that consensus should try to be achieved.

⁵⁹ ICCPR article 40; ICESCR articles 16 and 17; CAT article 19; CEDAW article 18; and CRC article 44.

⁶⁰ UN Doc HRI/GEN/2/Rev.4, chapter I.

⁶¹ For more information on core documents see: <http://www2.ohchr.org/english/bodies/coredocs.htm>.

⁶² CCPR Guidelines, para 5, and CESCR Guidelines, para 2.

⁶³ CCPR Guidelines, UN DOC CCPR/C/2009/1 (2010), para 4.

⁶⁴ CESCR Guidelines, UN Doc E/C.12/2008/2 (2009), para 1.

guidelines reiterate the need for the core document to contain general and factual information relating to the implementation of the various treaties.⁶⁵

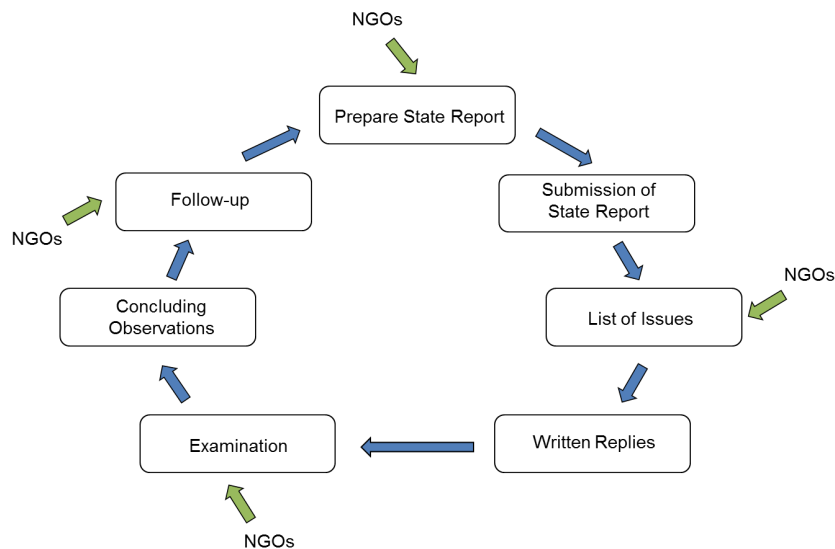
CEDAW emphasizes that in the absence of a core document, States must provide all this information within the treaty specific report. In addition, CEDAW encourages States “to review information given by them in the common core document as to its sex and gender dimensions. If that is found to be insufficient, States are encouraged to include relevant information in the Convention-specific document and in the next update of the common core document”.⁶⁶

The core document for the CRC should also be drafted in line with the harmonized guidelines.⁶⁷ The Committee emphasizes in its own reporting guidelines that any information not included in the core document should be included in the treaty-specific report.⁶⁸

The Steps

There are seven main steps in the periodic reporting process:

1. Preparation of the State report;
2. Submission of the State report to the Treaty Body;
3. Pre-sessional meeting/ adoption of the lists of issues;
4. Written replies to lists of issues;
5. Examination of the State report;
6. Concluding Observations; and
7. Follow-up procedure.



⁶⁵ Para 27, CAT Reporting Guidelines. Extract of HRI/GEN/2/Rev.6.

⁶⁶ A.3.2, CEDAW Reporting Guidelines, UN Doc A/63/38.

⁶⁷ Extract from HRI/GEN/2/Rev.6

⁶⁸ CRC periodic reporting guidelines, UN Doc CRC/C/58/Rev.2, para 10.

STEP 1: PREPARATION OF THE STATE REPORT

1.1 CCPR

1.1.1 Content of the report

The CCPR, as well as the Office for the High Commissioner for Human Rights (OHCHR), provides general Guidelines to help governments in preparing their reports.⁶⁹ These Guidelines provide further explanation of what should be included when addressing the implementation of each article.⁷⁰

The report being prepared will either be an Initial Report, a Focused Report, or a full Periodic Report. Focused Reports will be detailed under step 4.

The Initial Report should comprehensively cover all substantive articles of the Covenant,⁷¹ including all information on the State's constitutional and legal framework that is not set out in the Core Document, and the legal and practical measures taken in order to implement the Covenant. This should be a practical explanation of how those rights are being enjoyed by individuals, rather than just a description of the formal laws in place.

Subsequent periodic reviews (which are submitted as full reports) will also cover each substantive article, but will also need to include: responses to the Concluding Observations of the previous report; responses to the summary records of the Committee's deliberations; an examination of the progress made by the State;⁷² and comment on articles where the State has made significant developments.⁷³ They should also address any Views made concerning the State in respect of individual complaints (known as 'individual communications'), and detail the steps taken to provide a remedy to that individual.⁷⁴ It is also recommended that the report contains information on how civil society has been involved in the reporting process.⁷⁵

The format suggested in the Guidelines is to use the Covenant itself as a starting point, and follow each article in turn.⁷⁶ This applies primarily to Initial Reports, but will also apply where a full Periodic Report is being submitted.⁷⁷ In addressing each article, the State should include information concerning:⁷⁸

- Whether the State has adopted a national framework law(s), policies or strategies for the implementation of each Covenant right;
- Mechanisms to monitor the full realisation of each right;
- Data and statistics available to allow the Committee to assess progress;
- The practical application of legal norms; and
- The most urgent problems arising during the reporting period.

The Committee's Guidelines also indicate exactly what issues or questions should be addressed when reporting on each article of the Covenant.⁷⁹

⁶⁹ CCPR guidelines. See also the OHCHR *Manual on Human Rights Reporting*, available at URL: <http://www.unhcr.ch/html/menu6/2/training.htm>.

⁷⁰ CCPR Guidelines, paras 28-104.

⁷¹ Parts I, II and III of the ICCPR.

⁷² CCPR Guidelines, para 19.

⁷³ Human Rights Committee, *Recent decisions on procedures*, UN Doc A/56/40 (2001), paras 50-54.

⁷⁴ CCPR Guidelines, para 23.

⁷⁵ CCPR Guidelines, para 20.

⁷⁶ CCPR Guidelines, para 18.

⁷⁷ Full periodic reports are usually only submitted at the request of the Committee, or the State. Otherwise, focused reporting will apply and is a more concise document. This is explained further under step 4.

⁷⁸ CCPR Guidelines, paras 25-27.

⁷⁹ CCPR Guidelines, paras 28-104.

Where reports are too brief or general, such that they do not meet the reporting obligations under article 40, the Committee can provide the State additional time to complement the information, during the examination of the report.⁸⁰

1.1.2 Compilation of the report

There is no set method prescribed for compiling reports. However, since many parts of government will need to feed into the report, a coordination mechanism is recommended. This is particularly important where the State structure comprises of both federal and regional governments. Usually, the Ministry of Foreign Affairs takes the lead in compiling the report,⁸¹ but this is often also undertaken or led by the Ministry of Justice.

1.1.3 NGO participation in the preparation of the State report

The Human Rights Committee has observed that the State report “often focuses on legislation and provides little or no information on the implementation of these laws and the ICCPR in practice. State reports also frequently lack an honest evaluation of the situation and the measures put in place as well as the difficulties the State faces in implementing the ICCPR”.⁸²

States are therefore encouraged by the Committee to involve non-governmental organisations (NGOs) in the preparation of the report, in order to provide a balanced and objective analysis on the progress of implementation.⁸³ There are various ways to achieve this, including: consulting civil society before compiling the report; using civil society statistics; and/or involving civil society in the drafting of the Periodic Report in some way.⁸⁴

1.2 CESCR

1.2.1 Content of the report

Guidelines have also been produced by the Economic and Social Council to assist States in the preparation of State reports to CESCR.⁸⁵ Similarly to the CCPR, the CESCR Guidelines expect the same format for both Initial and Periodic Reports, with Periodic Reports additionally addressing previous Concluding Observations.⁸⁶

Unlike the CCPR, the CESCR does not have a focused reporting process. This means that Periodic Reports address each substantive article of the Covenant in turn, taking into account the general comments of the Committee, as well as any measures taken to fully implement the Covenant as a whole. Periodic Reports should detail any concrete measures taken and progress achieved, including information in response to previous Concluding Observations.⁸⁷

In addressing each article, the State should include information concerning:⁸⁸

- Whether the State has adopted a national framework law, policies and strategies for implementation of each article, identifying resources available and the cost-effectiveness of those resources;
- Mechanisms in place to monitor the full realisation of all Covenant rights;
- Mechanisms in place to ensure the obligations under the Covenant are taken into account in the State’s international actions;

⁸⁰ Rule 71(2) of the Rules of Procedure of the CCPR.

⁸¹ Fact Sheet 15 (Rev.1), *Civil and Political Rights: The Human Rights Committee Fact Sheet*, p.17, available at URL: <http://www2.ohchr.org/english/bodies/hrc>.

⁸² CCPR Guidelines for NGOs, p.15, available at URL: <http://www.ccrpcentre.org/publication/ngo-guidelines-on-the-reporting-process-of-the-un-human-rights-committee>.

⁸³ Fact Sheet 15 (Rev.1), p.17.

⁸⁴ Fact Sheet 15 (Rev.1), P.17.

⁸⁵ CESCR Guidelines, UN Doc E/C.12/2008/2.

⁸⁶ CESCR Guidelines, para 6.

⁸⁷ CESCR Guidelines, para 2.

⁸⁸ CESCR Guidelines, para 3.

- Incorporation and direct applicability of each right into domestic law, with reference to specific case law;
- Remedies in place to enable redress of violations;
- Obstacles that impede the full realization of the Covenant rights; and
- Statistical data on the enjoyment of each right, disaggregated by age, gender, ethnic origin, urban/rural population and other relevant status, on an annual comparative basis over the past five years.

In the same way as the CCPR Guidelines, the CESCR Guidelines indicate exactly what should be addressed by States in reporting on each article.⁸⁹ As in the case of reports to the CCPR, Periodic Reports under the ICESCR that do not meet the requirements of the Guidelines will result in a request for additional information.⁹⁰

1.2.2 Compilation of the report

No guidelines exist on this aspect, but similar considerations about who will want to contribute to the report should be borne in mind.

1.2.3 NGO participation in the preparation of the report

The Secretariat of the OHCHR has prepared a document detailing NGO participation opportunities in the activities of the CESCR, at all stages of the periodic reporting process.⁹¹ The document does not specify how NGOs can participate in the preparation of a State report, as this takes place prior to the examination process. However, it can be assumed that any State cooperation with NGOs at the preparation stage is welcomed and encouraged, in the same way as NGO participation in the reporting process under the ICCPR.

1.3 CAT

1.3.1 Content of the report

Guidelines have also been produced to aid States in the preparation of their reports to CAT.⁹²

Similarly to CCPR, the report will either be an initial, a periodic or a focused report. Similarly to the other treaties, the initial report will take each substantive article in turn, explaining what measures have been put in place to give effect to that provision and any factual, statistical or case examples of how these measures have translated into practical protection.⁹³

The periodic reporting process under CAT is again similar to CCPR and CESCR in that the State must address each article in turn, detailing any new measures or developments that have taken place since the last report.⁹⁴ Information provided on each article should also include:

- The legislative, judicial, administrative or other measures giving effect to the provisions;
- Concrete cases and situations where measures giving effect to the provisions have been enforced, including any relevant statistical data;
- Cases or situations of violation of the Convention, the reasons for such violations and the measures taken to remedy the situation. It is important for the Committee to obtain a clear picture not only of the legal situation, but also the de facto situation.⁹⁵

⁸⁹ CESCR Guidelines, paras 7-72.

⁹⁰ Rule 63(2) of the Rules of Procedure of the CESCR.

⁹¹ Note by the Secretariat, UN Doc E/C.12/2000/6 (2000).

⁹² CAT Reporting Guidelines. Extract of HRI/GEN/2/Rev.6. Available at URL: <http://www2.ohchr.org/english/bodies/cat/workingmethods.htm>.

⁹³ Chapter VI CAT Reporting Guidelines. Extract of HRI/GEN/2/Rev.6.

⁹⁴ Pages 30-31 CAT Reporting Guidelines. Extract of HRI/GEN/2/Rev.6.

⁹⁵ Part II CAT Guidelines on Article 19, UN Doc CAT/C/4/Rev.3.

The only slight structural difference is that CAT requests that any additional information requested by the Committee and responses to previous conclusions and recommendations are dealt with in separate parts of the report, as opposed to addressing them within each article.⁹⁶

1.3.2 Compilation of the report

CAT's reporting guidelines include a recommendation that States should set up an 'appropriate institutional framework' for the preparation of their reports.⁹⁷ This approach is similar to the idea behind the need for a 'coordination mechanism' under the CCPR, in an effort to streamline the process and ensure that there is an 'effective mechanism to coordinate follow-up to the concluding observations of the treaty bodies'.⁹⁸

1.3.3 NGO participation in the preparation of the report

The Committee invites NGOs to submit written information relevant to its activities, under its Rules of Procedure.⁹⁹ Similarly to CESCR, there is no specific recommendation for States to involve NGOs during the drafting of the report stage, but again, it can be assumed that this would be welcomed by the Committee.

1.4 CEDAW

1.4.1 Content of the report

CEDAW has also produced guidelines for States to help governments in preparing their reports.¹⁰⁰

The initial report should take each article in turn, as with the reports to the other committees, and with respect to each article, contain information on:

- Detailed analysis of the impact of legal norms on women's factual situation and the practical availability;
- Implementation and effects of remedies for violations of provisions of the Convention
- Distinctions, exclusions or restrictions made on the basis of sex and gender, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on women's enjoyment of each provision of the Convention
- Constitutional, legislative judicial or other texts which guarantee and provide remedies, in particular when those are not attached to the report or are not available in one of the UN working languages.¹⁰¹

Periodic reports should also follow this structure, stating any new developments for each article (parts I-IV of the Conventions), and make it clear when there are no new developments. The Committee's reporting guidelines explain that, in following this structure, the periodic report should also focus on the following main three areas:¹⁰²

1. Information on the implementation of concluding observations and explanations for the non-implementation or difficulties encountered;
2. An analytical and result-oriented examination by the State party of additional legal and other appropriate steps and measures undertaken towards the implementation of the Convention;
3. Any remaining obstacles to the exercise and enjoyment by women of their human rights and fundamental freedoms in the civil, political, economic, social, cultural or any

⁹⁶ See page 31 CAT Reporting Guidelines. Extract of HRI/GEN/2/Rev.6.

⁹⁷ Para 13 CAT Reporting Guidelines. Extract of HRI/GEN/2/Rev.6.

⁹⁸ Para 13 CAT Reporting Guidelines. Extract of HRI/GEN/2/Rev.6.

⁹⁹ Rule 63, CAT Rules of Procedure.

¹⁰⁰ CEDAW Reporting Guidelines, UN Doc A/63/38.

¹⁰¹ Part D, CEDAW Reporting Guidelines, UN Doc A/63/38.

¹⁰² Part E, CEDAW Reporting Guidelines, UN Doc A/63/38.

other field on the basis of equality with men, as well as measures envisaged to overcome these obstacles.

CEDAW also requests that periodic reports contain information on the impact of measures taken, particularly on different groups of women, and an analysis of trends.¹⁰³

Periodic reports should also be accompanied by copies of the legislative, judicial and administrative documents,¹⁰⁴ and a request for further information will be made by the Committee where it feels that the report did not contain sufficient information.¹⁰⁵

1.4.2 Compilation of the report

CEDAW has not issued specific guidelines on the compilation of the report, but a similar coordination mechanism or framework as suggested by other committees would be equally appropriate.

1.4.3 NGO participation in the preparation of the report

An information note was prepared by the OHCHR on NGO participation to CEDAW.¹⁰⁶ This does not include reference to how an NGO could be involved in the preparation of the State report stage, but again, this is likely to be a welcomed initiative.

1.5 CRC

1.5.1 Content of the report

Guidelines to assist States in preparing both their initial¹⁰⁷ or periodic¹⁰⁸ reports have been produced by the Committee.

For initial reports, the structure is similar to the initial reports submitted to the other committees in that it must address each substantive article of the Convention, detailing the relevant legislative, judicial, administrative and other information related to that article, as well as difficulties encountered in implementation and progress achieved. States must also provide information on their "implementation priorities" and "specific goals" for the future in the initial report.¹⁰⁹

The exact structure is slightly different. Whereas the other committees request for each article to be addressed in order, the CRC request that the articles are address in the following clusters:

- General measures of implementation (articles 4, 42 and 44.6);
- Definition of the child (article 1);
- General principles (articles 2, 3, 6 and 12);
- Civil rights and freedoms (articles 7,8, 13-17 and 37(a));
- Family environment and alternative care (articles 5, 18(1), 18(2), 9, 10, 27(4), 20, 21, 11, 19, 39 and 25);
- Basic health and welfare (articles 6(2), 23, 24, 26, 18(3), 27(1), 27(2) and 27(3));
- Education, leisure and cultural activities (articles 28, 29 and 31); and
- Special protection measures, namely:
 - Children in situations of emergency (articles 22, 38 and 39)
 - Children in conflict with the law (articles 40, 37 and 39)

¹⁰³ Part E, CEDAW Reporting Guidelines, UN Doc A/63/38.

¹⁰⁴ G.1, CEDAW Reporting Guidelines, UN Doc A/63/38.

¹⁰⁵ Rule 50, CEDAW Rules of Procedure.

¹⁰⁶ See URL: <http://www2.ohchr.org/english/bodies/cedaw/>.

¹⁰⁷ CRC initial reporting guidelines, UN Doc CRC/C/33.

¹⁰⁸ CRC periodic reporting guidelines, UN Doc CRC/C/58/Rev.2.

¹⁰⁹ Para 4, CRC initial reporting guidelines, UN Doc CRC/C/33.

- Children in situations of exploitation, including physical and psychological recovery and social reintegration (articles 32, 33, 34, 35, 36 and 39)
- Children belonging to a minority or an indigenous group (article 30).¹¹⁰

The periodic report to the CRC should contain all information relating to the implementation of the Convention as well as its two Optional Protocols, as applicable. The report is limited to 60 pages.¹¹¹ Like the periodic reports to the other committees, States should cover the period between submitting the last report and not repeat information contained in the core document.¹¹²

The structure of the periodic report should follow the order of clustered articles, as above. In addressing each of the articles, States should include: specific reference to previous recommendations of the Committee; explanations for non-implementation and measures envisaged to overcome those obstacles; and reference to the Optional Protocols where applicable and relevant data, statistics, legislation, judicial decisions etc., whilst taking account of any general comments made by the Committee.¹¹³ Further guidance on what information should be included in relation to each cluster of articles can be found in the guidance.¹¹⁴

1.5.2 Compilation of the report

The CRC have also not produced any guidance in this respect, but again a similar coordination mechanism or institutional framework is advisable.

1.5.3 NGO participation in the preparation of the report

The CRC has emphasised that the preparation of the report should be a broad and participatory process which means that the contribution of NGOs at this stage would be welcomed by the Committee, who see it as an opportunity to "encourage and facilitate popular participation and public scrutiny of government policies".¹¹⁵ The Committee also recognises "the importance of child participation in the work of the Committee and encourages children and youth representatives to submit information in the context of periodic reviews and stresses in particular their important role in advocating for and monitoring the implementation of the concluding observations at the national level".¹¹⁶

In some countries, NGO contributions have been incorporated into the State report.¹¹⁷ Contributions of NGOs can take place through various methods such as written information to the State, meetings to discuss draft copies of the report or joint government-NGO drafting committees. Caution is advised to NGOs in this respect, in terms of maintaining independence, because NGOs should not write reports for States, it being their obligation under the Convention.¹¹⁸

¹¹⁰ Para 5, CRC initial reporting guidelines, UN Doc CRC/C/33.

¹¹¹ Para 11, CRC periodic reporting guidelines, UN Doc CRC/C/58/Rev.2.

¹¹² Part A, CRC periodic reporting guidelines, UN Doc CRC/C/58/Rev.2.

¹¹³ Part A, CRC periodic reporting guidelines, UN Doc CRC/C/58/Rev.2.

¹¹⁴ CRC periodic reporting guidelines, UN Doc CRC/C/58/Rev.2.

¹¹⁵ CRC/C/58, available at URL: www.unhcr.ch/tbs/doc.nsf//Symbol/CRC.C.58.En?Opendocument.

¹¹⁶ Committee on the Rights of the Child, "Day of General Discussion on the Right of the Child to be Heard", September 2006, paras 57-58, available at URL: <http://www2.ohchr.org/english/bodies/crc/discussion.htm>.

¹¹⁷ See page 8, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child). Available at URL: <http://www.crin.org/ngogroup/infodetail.asp?ID=19262>.

¹¹⁸ See page 8, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child). Available at URL: <http://www.crin.org/ngogroup/infodetail.asp?ID=19262>.

STEP 2: SUBMISSION OF THE STATE REPORT TO THE TREATY BODY

2.1 CCPR

The State party submits its report to the Human Rights Committee.¹¹⁹ This becomes the basis for the review process. Upon submission, the report is processed and translated by the Secretariat into the official UN languages¹²⁰ and published online on the OHCHR website.¹²¹

2.1.1 Failure to submit a timely report

If a State party fails to submit a Periodic Report, and a considerable period of time has elapsed since the due date for this, the Committee will nevertheless conduct an examination of the implementation of the ICCPR in that State, known as an 'examination in absence of a report'.¹²²

Before doing so, the State is notified and given an opportunity to submit an overdue report.¹²³ If the report is still not submitted, the Committee will draft a list of issues, set a date for review and invite the State to send a delegation. The Concluding Observations will be communicated to the State and made public.¹²⁴

2.2 CESC

The same general process applies for the submission of reports to the CESC. The Periodic Report is submitted to the Committee,¹²⁵ processed and translated by the Secretariat into the official UN languages,¹²⁶ and then published online.¹²⁷ Whilst waiting for the report to be translated, the Secretariat contacts NGOs working in the field of economic, social and cultural rights, asking them to contribute information on the country concerned.¹²⁸

2.2.1 Failure to submit a timely report

If a State party which has submitted a report seeks to defer the presentation of its report at the last minute, the Committee does not grant such a request, and proceeds with its consideration, even in the absence of the State party's representatives.¹²⁹

Similarly to CCPR, if reports are long overdue, the State will be notified of the Committee's intention to consider the report at a future session. If the State still does not respond, the Committee will proceed to consider the State's compliance with the economic, cultural and social rights under the ICESCR.¹³⁰

In the absence of a State report, the information provided to the Committee becomes especially valuable, and any relevant information is welcomed.¹³¹ The same is true in the case of an examination in absence of a report by the CCPR.

2.3 CAT

¹¹⁹ Rule 66(1) of the Rules of Procedure of the CCPR.

¹²⁰ The official languages are Arabic, Chinese, English, French, Russian and Spanish. See rule 28 of the Rules of Procedure of the CCPR.

¹²¹ See URL: <http://www2.ohchr.org/english/bodies/hrc/sessions.htm>.

¹²² Rule 70(1) of the Rules of Procedure of the CCPR.

¹²³ Rule 69(1) of the Rules of Procedure of the CCPR.

¹²⁴ Rule 70(3) of the Rules of Procedure of the CCPR.

¹²⁵ Rule 58 of the Rules of Procedure of the CESC.

¹²⁶ Official languages are found in Rule 24 of the Rules of Procedure of the CESC.

¹²⁷ See URL: <http://www2.ohchr.org/english/bodies/cescr/cescrs42.htm>.

¹²⁸ For further details see the Note by the Secretariat, para 11.

¹²⁹ CESC Working Methods, para 35.

¹³⁰ CESC Working Methods, para 41.

¹³¹ Note by the Secretariat, paras 28-29.

The same general process applies for the submission of reports to CAT. The report is submitted to the Committee,¹³² processed and translated by the Secretariat into the official UN languages,¹³³ and then published online.¹³⁴

2.3.1 Failure to submit a timely report

In the same way as the other treaty bodies, CAT will continue with an examination of a State in the absence of a report.¹³⁵ Before doing so, they will send a reminder to the State party concerned and reference this in their annual report.¹³⁶ Concluding Observations are still adopted and made public.¹³⁷

2.4 CEDAW

The same general process applies to CEDAW. The report is submitted to the Committee¹³⁸, processed and translated by the Secretariat into the official UN working languages¹³⁹ and then published online.¹⁴⁰

2.4.1 Failure to submit a timely report

Similarly to the other committees, if a State fails to submit a timely report, that State is sent a reminder and reference to it may be made in the annual report.¹⁴¹ However, unlike the other committees, CEDAW's Rules of Procedure do not include a provision to examine the State in the absence of a report. Instead, the State in question is invited to submit a combined report comprising of no more than two overdue reports.¹⁴²

Although not its current practice, the Committee has said that an examination in the absence of a State may take place as a measure of last resort, to be decided on a case-by-case basis.¹⁴³

2.5 CRC

Similarly to the other committees, after submission of the State report¹⁴⁴, the Secretariat translates the report into the official UN languages¹⁴⁵ and publishes it online.¹⁴⁶

2.5.1 Failure to submit a timely report

The Committee emphasises that the Convention itself makes timely reporting an obligation in itself.¹⁴⁷ Where States do not submit timely reports, reminders are sent and information is given to them about the possibility for them to request technical assistance.¹⁴⁸ Where there are cases of persistent non-reporting, the Committee may examine the country in the absence of a report, similarly to the other committees.¹⁴⁹

¹³² Rule 65, CAT Rules of Procedure.

¹³³ Rule 30, CAT Rules of Procedure.

¹³⁴ See URL: <http://www2.ohchr.org/english/bodies/cat/sessions.htm>.

¹³⁵ Rule 67, CAT Rules of Procedure.

¹³⁶ Rule 67, CAT Rules of Procedure.

¹³⁷ Rule 71, CAT Rules of Procedure.

¹³⁸ Rule 48, CEDAW Rules of Procedure.

¹³⁹ Rule 24, CEDAW Rules of Procedure.

¹⁴⁰ See URL: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>.

¹⁴¹ Rule 49, CEDAW Rules of Procedure.

¹⁴² Rule 49(3), CEDAW Rules of Procedure.

¹⁴³ Para 15, CEDAW Working Methods.

¹⁴⁴ Rule 70, CRC Rules of Procedure.

¹⁴⁵ Rule 34, CRC Rules of Procedure.

¹⁴⁶ See URL: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>.

¹⁴⁷ Para 29, CRC guidelines on initial reporting, UN Doc CRC/C/33.

¹⁴⁸ Para 31, CRC guidelines on initial reporting, UN Doc CRC/C/33.

¹⁴⁹ Para 32, CRC guidelines on initial reporting, UN Doc CRC/C/33.

STEP 3: PRE-SESSIONAL WORKING GROUPS/ ADOPTION OF LISTS OF ISSUES

3.1 CCPR

The CCPR used to establish pre-sessional working groups in preparation of State party report examinations. This has been replaced with a process for establishment of a "Country Report Task Force" (CRFT) for each State party examination. The CRFT is made up of between four and six Committee members. In the Task Force, one Committee member is nominated to be the "country rapporteur". The country rapporteur's responsibility is to follow the report all the way through the process. Instead of meeting before the session, the CRFT now meets during the main plenary session.

The CRFT uses the submitted State report to devise a series of questions, known as a 'List of Issues', (LOI) to put to the State representatives during the examination stage. The country rapporteur has the primary responsibility for drafting the LOI. The draft List is then discussed by the group and adopted. These questions are based on matters that are of most concern to the Committee.

The process for the establishment of a List of Issues and its subsequent use is as follows:

- The country rapporteur presents the draft LOI for discussion to the CRFT.
- Once the members have made their observations, the List of Issues is adopted by the CRFT as a whole.
- The CRFT then allocates questions in the List between the members of the CRFT, based on the area of expertise or the interest of each CRFT member.
- The LOI is then sent to the State at least one session (usually two to four months) before the review is undertaken, to allow the State time to prepare for the discussion and provide written answers to the questions provided.¹⁵⁰ This list is also published online.¹⁵¹

3.1.1 List of Issues Prior to Reporting

At its 97th session in October 2009, the CCPR decided to implement a new procedure to streamline the periodic reporting process. It has been implemented since November 2010 and the aim is to reduce the reporting burden on States. It is applied to all Periodic Reports unless the Committee decides otherwise. States can also request to opt out, and instead submit a full Periodic Report.¹⁵²

Under this new process, the List of Issues is prepared *before* the submission of the State report, instead of after. This List of Issues, known as a 'List of Issues Prior to Reporting' (LOIPR), is based on previous Concluding Observations, other UN documents and NGO reports. The State will then submit a "Focused Report" responding to the LOIPR and this will be examined during the dialogue, as usual.¹⁵³ This Focused Report will replace both the State report and the written replies. The Committee plans to examine the first reports under this procedure in 2014.

Points to note about this procedure:

- It is not used in the case of States parties submitting Initial Reports;¹⁵⁴
- It is optional: States can request to submit a full Periodic Report instead;
- The Committee can request the State to submit a full report rather than using this process;
- The Committee may raise points not included in the LOIPR during the review.

3.1.2 NGO participation in the establishment of the LOI and LOIPR

¹⁵⁰ Human Rights Committee, *Recent decisions on procedures*, paras. 50-54.

¹⁵¹ See URL: <http://www2.ohchr.org/english/bodies/hrc/sessions.htm>.

¹⁵² CCPR Guidelines, para 15.

¹⁵³ See step 5.

¹⁵⁴ CCPR Guidelines, para 15.

To make a contribution to this stage, NGOs should provide information to the Committee in writing, based on issues that have not been addressed in the State's Periodic Report. Other information can be provided, so long as it pertains to the implementation or enjoyment of rights within the scope of the ICCPR. This information is provided to the Secretariat, which is responsible for collating all pertinent documents for the Committee members, including a country analysis.¹⁵⁵

This information must be submitted before the LOI is drafted, which is usually two sessions before the review. Applicable deadlines can be found online.¹⁵⁶

In the case of the new LOIPR procedure, because the Focused Report forms the basis for the entire review, it is especially important that NGOs submit information in advance. The Secretariat will announce which States are being reviewed under this procedure, at least nine months before the session.¹⁵⁷ NGO reports submitted at this stage will help ensure that key points are not left out of the List of Issues Prior to Reporting.

3.2 CESC

A similar process for the establishment of a List of Issues applies to the CESC, although rather than a CRFT, the group is called a 'pre-sessional working group'. The working group, composed of five members, meets for one week prior to the start of the session, and not during the main plenary like the CRFT.

The allocation of drafting operates in the same way as for the CRFT. One member of the group serves as a country rapporteur responsible for drafting the List of Issues for each of the five countries under discussion. The drafts are then discussed by the working group, and a final List of Issues is adopted for each of the five countries.

The Secretariat again assists in this process by providing the Committee with a country analysis as well as all other pertinent and relevant documents, such as NGO submissions.¹⁵⁸

The List of Issues is then sent to the State party concerned with a standard note asking for written replies to the list.¹⁵⁹

3.2.1 NGO participation in the pre-sessional working group stage

The Committee expressly invites NGOs to participate in this stage by submitting all relevant information to the Secretariat, provided that it pertains to the implementation or enjoyment of rights within the scope of the ICESCR.¹⁶⁰

There are three methods for submitting this information:¹⁶¹

1. Submit relevant information directly to the country rapporteur concerned;
2. Submit relevant information to the Secretariat for distribution to the whole working group; and/or
3. Make an oral statement during the first morning of the pre-sessional working group meeting.

3.3 CAT

¹⁵⁵ Human Rights Committee Working Methods II(A), available at URL: <http://www2.ohchr.org/english/bodies/hrc/workingmethods.htm>.

¹⁵⁶ See URL: www.ccrpcentre.org/en/next-sessions.

¹⁵⁷ See URL: <http://www2.ohchr.org/english/bodies/hrc/sessions.htm>.

¹⁵⁸ CESC Working Methods, para 26.

¹⁵⁹ Paragraph 27 of the CESC Working Methods (E/2011/22-E/C.12/2010/3).

¹⁶⁰ Paragraph 26 the CESC Working Methods (E/2011/22-E/C.12/2010/3).

¹⁶¹ For further details see paragraph 16-20 E/C.12/2000/6. Note by the Secretariat.

A pre-sessional working group of CAT takes place one session prior to the one in which the periodic review is due to be examined. The CAT Working Methods do not specify the exact procedure for the adoption of the List of Issues, other than that the list is drawn up by two country rapporteurs (unlike the other treaties which have only one country rapporteur).

Similarly, the list of issues is based on information contained in the report, previous concluding observations of the Committee and information from other treaty bodies, special procedures, NHRIs, and NGOs.¹⁶²

3.3.1 List of Issues Prior to Reporting

At its 38th session in May 2007, CAT decided to adopt a new optional reporting procedure,¹⁶³ which is similar to the model subsequently adopted by the CCPR. The aim of the new procedure is to reduce the reporting burden on the State by creating a more focused report, which combines both the report and the written replies.¹⁶⁴

3.3.2 NGO Participation in the establishment of the LOI and LOIPR

Prior to the pre-session working group to establish the List of Issues, NGOs can submit written information to the Secretariat for the Committee to consider, usually ten weeks prior to the opening of the relevant session. For the LOIPR procedure, the deadline for submission is usually two months prior to the opening of the session. NGOs do not have to be ECOSOC accredited to make a written submission.¹⁶⁵

The Committee expressly welcomes the contribution of NGOs at this, and other stages of the process, and the deadlines for submissions can be found online.¹⁶⁶

3.4 CEDAW

Similarly to CESC, the establishment of the List of Issues takes place during the Committee's pre-sessional working groups. In the same way as CESC, the group is made up of five members who also meet for five days in advance of the session in closed sessions, rather than during the plenary.

The designated country rapporteur is responsible for drafting, with the help of the Secretariat, the List of Issues. The Committee is more specific in this respect compared to the others, stating that the list can contain "no more than 30 clear and direct questions that focus on the main areas of concern".¹⁶⁷ The method for focus is also clearer: "paying particular attention to the State party's follow-up to the Committee's previous concluding observations".¹⁶⁸

The LOI is then sent to the State within one week.¹⁶⁹

¹⁶² Part III(A) CAT Working Methods.

¹⁶³ UN Doc A/62/44, paras 23 and 24.

¹⁶⁴ See URL: <http://www2.ohchr.org/english/bodies/cat/reporting-procedure.htm>.

¹⁶⁵ See URL: http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

¹⁶⁶ See URL: http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

¹⁶⁷ Para 6, CEDAW Working Methods.

¹⁶⁸ Para 6, CEDAW Working Methods.

¹⁶⁹ Para 8, CEDAW Working Methods.

3.4.1 NGO Participation in the establishment of the LOI

Like the other committees, CEDAW welcomes the participation of NGOs at this stage.¹⁷⁰ NGOs can:

1. Submit a written report to the pre-session working group (via the Secretariat);
2. Attend the pre-session working group having sent a written submission;
3. Submit information or reports with the assistance of International Women's Rights Action Watch (IWRAP) Asia Pacific.

Coordination of information between NGOs is encouraged when writing submissions or attending the pre-sessional working group. More details on this, and the deadlines for submissions can be found in the information note for NGOs listed on the OHCHR website.¹⁷¹

3.5 CRC

A pre-sessional working group of the CRC takes place approximately three to four months prior to the session at which the State report is examined.¹⁷²

The group is made up of all committee members who use the State report, NGO reports and country files prepared by the Secretariat in order to draw up the List of Issues during a private meeting.¹⁷³

In the same way as the other committees, the List of Issues is then sent to the State, along with a request for written replies and information on the date, time and venue for the planned examination of the report.¹⁷⁴

3.5.1 NGO Participation in the establishment of the LOI

The CRC places "special emphasis on receiving relevant documentation from...non-governmental organizations, both domestic and international".¹⁷⁵

NGOs are invited to submit written information to the Committee, and based on written information submitted, the Committee will issue a written invitation to selected NGOs to participate in the pre-sessional working group.¹⁷⁶ Only a limited number of NGOs from each country will be invited.¹⁷⁷

Oral interventions at the pre-sessional working group take place in a private meeting and are limited to 15 minutes from national NGOs and five minutes for others.¹⁷⁸

Further information for NGOs who wish to participate in this stage can be found in the Committee's Guidelines for the participation of partners,¹⁷⁹ as well as guidelines produced by the NGO Group for the Convention on the Rights of the Child.¹⁸⁰

¹⁷⁰ Rule 47, CEDAW Rules of Procedure.

¹⁷¹ See URL: <http://www2.ohchr.org/english/bodies/cedaw/>.

¹⁷² Part A, CRC Working Methods.

¹⁷³ Paras 7-9, CRC guidelines on initial reporting, UN Doc CRC/C/33.

¹⁷⁴ Paras 11-12, CRC guidelines on initial reporting, UN Doc CRC/C/33.

¹⁷⁵ Para 10, CRC initial reporting guidelines, UN Doc CRC/C/33.

¹⁷⁶ Part VIII, CRC Working Methods.

¹⁷⁷ See page 15, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child). Available at URL: <http://www.crin.org/ngogroup/infodetail.asp?ID=19262>.

¹⁷⁸ Part VIII; CRC Working Methods.

¹⁷⁹ "Guidelines for the participation of partners in the pre-sessional working group of the Committee on the Rights of the Child", UN Doc CRC/C/90.

¹⁸⁰ "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child). Available at URL: <http://www.crin.org/ngogroup/infodetail.asp?ID=19262>.

STEP 4: STATE REPLIES TO LISTS OF ISSUES (WRITTEN REPLIES)

4.1 CCPR

The State party is asked to provide written answers to the questions raised under the List of Issues and the List of Issues Prior to Reporting. Although the State can choose to submit its replies at the beginning of the review stage, it is normal practice for this information to be provided in advance. The replies are also available online.¹⁸¹

4.1.1 NGO and other information

In the case of information submitted after the adoption of the List of Issues or List of Issues Prior to Reporting, it should follow the structure of the LOI or LOIPR, and provide replies to the questions. Other information can be provided, so long as it pertains to the implementation or enjoyment of rights within the scope of the ICCPR.

Further details on how to write a submission, where to send it to and why NGO submissions are important can be found in the CCPR Guidelines for NGOs.¹⁸²

In addition, the UN Secretary-General can, after consultation with the Committee, transmit to specialised agencies parts of the reports received by States parties which may fall within their field of competence. Those agencies can then submit comments on those parts of the report.¹⁸³

4.2 CESC

The process is the same under the CESC, although the Committee has not adopted the Focused Report procedure. The written replies to this Committee can also be found online.¹⁸⁴

4.3 CAT

The process is the same under CAT as it is with the other treaty bodies. The State will submit written replies to the LOI or the LOIPR, both of which will constitute a submission of a report under article 19 of the Convention.¹⁸⁵ The replies will then be published online.¹⁸⁶

4.3.1 NGO and other information

NGOs can also submit reports to the Committee after the adoption of the LOI or the LOIPR, providing alternative replies to the questions or issues raised by the Committee. If doing so, it should follow the structure of the LOI or LOIPR. These submissions will be published online to allow the State party to be better prepared to respond to questions that may be posed by the Committee during the examination stage.¹⁸⁷

4.4 CEDAW

The State has six weeks in which to provide replies to the Committee once the LOI has been sent to it.¹⁸⁸ The replies received are then translated into the official UN languages¹⁸⁹ and posted on the OHCHR website.¹⁹⁰

¹⁸¹ See URL: <http://www2.ohchr.org/english/bodies/hrc/sessions.htm>.

¹⁸² CCPR Guidelines for NGOs, page 21 onwards.

¹⁸³ Rule 67 of the Rules of Procedure for the Human Rights Committee.

¹⁸⁴ See URL: <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>.

¹⁸⁵ Rule 66, CAT Rules of Procedure.

¹⁸⁶ See URL: <http://www2.ohchr.org/english/bodies/cat/sessions.htm>.

¹⁸⁷ Part VIII CAT Working Methods.

¹⁸⁸ Para 8, CEDAW Working Methods.

¹⁸⁹ Para 8, CEDAW Working Methods

¹⁹⁰ See URL: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>.

The Committee requests that replies are: "short, precise and to the point and should not exceed 25 to 30 pages... and should be submitted to the Secretariat electronically".¹⁹¹

4.4.1 NGO and other information

Using the List of Issues, NGOs can provide alternative replies as part of their written contribution to the examination stage of the process (see step 5).

4.5 CRC

The same process applies to the CRC. Once the written replies are received, they are processed and translated by the Secretariat¹⁹² and published online.¹⁹³

4.5.1 NGO and other information

It is suggested that NGOs "may contribute to the preparation of the written replies, if such assistance is requested by the government or, if they so wish, may prepare their own brief replies to the list of issues and submit these to the Committee prior to the examination of the report."¹⁹⁴ This is particularly helpful to the Committee where some issues remain unanswered in the written replies.

In the period between the written replies and the examination, there are also other ways in which NGOs can continue their involvement in the process. For example, by meeting with members of the State delegation to discuss ways to cooperate with the government in addressing critical problems affecting children. NGOs could also organise a public event to raise awareness of the forthcoming meeting and its possible implications.¹⁹⁵

STEP 5: REVIEW/ EXAMINATION OF THE STATE REPORT

5.1 CCPR

The examination of the report takes place in public.¹⁹⁶ It usually takes one and a half days for the Committee to examine an Initial Report (three meetings of three hours each) or two half-day sessions to examine a Periodic or Focused Report (two meetings of three hours each).¹⁹⁷

The examination is conducted through a dialogue between the State party representatives and the Committee, in accordance with Rule 68 of the Rules of Procedure. The Committee has expressed that State delegation should have the status, experience and number of representatives in order to enable an effective dialogue over the whole range of matters covered by the ICCPR, particularly as this pertains to any questions raised in the LOI or LOIPR.¹⁹⁸

The process is started by a brief presentation by the State delegation, which includes responses to the first group of questions on the List of Issues. The Committee will then ask questions or make comments based on the first intervention by the State representatives, and the same process is repeated for the next set of questions on the List of Issues. The CRFT members have priority when asking questions of the State delegations, although all Committee members participate in this dialogue. Committee members from the State under

¹⁹¹ Para 9, CEDAW Working Methods.

¹⁹² Part A, CRC Working Methods.

¹⁹³ See URL: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>.

¹⁹⁴ Page 19, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).

¹⁹⁵ Page 20, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).

¹⁹⁶ Rule 33 of the Rules of Procedure of the Human Rights Committee.

¹⁹⁷ Working Methods of the Human Rights Committee (B).

¹⁹⁸ General Comment No 2: *Reporting Guidelines*, UN Doc HRI/GEN/1/Rev.1. See also Rule 68 of the Rules of Procedure of the Human Rights Committee.

examination do not usually take part in this process in order to maintain the highest standards of impartiality.¹⁹⁹

If States do not send representatives on the date scheduled for the examination, the Committee can either set another date or continue with the examination in the absence of the State. If the Committee decides to proceed, provisional Concluding Observations will be provided to the State, with a date by which a reply should be submitted.²⁰⁰ These Concluding Observations are made public.²⁰¹

A summary record is prepared by the Secretariat, containing a summary of the dialogue between the State representatives and the Committee and is available in the working languages.²⁰²

5.1.1 NGO participation in the examination stage

All NGOs can attend the Committee sessions, whether or not they have ECOSOC accreditation status. However, accreditation for access to the UN building in which the examination takes place must be applied for from the Secretariat.²⁰³

NGOs cannot speak during the dialogue between the Committee and the State delegation. However, there are other ways in which they can address the Committee:

Formal NGO Briefings

This meeting normally takes place on the first day of the session, before the report is examined in public. It is chaired by the Chairperson of the Committee and is convened as a closed meeting, meaning that the State representatives will not be present. The meeting is conducted in the Committee's working languages of English, French and Spanish, and interpretation is provided for these languages.²⁰⁴

NGOs have the opportunity to deliver a brief statement and then time is allocated for Committee members to ask questions to the NGOs.

In its annual report of 2002, the Committee stated that it reserved the right to determine at a later stage whether other briefings by NGOs should also become part of the Committee's official procedure.²⁰⁵

Informal Lunch Briefings

NGOs can also organise informal meetings with the Committee over lunch, for up to 90 minutes. However, no interpretation is provided and not all Committee members attend.

Requests to organise such meetings should be made to the Secretary of the Committee at least one month before the session.

Lobbying during the session

This method of engagement is not formally articulated in the working methods of the Human Rights Committee. However, the Centre for Civil and Political Rights amongst others suggests this as another means of contribution by NGOs. Members can in

¹⁹⁹ Rule 71(4) of the Rules of Procedure of the Human Rights Committee.

²⁰⁰ Rule 68(2) of the Rules of Procedure of the Human Rights Committee.

²⁰¹ Rule 70(3) of the Rules of Procedure of the Human Rights Committee.

²⁰² Rule 31 of the Rules of Procedure of the Human Rights Committee. For working languages see Rule 28.

²⁰³ On how to do this, see URL: <http://www2.ohchr.org/english/bodies/cescr/cescrwg45.htm>.

²⁰⁴ In accordance with rule 29 of the Rules of Procedure of the Human Rights Committee.

²⁰⁵ Paragraph 12, Annex III, Annual Report of the Human Rights Committee (2002), A/57/40 (Vol.I).

practice be approached before and after meetings to provide them with information they may find helpful. The Centre also advocates the usefulness of being present during the dialogue since, even though direct participation is prohibited, such attendance can be useful for the purpose of allowing civil society to see whether information provided by the State party is accurate and complete and, if not, to advise Committee members of the fact in the margins of the Committee's session.²⁰⁶

5.2 CESC

The examination of reports usually takes two days, and like the CCPR, is conducted by way of public meetings.²⁰⁷ Generally, the examination takes place over three meetings (of three hours each).²⁰⁸

In the same way as the CCPR, the CESC examines the report through a dialogue with the State representatives. Again, representatives are expected to be in a position to reply to the questions posed by the Committee.²⁰⁹

State representatives first provide introductory comments and any new information that may be relevant to the dialogue. The Committee then considers the report by clusters of articles (1-5, 6-9, 10-12 and 13-15), taking particular account of the replies to the List of Issues.²¹⁰ Committee members then pose questions and observations to the State party representative, and they are able to respond immediately unless the questions require further reflection or research. If the questions cannot be adequately answered by the representatives, the Committee will request additional information to be provided in a subsequent meeting, or in writing.²¹¹

As for the CCPR, a summary record is prepared by the Secretariat and is available in the working languages.²¹²

5.2.1 NGO participation in the examination stage

Again, participation of NGOs in this stage of the process is important, and is directly encouraged by the Committee.²¹³

Although oral participation during the dialogue is prohibited for NGOs, there are other ways in which NGOs can be represented, similar to those opportunities with the CCPR:

Written statements

During the examination process, NGOs with ECOSOC status can submit a written statement to the Committee (so long as this is no longer than 2,000 words). Those NGOs without ECOSOC status can also submit a written statement provided it is sponsored by an NGO with consultative status with the UN (and so long as this is no longer than 1,500 words). Further details on how to submit a written statement can be found in the note by the Secretariat on this matter.²¹⁴

²⁰⁶ CCPR Guidelines for NGOs.

²⁰⁷ Rule 28 of the Rules of Procedure of the Committee on Economic, Social and Cultural Rights.

²⁰⁸ Paragraph 32 of the CESC Working Methods (E/2011/22-E/C.12/2010/3).

²⁰⁹ Rule 61 of the Rules of Procedure of the Committee on Economic, Social and Cultural Rights.

²¹⁰ Paragraph 29 of the CESC Working Methods (E/2011/22-E/C.12/2010/3).

²¹¹ Paragraph 29 of the CESC Working Methods (E/2011/22-E/C.12/2010/3).

²¹² Rule 30 of the Rules of Procedure of the Committee on Economic, Social and Cultural Rights. For working languages see Rule 24.

²¹³ Note by Secretariat, para 1.

²¹⁴ Note by the Secretariat, paras 21-22.

Oral statements

NGOs can also voice their concerns during the NGO hearings which take place on the afternoon of the first day of each reporting session. These interventions are limited to 15 minutes. Again, further details on this can be found in the Secretariat's note.²¹⁵

Observation

Although NGOs cannot participate in the dialogue, the Secretariat encourages them to observe the proceedings, for the same beneficial reasons explained in the case of observing CCPR examinations.²¹⁶

5.3 CAT

The examination of the report takes place over two half-day meetings which take place in public.²¹⁷ Similarly to the other committee procedures, the examination is meant as a constructive dialogue between the State delegation and the Committee members.²¹⁸

On the first half-day meeting, the State delegation will give a short presentation, highlighting the most relevant issues from the State's written replies and any other relevant updates. The rest of the first meeting is then devoted to questions from the country rapporteurs, who have priority in this respect, followed by questions from the other Committee members. There is no prescribed method in how these questions are structured (unlike other committees who cluster their questions by articles or LOIs).

Similarly to the CCPR rules, the CAT Rules of Procedure prohibit a committee member from participating in this process if they are from the State party under review,²¹⁹ and the same rules of independence and impartiality apply.²²⁰

The second half-day meeting is primarily used for the delegation to reply to the questions asked by the Committee members on the previous day, with a short amount of time at the end for any follow up questions by committee members.²²¹

If States do not send a delegation, the Committee will notify the State of their intention to examine the report in the absence of representatives. If strong reasons for non-attendance are not provided by the State, the examination will proceed.²²²

Summary records of the meeting are prepared by the Secretariat²²³ and made available online²²⁴ in the working languages.²²⁵

²¹⁵ Note by the Secretariat, para 23.

²¹⁶ Note by the Secretariat, para 24.

²¹⁷ Rule 31 CAT Rules of Procedure.

²¹⁸ See Part B CAT Working Methods.

²¹⁹ Rule 73, CAT Rules of Procedure.

²²⁰ Rule 15 CAT Rules of Procedure.

²²¹ See Part B CAT Working Methods.

²²² Rule 68, CAT Rules of Procedure.

²²³ Rule 33, CAT Rules of Procedure.

²²⁴ In accordance with Rule 34, CAT Rules of Procedure. Available at URL: <http://www2.ohchr.org/english/bodies/cat/sessions.htm>.

²²⁵ See Rule 27, CAT Rules of Procedure for the working languages.

5.3.1 NGO participation in the examination stage

Like the other committees, CAT welcomes NGO participation in this part of the review process.²²⁶ Again, NGOs cannot make oral submissions during the dialogue but there are other ways in which they can contribute:

Written statements

Written information can be provided to the committee prior to the examination, provided that it is received by the Secretariat no later than two weeks prior to the opening of the session, and is written in one of the working languages.²²⁷ If NGOs wish for committee members to have hard copies of the submission, then they must also provide 15 copies by the same deadline.

Unlike the CCPR procedure, NGOs wishing to submit written information do not have to be ECOSOC accredited or sponsored by an ECOSOC accredited NGO.²²⁸

Formal NGO briefings

Similarly to the other committees, the formal NGO briefings are conducted as private meetings and are an opportunity for those NGOs that submitted written information to make an oral statement to the committee members prior to their dialogue with the State party.

The oral statements are limited to half an hour in total for all NGOs, with half an hour for the committee to ask questions. Interpretation is provided during this meeting. Due to the time limitation, NGOs should coordinate their topics to avoid repetition and also not repeat anything made in their written submission. The opportunity should be used more to highlight the key areas of concern or provide updates on anything contained within the written submissions.²²⁹

Informal NGO briefings

In the same way as the CCPR, CAT members will often arrange a time to meet with NGOs over the lunchtime period for informal briefings. They may use this time to ask further questions or seek clarifications on information brought to their attention through different means. The briefing will usually be with one of the country rapporteurs, but this procedure does not form part of CAT's official working methods, and therefore may not happen at every session.

Observation

Accredited NGOs may attend the dialogues to observe the proceedings, even if they have not submitted written information.²³⁰

5.4 CEDAW

Similarly to the other committees, this process is by way of a public meeting, consisting of a constructive dialogue between the committee members and the State delegation.²³¹

For initial and periodic reports, the examination takes place over two meetings, of three hours each.²³²

²²⁶ See URL: http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

²²⁷ See URL: http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

²²⁸ See URL: http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

²²⁹ See URL: http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

²³⁰ See URL: http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

²³¹ Rule 51, CEDAW Rules of Procedure.

²³² Para 11 and 12, CEDAW Working Methods.

The structure of the examination of an initial report is as follows:²³³

- 30 minute introduction by the State delegation;
- Committee questions on an article-by-article basis (articles 1 and 2; 7 and 8; and 15 and 16 are clustered together).
- State delegation replies;
- Continuation of committee questions, article-by-article;
- State delegation replies.

The structure of the examination of a periodic report is as follows:²³⁴

- 30 minute introduction by the State delegation;
- Committee questions organized under each cluster of articles (articles 1-6, 7-9, 10-14, 15-16) – note that each Committee member will limit the number of interventions to two or three each and that each intervention is limited to five minutes per Committee member;
- State delegation replies to that cluster of articles questions;
- Continuation of questions organized under each cluster of articles;
- State delegation replies;
- Follow-up questions, time permitting.

If a State representative fails to attend the examination meeting, the Committee will re-schedule the examination. If there is still no representative at the re-scheduled meeting, then the Committee may examine the report in the absence of the State party.²³⁵

5.4.1 NGO participation in the examination stage

The Committee welcomes NGO participation in the examination of State report, as reflected in their Rules of Procedure.²³⁶

Written reports

NGOs can submit country-specific information to the Committee, which must be received by the Secretariat, or IWRAW, at least two weeks prior to the beginning of the session. This must be submitted both electronically, and 30 hard copies must be provided by the same deadline.²³⁷

Oral Briefings

The OHCHR website contains information about when these oral briefings take place at each session.²³⁸

Oral interventions are limited to 10 minutes per country for all NGOs and therefore NGOs should coordinate their interventions to make the best use of this time. 35 copies of the oral statements should also be provided on the day for interpretation purposes.²³⁹

²³³ Para 11, CEDAW Working Methods.

²³⁴ Para 12, CEDAW Working Methods.

²³⁵ Rule 51, CEDAW Rules of Procedure.

²³⁶ Rule 47, CEDAW Rules of Procedure.

²³⁷ See OHCHR information note for NGOs available at URL: <http://www2.ohchr.org/english/bodies/cedaw/>.

²³⁸ See URL: <http://www2.ohchr.org/english/bodies/cedaw/>.

²³⁹ See OHCHR information note for NGOs.

Side events

These are similar to the informal lunch briefings that take place with the other committees. However, under CEDAW, these must be organized by the NGO with the Secretariat at least four weeks in advance.²⁴⁰

Lobbying during the session

Similarly to methods used with the CCPR, this is something that is recommended by IWRAP, in their procedural guide to reporting to CEDAW.²⁴¹ This guide also contains useful information on how to structure submissions, when and how to lobby committee members and how to prepare for oral interventions during sessions, as well as contact details and other information for NGOs.

5.5 CRC

The examination takes place in a public meeting²⁴² in much the same way as the other committees, via a constructive dialogue with the State delegation. It will take place during the course of one day (two meetings of three hours each.) Previously, the Committee considered reports in two parallel chambers of nine members each, in order to clear the backlog of reports.²⁴³ In 2011, the Committee requested the General Assembly to approve the holding of one of its three annual sessions in two chambers every year.²⁴⁴

Two country rapporteurs are appointed to be responsible for leading the dialogue, and the focus is on four main elements: progress achieved, factors and difficulties encountered, implementation priorities and future goals.²⁴⁵ For this reason, the Committee requests that the State delegation is headed by someone with governmental responsibility.²⁴⁶

The process is started by a brief introduction by the State delegation, followed by a brief overview of the state of the rights of the child in that country by the rapporteurs. The Committee presents questions and responses are thereafter organized in clusters of articles. The examination is concluded by a summary by the country rapporteurs and a final statement by the State delegation.²⁴⁷

5.5.1 NGO participation in the examination stage

As with the other committees, oral interventions by NGOs during the constructive dialogue is prohibited. However, interventions can instead be made using the following means:

Written statements

NGO reports submitted to the Committee assist them in obtaining a "serious and independent assessment of the progress and difficulties encountered in the implementation of the Convention and the Optional Protocols".²⁴⁸ They are also important because "the reports submitted by States parties tend to present the legislative framework and often do not consider the implementation process".²⁴⁹

²⁴⁰ See OHCHR information note for NGOs.

²⁴¹ See: International Women's Rights Action Watch, "Producing Shadow Reports to CEDAW Committee, A Procedural Guide." January 2009, available at URL: <http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html>.

²⁴² Part B, CRC Working Methods.

²⁴³ See URL: <http://www2.ohchr.org/english/bodies/crc/>.

²⁴⁴ Para 42, CRC report to the General Assembly, 67th session, UN Doc A/67/41.

²⁴⁵ Part B, CRC Working Methods.

²⁴⁶ Part B, CRC Working Methods.

²⁴⁷ Part B, CRC Working Methods.

²⁴⁸ Page 8, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).

²⁴⁹ Page 8, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).

NGOs are particularly encouraged to prepare reports as coalitions, being that it is harder for the State to discredit information and it makes it easier for the Committee to familiarize themselves with the most important and relevant issues.²⁵⁰

The NGO report should be structured in the same way as the State report, by presenting information through the clusters of articles. More information on compiling an NGO report can be found in the guidelines for NGOs.²⁵¹

Observation

NGOs are encouraged to observe the examination to allow them to obtain a comprehensive picture of the dialogue, particularly as the summary records produced do not contain a verbatim record of the discussion.²⁵²

Informal briefings

Unlike the other committees, the CRC does not allocate time for formal NGO oral briefings. However, it may be possible to meet with Committee members informally before and during the meetings to present additional information, provide updates or suggest possible questions.²⁵³

STEP 6: CONCLUDING OBSERVATIONS

6.1 CCPR

At the end of the session in which the examination takes place, the Committee adopts 'Concluding Observations'. This document highlights the Committee's concerns and makes recommendations to the State on how to improve its implementation of the ICCPR. It also notes any positive developments, sets a deadline for the next State report and forms the basis for future reports and discussions.²⁵⁴

The country rapporteur has the initial responsibility for drafting the Concluding Observations, with the assistance of the Secretariat. The draft Concluding Observations are then circulated to the Committee for comments.²⁵⁵ Before adoption, there is usually a meeting of two to three hours at the end of the session where the Committee discusses the draft in private, with a view to adopt it by consensus wherever possible. This takes place during the plenary.

Concluding Observations are published online following the end of the session²⁵⁶ and are also included in the Committee's annual report. All formal decisions of the Committee are made available in the official languages.²⁵⁷

6.1.1 Content of Concluding Observations

²⁵⁰ Page 9, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).

²⁵¹ "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).

²⁵² Page 20, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).

²⁵³ Page 20-21. "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).

²⁵⁴ Rule 71(3) of the Rules of Procedure of the CCPR.

²⁵⁵ Part C of the Working Methods of the CCPR.

²⁵⁶ See URLs: <http://www2.ohchr.org/english/bodies/hrc/sessions.htm> , <<http://www.cprcentre.org/en/select-your-country> and <http://www.unhchr.ch/tbs/doc.nsf>.

²⁵⁷ Rule 32 of the Rules of Procedure for the CCPR.

Concluding Observations are based on all documentation received, by the State party and other stakeholders, and the dialogue held during the plenary session examination. They are divided into four parts:

1. Introduction;
2. Positive Developments;
3. Factors impeding the implementation of the Covenant; and
4. Subjects of concern and recommendations.

The bulk of the observations are detailed under the third part. Concluding observations also include a recommendation to disseminate the document widely within the state party concerned.²⁵⁸ The final paragraph will also identify which recommendations are highlighted for the follow-up procedure.²⁵⁹

6.1.2 Status of Concluding Observations

The concluding Observations of any of the committees are not legally binding on a State. They provide guidance on how that State can improve their compliance with the respective treaties. However, since the committees, being created by the treaties themselves, are the only expert bodies entrusted with making such pronouncements, States should act on the views and recommendations contained in the Concluding Observations.

6.2 CESCR

In the same way as with the CCPR, the Concluding Observations of the CESCR are the formal decision of the Committee's findings on the status of the Covenant in the concerned State party.²⁶⁰ The process for adopting them is the same in that they are drafted by the country rapporteur with the assistance of the Secretariat, discussed by the members in a closed session at the end of the dialogue, and then formally adopted.²⁶¹ They are then made public on the final day of the session and published online.²⁶² A copy is sent to the concerned State party and it is also included in the Committee's annual report.

In addition to the adoption and issuing of Concluding Observations, the Chairperson of the CESCR will occasionally write letters to States parties outlining the Committee's concerns.²⁶³

6.2.2 Content of the Concluding Observations

The format is divided into five sections:

1. Introduction;
2. Positive aspects;
3. Factors and difficulties impeding the implementation of the Covenant;
4. Principal subjects of concerns; and
5. Suggestions and recommendations.

In the same way as with the CCPR, the CESCR's Concluding Observations highlight those recommendations that may require action prior to the date of next review.²⁶⁴

6.3 CAT

²⁵⁸ Part C of the Working Methods of the CCPR.

²⁵⁹ Part C of the Working Methods of the CCPR.

²⁶⁰ Rule 64 of the Rules of Procedure of the CESCR.

²⁶¹ CESCR Working Methods, para 30.

²⁶² See URL: <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>.

²⁶³ Fact Sheet 16 (Rev.1), *The Committee on Economic, Social and Cultural Rights*, Part 6.

²⁶⁴ This was decided by the Committee on 1 December 1999 at the 53rd meeting of the 21st session. See paragraph 36 of the CESCR Working Methods.

Like the other treaty bodies, the concluding observations of CAT are the formal findings of the committee on the compliance of that State with the Convention.²⁶⁵ In the same way as the other committees, the country rapporteurs are responsible for drafting the concluding observations which are then discussed and adopted in a closed meeting. As with the other committees, the adopted concluding observations are then published online and included in their annual report.²⁶⁶

6.3.1 Content of the Concluding Observations

The standard format for CAT is as follows:

1. Brief introduction
2. Positive aspects
3. Subjects of concern and related recommendations.²⁶⁷

The most serious of the concerns under the last heading are identified for the follow-up procedure, under the same procedure as the other committees.

6.4 CEDAW

Like the other committees, CEDAW adopts its formal concluding observations before the end of the session.²⁶⁸

The concluding observations are drafted by the country rapporteur and presented to the other committee members for discussion and adoption during a closed meeting. They are then transmitted to the State party shortly following the close of the session²⁶⁹ and published online.²⁷⁰

6.4.1 Content of the Concluding Observations

The Committee concluded at its forty-first session in 2008, that to accelerate implementation, it would "strive to formulate detailed concluding observations, with concrete, achievable, but non-prescriptive recommendations... (including) subject headings, which would be used flexibly and as appropriate for the State party concerned".²⁷¹

Only issues and concerns raised during the constructive dialogue are included in the concluding observations.²⁷² They usually follow a standard format under the following headings:

1. Introduction
2. Positive aspects (organized in order of the articles of the Convention)
3. Principal areas of concern and recommendations (in order of importance.)²⁷³

All concluding observations of CEDAW include a recommendation requesting wide dissemination of the concluding observations in the State party concerned, inclusion in the State's next report on the utilization of the Beijing Declaration and Platform for Action, as well as integration of a gender perspective in efforts to achieve the Millennium Development Goals. The concluding observations will also set a due date for the next periodic report.²⁷⁴

²⁶⁵ Rule 71, CAT Rules of Procedure.

²⁶⁶ Part C CAT Working Methods.

²⁶⁷ Part C CAT Working Methods.

²⁶⁸ Rule 53, CEDAW Rules of Procedure.

²⁶⁹ Para 22, CEDAW Working Methods.

²⁷⁰ See URL: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>.

²⁷¹ Para 21, CEDAW Working Methods.

²⁷² Para 18, CEDAW Working Methods.

²⁷³ Para 19, CEDAW Working Methods.

²⁷⁴ Para 20, CEDAW Working Methods.

6.5 CRC

Following the examination of the report, the Committee will adopt its concluding observations.²⁷⁵ These are sent to the State party, made public on the last day of the Committee session²⁷⁶ and included in the Committee's reports to General Assembly every two years.²⁷⁷

6.5.1 Content of the Concluding Observations

Like CESCR, the format is divided into five sections:

1. Introduction;
2. Positive aspects (including progress achieved);
3. Factors and difficulties impeding the implementation;
4. Principal subjects for concern; and
5. Suggestions and recommendations.²⁷⁸

Sometimes the concluding observations will include a request for additional information, and deadlines for this will be done on a case-by-case basis.²⁷⁹ The Committee also express that the concluding observations are widely disseminated within the State party.²⁸⁰

STEP 7: FOLLOW-UP PROCEDURE

7.1 CCPR

A follow-up report is produced by the State party and details measures taken in order to implement some of the Concluding Observations that were highlighted by the Committee as urgent.²⁸¹ States usually have one year in which to provide this follow-up report.²⁸²

Once submitted, the report is assessed by the Committee's 'Special Rapporteur on Follow-up to the Concluding Observations'. The Committee will then consider the findings of the Special Rapporteur and, if not satisfied, decide on any further action that may be required. This could include:

- Changing the date of the next State submission and examination;
- Calling a meeting with the State's representatives; and/or
- Requesting further information from the State.

All documents related to the follow-up procedure are published online.²⁸³

If a State fails to submit a follow-up report, the Special Rapporteur will meet with the State representatives. If the State continues to be unresponsive, the fact is recorded in the Committee's annual report to the General Assembly.²⁸⁴

The follow up procedure does not apply in cases where countries are examined in the absence of a State report.²⁸⁵

7.1.1 NGO participation in the follow-up procedure

²⁷⁵ Rule 75, CRC Rules of Procedure.

²⁷⁶ Available at URL: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>.

²⁷⁷ In accordance with article 44(5) of the Convention on the Rights of the Child.

²⁷⁸ See Part C, CRC Working Methods.

²⁷⁹ See Part C, CRC Working Methods.

²⁸⁰ Part C, CRC Working Methods.

²⁸¹ Rule 72 of the Rules of Procedure of the CCPR.

²⁸² Part II C of the Working Methods of the CCPR.

²⁸³ See URLs: <http://www2.ohchr.org/english/bodies/hrc/follow-up-procedure.htm> and <http://www.unhcr.ch/tbs/doc.nsf>.

²⁸⁴ Rule 69(2) of the Rules of Procedure of the CCPR.

²⁸⁵ CCPR Working Methods, Part IV.

The CCPR considers NGO participation in the follow-up to Concluding Observations as very important to the effective functioning of the reporting process. NGOs can be involved in this process in the following ways:

Raising awareness of the Concluding Observations

This will help to engage national interest and put pressure on the Government of the State party to implement the recommendations made by the Committee. Various means can be used such as press releases, press conferences, and wide dissemination of the Concluding Observations interpreted into the national language.

Lobbying for the implementation of the Concluding Observations

The implementation stage depends on the willingness of the State to cooperate. However, NGOs can help by starting a national dialogue and continue lobbying the State party's authorities on the concrete steps that should be taken for effective implementation. NGOs could organise special events in which they invite State authorities as well as the National Human Rights Institution (NHRI), the UN Development Programme (UNDP) or OHCHR field offices.

Reporting back to the Committee

When the Special Rapporteur on Follow-up to the Concluding Observations is assessing the follow-up report, she or he is aided in this task by reports from NGOs on what steps have actually been taken by the Government of the State party.

7.2 CESCR

The CESCR has also adopted a follow up procedure,²⁸⁶ although it operates in a slightly different way.

The same process occurs in terms of identifying which Concluding Observations should be considered for follow-up. However, there is no standard period of time for the follow-up matters to be responded to. The Committee will specify deadlines on a country-by-country basis, and consider any follow-up reports at the next meeting of the pre-sessional working group.

The actions that can be taken by the working group in response to a follow-up report are:

- Taking note of such information;
- Adopting specific additional Concluding Observations;
- Requesting further information;
- Informing the State party that the issue will be taken up at the next session, with an invitation from the Chairperson for the State to send a representative at that session.

7.2.1 Follow-up visits

In rare situations, the Committee may ask the State party to accept a visit from one or two of the Committee's members. The purpose of the visit is to collect the information requested and provide technical assistance and guidance to the State.²⁸⁷ Where the country does not accept the proposed visit, the Committee will consider making necessary recommendations to the Economic and Social Council.²⁸⁸

There is no equivalent procedure in the case of the CCPR.

²⁸⁶ This is not found in the rules of procedure but in the decision made by the CCPR in the 53rd meeting of the 21st session.

²⁸⁷ CESCR Working Methods, para 37.

²⁸⁸ CESCR Working Methods, para 39.

7.2.3 NGO participation in the follow-up procedures

Again, NGOs play the same role in this follow-up process as they do in the case of the CCPR.²⁸⁹

7.3 CAT

CAT adopted the follow-up procedure in May 2003. Similarly to CCPR, those concluding observations identified for the follow-up procedure are subject to a standard one-year time limit, in which States must provide information on measures taken towards the implementation of those recommendations.²⁹⁰

The Committee identifies particular recommendations for the follow-up procedure on the basis of its seriousness; protectiveness and likelihood of being achievable in one year.²⁹¹

Like the CCPR, CAT appoints a follow-up rapporteur, who assesses the information provided by the State and makes a report at every session on his/her activities.²⁹² Information regarding follow-up matters are published on a separate webpage.²⁹³

7.3.1 NGO participation in the follow-up procedure

In the same way as under the other committees, NGOs can submit written information to the Secretariat on those issues identified for follow-up.²⁹⁴ These submissions will also be published on the follow-up webpage.²⁹⁵

7.4 CEDAW

CEDAW adopted a follow-up procedure at its forty-first session in 2008. The procedure operates in a similar way to the other committees by identifying particular recommendations requiring urgent action by the concerned State party. The follow-up period is two years (rather than one year in the case of the other committees.)²⁹⁶

7.4.1 NGO participation in the follow-up procedure

In the same way as promoting the other treaty bodies, NGOs can raise awareness by monitoring the progress of the State in the implementation of CEDAW recommendations and keep the issue publically visible through means such as the media.

7.5 CRC

The CRC currently does not have a "follow-up" procedure in the same way as the other committees. The Committee expects all concerns raised to be addressed in the next periodic report (other than when a different deadline is given for requests for further information).²⁹⁷

However, as an alternative follow-up method, and in accordance with article 45 of the Convention, the Committee may transmit reports to relevant agencies or bodies where the State has requested technical assistance, along with the Committee's concluding observations.²⁹⁸

²⁸⁹ Note by the Secretariat, para 25.

²⁹⁰ Part IV, CAT Working Methods, see also Rule 71, CAT Rules of Procedure.

²⁹¹ Part IV, CAT Working Methods.

²⁹² Rule 72, CAT Rules of Procedure.

²⁹³ See URL: <http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>.

²⁹⁴ See URL: http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

²⁹⁵ See URL: <http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>.

²⁹⁶ Para 23, CEDAW Working Methods.

²⁹⁷ See part IV, CRC Working Methods.

²⁹⁸ See part IV, CRC Working Methods.

7.5.1 NGO participation in the follow-up procedure

It is suggested that NGOs can use the concluding observations of the Committee to stimulate a discussion at the national level, particularly through the use of the media, to exert pressure on the government to implement the recommendations of the Committee and to lobby for changes in legislation and practice.²⁹⁹

²⁹⁹ Page 21, "A guide for NGOs reporting to the Committee on the Rights of the Child." (Produced by the NGO Group for the Convention on the Rights of the Child).