



**International Human Rights  
Instruments**

Distr.: General  
12 April 2013

Original: English

---

**Meeting of chairpersons  
of the human rights treaty bodies**

**Twenty-fifth meeting**

Geneva, 24 to 28 June 2013

Item 4 of the provisional agenda

**Follow-up to the recommendations of the twenty-fourth meeting of chairpersons**

**Of the human rights treaty bodies, including harmonization of the working methods**

**Overview of the human rights treaty body system  
and working methods related to the review of  
States parties**

**Note by the Secretariat**

This report, produced by the Office of the United Nations High Commissioner for Human Rights (OHCHR), provides an overview of the working methods of the United Nations human rights treaty bodies related to the review of States parties.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–2	3
II. Overview of the committees .....	3–12	3
A. Membership .....	4	3
B. Mandates .....	5–6	4
C. Rules of procedure.....	7–9	5
D. Officers .....	10	5
E. Official and working languages.....	11–12	5
III. Consideration of States parties' reports .....	13–66	6
A. Reporting guidelines .....	14–18	6
B. Submission of States parties' reports.....	19–27	7
C. Pre-session preparation: drafting lists of issues and questions .....	28–42	9
D. Constructive dialogue with States parties .....	43–59	11
E. Concluding observations .....	60–66	14
IV. Strategies to encourage reporting by States parties.....	67–73	15
A. Consideration of a country situation in the absence of a report .....	70–71	15
B. List of issues prior to reporting .....	72–73	16

## I. Introduction

1. The present report provides an overview of the current working methods of nine human rights treaty bodies which have reporting procedures: the Committee on the Elimination of Racial Discrimination (CERD); the Committee on Economic, Social and Cultural Rights (CESCR); the Human Rights Committee; the Committee on the Elimination of Discrimination against Women (CEDAW); the Committee against Torture (CAT); the Committee on the Rights of the Child (CRC); the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); the Committee on the Rights of Persons with Disabilities (CRPD) and the Committee on Enforced Disappearances (CED).<sup>1</sup>

2. The report is confined to an overview of the treaty bodies and their working methods with respect to consideration of States parties' reports. Consequently, it does not take into account the Subcommittee on Prevention of Torture (SPT), established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), whose mandate does not include the consideration of States parties' reports.

## II. Overview of the committees

3. Nine international human rights treaties provide for the establishment of a committee of independent experts to monitor implementation of the treaty provisions by States parties. CERD, the first treaty body to be established, monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Human Rights Committee monitors implementation of the International Covenant on Civil and Political Rights (ICCPR); CESCR monitors the International Covenant on Economic, Social and Cultural Rights (ICESCR); CEDAW monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women; CAT monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture); CRC monitors implementation of the Convention on the Rights of the Child and the Optional Protocols on the involvement of children in armed conflict (OPAC) and on the sale of children, child prostitution and child pornography (OPSC); CMW monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW); CRPD monitors the implementation of the Convention on the Rights of Persons with Disabilities; SPT monitors implementation of OPCAT; and CED monitors implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

### A. Membership

4. Each committee is composed of independent experts, ranging in number from 10 to 25 members (see table 1), who are nominated and elected by States parties for fixed, renewable terms of four years. Elections for half of the membership take place every two years, except in the case of CED, SPT and CRPD, whose members are eligible for re-

---

<sup>1</sup> The secretariat has sought to ensure that this report accurately reflects the current working methods of the human rights treaty bodies. However, as these are constantly evolving, further updates may be necessary.

election once if re-nominated. The treaties do not impose a limit on the number of times a member's term may be renewed.

**Table 1 - Composition of the treaty bodies**

<i>Committee</i>	<i>Membership</i>	<i>Current number of States parties</i>
CERD	18 members	175 States parties
Human Rights Committee	18 members	167 States parties
CESCR	18 members	160 States parties
CEDAW	23 members	187 States parties
CAT	10 members	153 States parties
CRC	18 members	193 States parties
CMW	14 members	46 States parties
SPT	25 members	67 States parties
CRPD	18 members	129 States parties
CED	10 members	37 States parties

## **B. Mandates**

5. The treaty bodies perform a number of functions aimed at monitoring the implementation of the human rights treaties by States parties. With the exception of the SPT, all treaty bodies are mandated to consider the reports which States parties are obliged to submit periodically<sup>2</sup> on steps they have taken to implement the provisions of the relevant treaty and, in the case of CRC, its substantive protocols. With the exception of the SPT, all treaty bodies are entitled to consider individual communications if States parties have accepted this procedure. Six treaty bodies (CAT, CED, CEDAW, CESCR, CRC and CRPD) may conduct inquiries into alleged violations of their treaty's provisions, if this procedure has been accepted or agreed to by the State party concerned. Some treaty bodies (CAT, CED, CERD, CESCR, CRC, CMW and the Human Rights Committee) are further mandated to consider inter-State communications whereby State parties may complain to the relevant treaty body about alleged violations of the treaty by another State party.<sup>3</sup>

6. All committees have adopted reporting guidelines to assist States parties in the preparation of their reports. The treaties do not set out in detail how the respective treaty bodies should treat States parties' reports, but each treaty establishes the same basic

<sup>2</sup> The ICPPED does not explicitly require States parties to submit periodic reports.

<sup>3</sup> See article 21 of the Convention against Torture, article 74 of the ICRMW, articles 11–13 of the ICERD, articles 41–43 of the ICCPR and article 32 of ICPPED. Article 10 of the Optional Protocol to the ICESCR also provides for inter-State communications, for which a declaration may be made (see art. 10, para. 1). The Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC), adopted by the General Assembly on 19 December 2011, provides for the CRC to consider individual and inter-State communications, as well as to conduct inquiries, where States parties have accepted the procedure. The Optional Protocol will enter into force three months after the 10th ratification.

framework for the consideration of such reports (in the case of ICESCR, Economic and Social Council (ECOSOC) resolution 1985/17). All treaties provide for States parties to reply to a treaty body's comments, recommendations or suggestions with their own observations.

### C. Rules of procedure

7. All treaties, and, in the case of the ICESCR, ECOSOC resolution 1985/17, empower the committees to formulate their own rules of procedure. All the committees have adopted, and regularly revise, their rules of procedure based on the standard rules of procedure of ECOSOC (E/5715/Rev.2).

8. In general, the rules of procedure of the treaty bodies are divided into two main sections: the first section sets out the basic procedural rules governing decision-making within the committee; the second section focuses on the functions of the committee. Five committees – CED, CEDAW, CESCR, CMW and CRPD – have additional sections on interpretation and, in the case of CEDAW and CESCR, on their optional protocols. At its 62nd session in 2012, the CRC adopted new rules of procedure for the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (CRC/C/62/4).

9. Some committees include their working methods in their rules of procedure, while others compile them separately and include them in their annual reports to the General Assembly. Committees with competence to consider individual complaints or conduct inquiries have also included the relevant procedures in their rules of procedure.

### D. Officers

10. All treaties, with the exception of the ICESCR and the Convention on the Rights of Persons with Disabilities, contain provisions for the election of officers by the members of the committee for a term of two years. The ICCPR and the Convention against Torture specify that officers may be re-elected; other committees provide guidance on re-election in their rules of procedure.

### E. Official and working languages

11. The official languages of the United Nations are Arabic, Chinese, English, French, Russian and Spanish. While CESCR does not include Chinese as an official language, all treaty bodies have adopted these languages as their official languages.

12. The working languages of the committees vary as indicated in table 2 below.

**Table 2 - Working languages of the treaty bodies**

<i>Treaty body</i>	<i>Working languages</i>
Human Rights Committee	Arabic, English, French, Russian and Spanish
CESCR	English, French, Russian and Spanish
CERD	English, French, Russian and Spanish
CEDAW	Arabic, Chinese, English, French, Russian and Spanish
CAT	Arabic, Chinese, English, French, Russian and

<i>Treaty body</i>	<i>Working languages</i>
	Spanish
CRC	English, French and Spanish
CMW	English, French and Spanish
CRPD	Arabic, Chinese, English, French and Spanish
CED	Arabic, Chinese, English, French, Russian and Spanish

### III. Consideration of States parties' reports

13. All the treaty bodies have adopted broadly the same approach towards the consideration of States parties' reports, the main features of which are the constructive dialogue, in which the respective committee engages with a delegation from the State party whose report is under consideration, and the adoption of concluding observations, which acknowledge progress made and indicate to the State party where further action is required. However, there is still considerable variation in how the treaty bodies consider their States parties' reports.

#### A. Reporting guidelines

14. All the committees have issued reporting guidelines to assist States parties in the preparation of their reports. These guidelines are designed to ensure that reports are presented in a uniform manner. A number of committees have issued separate guidelines for initial and periodic reports.

15. In their efforts to harmonize the reporting process, the treaty bodies adopted in 2006 the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3), which were transmitted to all States parties to human rights treaties. Most treaty bodies have revised their guidelines for treaty-specific reports in order to complement the guidelines for the common core document.

16. State party reports submitted to the treaty bodies are currently the only human rights documents which are not subject to page limitations. However, in 2006, the harmonized guidelines recommended that, if possible, common core documents should not exceed 60 to 80 pages, initial treaty-specific documents should not exceed 60 pages, and subsequent periodic documents should be limited to 40 pages. The twenty-second annual meeting of Chairpersons requested the Secretariat to ensure that the recommended page limits are applied in practice, including by conveying the concerns expressed by the United Nations Conference Services to all States parties through a note verbale and by requesting States parties whose reports do not meet those requirements to review and eventually resubmit their reports in accordance with the above-mentioned guidelines. The Secretariat sent notes verbales to that effect to all States parties in September 2010.

17. In May 2007, CAT adopted a new, simplified and optional reporting procedure which consists in the preparation of a List of issues prior to reporting (LOIPR) to be transmitted to States parties prior to the submission of their respective periodic report (see A/62/44, paras 23-24). In October 2009 and in April 2011 respectively, the Human Rights Committee and the Committee on Migrant Workers also adopted this optional procedure.

18. There is considerable variation in the size and quality of reports submitted by States parties. Both the Human Rights Committee and CERD allow States parties to complement the information in their reports with additional information. The Human Rights Committee imposes a specific deadline, whereas CERD accepts additional information at any time, even if it cannot be translated in time for the relevant session. The practice adopted by most treaty bodies of submitting lists of issues and questions to a State party once the report has been submitted also provides an additional opportunity for States parties to supplement the information contained in their reports.

## B. Submission of States parties' reports

19. With the exception of the ICPPED and the OPCAT, all of the core international human rights treaties establish a framework for regular reporting by States parties on the implementation of their obligations under said treaties. In most cases, the treaty explicitly sets out a timetable for the submission of initial and periodic reports, commonly referred to as the reporting "periodicity", based on the date of entry into force of the treaty for the specific State party. In the case of the ICESCR and the ICCPR, no periodicity is envisaged in their provisions. The Human Rights Committee has the discretion to decide when periodic reports should be submitted. Although the ICPPED does not provide for periodic reports, pursuant to article 29, paragraph 4, of the Convention, CED may request States parties to provide additional information on the implementation of the Convention, depending on the State party's level of compliance with its provisions.

Table 3 - Reporting periodicity under the treaties

	<i>Initial reports (within)</i>	<i>Periodicity of reports</i>
ICERD	1 year	2 years
ICCPR	1 year	3, 4, 5 or 6 years <sup>a</sup>
ICESCR <sup>b</sup>	2 years	5 years
CEDAW	1 year	4 years
CAT	1 year	4 years <sup>a,c</sup>
CRC	2 years	5 years <sup>d</sup>
CRC-OPAC	2 years	Integrated into next CRC report, every five years; every five years for States not party to the CRC
CRC-OPSC	2 years	Integrated into next CRC report, every five years; every five years for States not party to the CRC
ICRMW	1 year	5 years
CRPD	2 years	4 years
CED	2 years <sup>e</sup>	--

<sup>a</sup> Average periodicity: the Human Rights Committee may decide when the next report is due; CAT may vary the due dates of periodic reports.

<sup>b</sup> Under article 17 of the ICESCR, ECOSOC shall establish the reporting periodicity.

<sup>c</sup> CAT indicates in its concluding observations that the next report of the respective State party is due within a four-year period. It also invites States parties to accept, within one year, to report under the optional simplified reporting procedure for their next report, in order to prepare the LOIPR in a timely manner.

<sup>d</sup> When appropriate, CRC invites States parties to submit combined reports.

<sup>e</sup> CED does not refer to “initial” reports since there is no expectation of reporting periodicity .

### **Flexible application of reporting periodicity**

20. Late submission of a report by a State party and the time lag between submission and consideration of a report can result in a State party’s next periodic report becoming due in the same year that the Committee considers the State’s current periodic report, or even earlier. The Human Rights Committee and CESCR have the discretion to determine when a State party’s next periodic report should be submitted.

21. On average, periodic reports to the Human Rights Committee are due every four years, but the Committee may call for a report three, five or six years after the submission of a periodic report, depending on the State party’s level of compliance with the provisions of the Covenant, including its reporting record (rules 66 and 70, para. 1, of the rules of procedure). The Committee does not allow an accumulation of overdue reports from a State party; only one report is due at any one time, regardless of how long it has been overdue.

22. While the rule states that periodic reports should be submitted at five-year intervals (rule 58 of the Committee’s rules of procedure), CESCR may reduce this period in the light of the timeliness of a State party’s submission of reports, the quality of information provided and of the constructive dialogue, the adequacy of the State party’s response to the Committee’s concluding observations and the State party’s actual implementation of the Covenant (E/2002/22-E/C.12/2001/17, para. 1024). A combined report may be submitted when a periodic report is already due or due within the year following consideration of an earlier periodic report.

23. Despite the set reporting periodicities provided for in treaties, some committees have also taken a flexible approach to the submission of reports. CERD allows States parties to submit “combined” reports (the combination of several reporting obligations in a single report), and has, since 1984, automatically accepted the submission of an unlimited number of reports in one combined report. In 1988, CERD decided that States parties should submit a comprehensive report every four years and a brief updating report in the two-year interim. Since 2001, in cases where the period between the date of examination of the last periodic report and the due date for the submission of the next periodic report is less than two years, CERD may suggest in its concluding observations that the State party submit the latter report jointly with its subsequent periodic report (A/56/18, para. 477), thereby allowing the State to comply with the reporting schedule set by the Convention.

24. CRC also allows for the submission of combined reports, when appropriate. For example, one or several overdue periodic reports (e.g. 2nd and 3rd) may be combined with a periodic report (e.g. 4th) that is due, when the former is/are due within the year following the examination of a report (e.g. 1st) by the Committee or when they are already (over)due at the time of the examination of the first report and the fourth report is due two years or more after the examination of the first report by the Committee. States are not entitled to submit combined reports automatically; the Committee must invite the State party concerned to submit such combined report in its concluding observations.

25. CEDAW decided to invite States parties with overdue reports to combine all outstanding reports in a single document (see decision 23/II). When consideration of a report is delayed, the Committee will explicitly request the submission of a report combining the next two periodic reports in the concluding observations. CAT also accepts the submission of combined reports under certain circumstances.

26. A number of committees have adopted the practice of indicating the date for the submission of the next periodic report(s) in their concluding observations.

27. The ICPED does not require periodic reports, however, the Committee (CED) may request States parties to provide additional information on the implementation of the Convention, depending on the State party's level of compliance with its provisions (see art. 29, para. 4).

### **C. Pre-session preparation: drafting lists of issues and questions**

28. All the treaty bodies prepare lists of issues and questions for State parties whose reports are due to be considered. How these lists are prepared and their role in enhancing the work of the committees vary. Lists of issues provide an opportunity for States parties to supplement the information contained in their reports and may also indicate to States parties the questions they are likely to face when their report is formally considered.

29. CED, CEDAW, CESCR, CRC, the Human Rights Committee, CRPD and CMW adopt lists of issues with respect to both initial and periodic reports. Currently, CAT adopts lists of issues only with respect to periodic reports. CRC also adopts lists of issues and questions with respect to reports under the Optional Protocols to the Convention (OPAC and OPSC). At its seventy-sixth session in February 2010, CERD adopted a new approach, in the form of a list of themes to be discussed, which does not require States parties to submit a written reply. It is drawn up by the designated country rapporteurs, with respect to the State party report assigned to them, who then submit the list of themes 10 weeks in advance of the session. All committees appoint one or more of their members to act as country rapporteur(s) for a specific country whose report is under consideration; the rapporteur frequently takes the lead in drafting the list of issues.

#### **1. Pre-sessional working group/country report task force**

30. With the exception of CERD, lists of issues are drafted prior to the session at which the report will be considered, either in a pre-sessional working group convened immediately after a session, immediately before the session during which the report will be considered or during the plenary session.

31. CEDAW, CESCR and CRC convene a one-week pre-sessional working group to prepare lists of issues or questions with respect to the State party reports that are scheduled to be considered by the relevant committee during a session.

32. The pre-sessional working groups, which meet in private, usually consist of four to five members of the respective committee. In the case of CRC, the working group comprises all members of the Committee. In 2013, following approval by the General Assembly (resolution 67/246) of additional meeting time, the two pre-sessional working groups of CESCR comprise "up to 10 members". CEDAW working group consists of five members representing the five regional groups recognized by the United Nations.

33. On 11 February 2011, CRC requested the General Assembly to allow it to work in two parallel chambers once a year. The General Assembly authorized CRC to meet in parallel chambers for the five working days of one of its three pre-sessional working group meetings in 2014, and for 13 working days of one of its three regular sessions in 2015, for the purposes of considering States parties' reports (resolution 67/167).

34. The pre-sessional working group of the Human Rights Committee deals with individual communications and has no role in the preparation of lists of issues and questions relating to reports. The Committee assigns the preparation of its lists of issues to country report task forces, composed of the relevant country rapporteur(s) and four to six

other members of the Committee nominated by the Chairperson on the basis of a balanced geographical distribution and other relevant factors. The country rapporteur has overall responsibility for the list of issues and presents a draft to the task force for discussion.

35. The lists of issues for CAT are prepared by the two country rapporteurs and submitted to Committee members for written comments during the session preceding the one during which the report will be considered, and formally adopted by the Committee in the plenary. CMW also formally adopts a list of issues, drawn up by two country rapporteurs in the plenary, in respect of each State party report. In the case of CERD, the country rapporteur, at his or her discretion, may convey to the respective State party in advance of the session, and on the basis of the report and information received, a list of the main themes on which the consideration of the State party report and the dialogue will focus. The list is intended to guide the dialogue with the State party's delegation and does not preclude the Committee from raising other issues during the dialogue. CRPD drafts lists of issues prior to the session during which the State party's report will be considered. The Committee appoints a country rapporteur to draft the lists, which are considered and adopted in the plenary.

36. CED adopts list of issues inter-sessionally. As the Committee is fairly new and, at the time of drafting the present report, had not yet considered any State party reports, the time frame between the adoption of a list of issue and the consideration of the report has not yet been determined. CED appoints a country task force to draft the lists of issues which are subsequently considered and adopted all the members of the Committee via email.

## **2. Format and content of the list of issues or themes**

37. Lists of issues prepared by CAT and CESCR are generally formulated on an article-by-article basis, drawing on the information contained in, or deemed lacking from, the State party's report and other sources of information. CED and CEDAW follow a cluster approach with headings focusing on priority issues which generally follow the articles of the respective Convention. The Human Rights Committee formulates lists of issues on a thematic basis, arranged by sequence of the substantive provisions of the Covenant and grouped in clusters. CRPD's lists of issues are arranged in clusters in the order provided for in the reporting guidelines. Committees may include a number of standard questions: CAT, for example, routinely asks States parties about measures taken to counter terrorism and about their intention to ratify the OPCAT. In the case of CERD, lists of themes contain three to five themes, arranged by sequence of the substantive provisions of the Convention.

38. CESCR generally attempts to limit its lists of issues to 30 questions on matters such as supplementary statistical data, points of clarification regarding the report, and implementation of its previous concluding observations. CEDAW focuses on data and information that require updating since the submission of the report or supplementary information, as well as on priority issues. For periodic reports, particular attention is paid to the State party's follow-up to the previous concluding observations. CEDAW generally limits the lists of issues to 20 questions, each containing no more than three issues. CRPD generally limits the lists of issues to 30 questions, which focus on key issues pertaining to the Convention. CRC's list of issues focuses on priority issues on which the Committee requests additional information, such as new measures (regarding legislation, institutions, policies, programmes, ratifications) or data and statistics.

39. Lists of issues are official documents, which are translated into the working languages of the respective committees and made publicly available on the OHCHR website and the Official Documents System (ODS).

### 3. Replies to the list of issues or themes<sup>4</sup>

40. CEDAW, CESCRC, CMW, CRC, the Human Rights Committee and CRPD require States parties to reply to the lists of issues and questions in writing, while CAT and CED encourage States parties to do the same. CERD does not request a written reply to its lists of themes. Written replies are considered official documents and posted on the website of the relevant treaty body.

41. CEDAW requires replies to be short, precise and to the point, with a 25-page limit, although additional pages of statistical data may be included. The Human Rights Committee, CAT and CRPD strongly encourage States parties to limit their replies to 30 pages, while CED encourages States parties to limit their replies to 20 pages and CRC urges States parties to limit their written replies to 40 pages.

### 4. Role of the list of issues or themes in the constructive dialogue

42. The primary role of the list of issues is to elicit additional or updated information from the State party. The list also provides the State party with advance notice of the issues of concern to the Committee, so that the delegation could be prepared. It is common practice for most committees to structure their constructive dialogue around the list of issues or themes. In the absence of a written reply, the committees expect the State party delegation to provide an oral response to the list of issues or themes.

## D. Constructive dialogue with States parties

43. Although not provided for in the treaties, all the human rights treaty bodies have adopted the practice, introduced by CERD in 1972, of considering States parties' reports in the presence of representatives from the reporting State party. This approach may be contrasted with the "technical review" previously used by CRC with respect to the OPAC, and the paper-based procedures adopted by the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEACR) for considering reports from States parties with respect to the ILO conventions that impose reporting obligations.

44. In January 2013, for the first time and due to exceptional circumstances, a constructive dialogue (with a Pacific island state) was held by videoconference<sup>5</sup>.

### 1. Number of reports examined per session

45. The number of sessions that each committee holds annually varies (see table 4 below). Moreover, some committees have been given additional sessions or meeting time to address the backlog of reports and individual communications awaiting consideration. For example, CESCRC will have one four-week session in 2013-2014, following the endorsements and approvals in General Assembly resolution 67/246. The General Assembly has also authorized CAT to hold two four-week sessions per year in 2011-2012 (resolution 65/204); CERD to convene two four-week sessions from August 2009 until 2011 (resolution 63/243); CEDAW to hold three three-week annual sessions and a one-

<sup>4</sup> Treaty bodies requiring a written reply to the list of issues usually request the States parties concerned to submit their written replies by a certain date prior to the review for timely translation of the replies into their working languages. However, due to a budgetary constraints, the translation of written replies is not always guaranteed.

<sup>5</sup> Consideration of the initial report of Niue by the Committee on the Rights of the Child on 22 January 2013.

week pre-sessional working group meeting for each session, for an interim period effective from January 2010, pending the entry into force of the amendment to article 20, paragraph 1, of the Convention (resolution 62/218); CRPD to hold two sessions per year, consisting of one one-week session and one two-week session (resolution 66/229). Since November 2012, CED convenes two two-week sessions per year.

46. The number of reports examined per session varies from committee to committee, as indicated in table 4 below.

47. The selection of reports to be considered at future sessions is based on the chronological order of receipt, with priority being given to initial and overdue reports. Some committees try to achieve a geographical balance with regard to reports to be considered and may give priority consideration to certain reports at their discretion. CAT gives priority to reports submitted under the optional reporting procedure.

48. Committees also devote session time to the consideration of States parties in the absence of a report. All treaty bodies, with the exception of CED, have established procedures of last resort to examine the situation in States parties in the absence of a report, on the basis of all available information. Some committees also allocate a substantial part of their meeting time to the consideration of individual communications.

49. Over the last decade, in an effort to maximize meeting time, all treaty bodies have reduced the time for reviewing State party reports from three to two meetings per report. Each committee holds two three-hour meetings per day during a session.

**Table 4 - Number of reports examined each year by the treaty bodies**

	<i>Number of sessions per year</i>	<i>Number of weeks per session</i>	<i>Number of reports considered per session</i>	<i>Average number of reports considered annually</i>
CERD	2	4	12	24
Human Rights Committee	3	3	5-6	16
CESCR	2	3/4	5/7/10	10/14/17
CEDAW	3	3	8	24
CAT	2	4	8-9	17
CRC	3	3	9-12 <sup>a</sup>	32
CMW	2	1-2	1-4	3-5
CRPD	2	1-2	1-3	4
CED	2	2	2	4

<sup>a</sup> Includes reports under both the Convention and the Optional Protocol...

## **2. Briefings of the State party prior to the session**

50. OHCHR provides collective and/or individual briefings to representatives of States parties whose reports are due to be considered by a treaty body, generally four weeks prior to the relevant session. These briefings provide States parties with the opportunity to become familiar with the various procedures and approaches of the committees with regard to the consideration of reports.

## **3. Participation of committee members in the consideration of State party reports**

51. Most committees specify in their rules of procedures that a member shall not be present during any non-public consultations, briefings or meetings or participate in the

dialogue, discussion, consideration of the report and adoption of the concluding observations, if he or she is a national of or is employed by the State party concerned or if any other conflict of interest is present. Participation of members in the consideration of reports of States parties of which they are nationals is also addressed in the Guidelines on independence and impartiality of members of the human rights treaty bodies.

#### **4. Guidelines on the independence and impartiality of members of the human rights treaty bodies**

52. At their 24th meeting, held in Addis Ababa in June 2012, the Chairpersons of the human rights treaty bodies endorsed the Guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa Guidelines) (A/67/222, annex I). Since then, CRPD, CED, SPT, CEDAW and CRC have adopted and incorporated the guidelines into their rules of procedures. CAT welcomed the initiative and recommended that they be considered by all committees.

#### **5. Conduct of the constructive dialogue**

53. The constructive dialogue in all of the committees follows the same broad structure:

(a) The State party is invited to send a delegation to attend the meetings at which the committee will consider the State party's report;

(b) The head of the delegation is invited to introduce the report and provide information on developments since its submission in a brief opening statement. Some committees, such as the Human Rights Committee, request the delegation to provide an oral summary of the State party's written replies to the lists of issues;

(c) Members of the committee, usually led by the country rapporteur(s) or country report task force members, raise questions on specific aspects of the report that are of particular concern and/or in relation to the oral summary of the written replies to the list of issues.

#### **6. Role of the country rapporteur**

54. Country rapporteurs have the primary responsibility for drafting the committee's concluding observations and also play a prominent role with regard to the constructive dialogue, such as providing guidance to experts in the preparation for and during the constructive dialogues; ensuring full coverage of the main areas of concern in the country and preventing overlap in the drafting and adoption of concluding observations as well as in handling comments received from States parties in response to concluding observations.

55. Most committees appoint one or two members to act as country rapporteurs for every report under consideration. Where possible, CEDAW appoints a rapporteur from the same geographical region as the State party whose report is being considered. Except in the case of the Human Rights Committee, the identity of the country rapporteur is public. Instead of country rapporteurs, some committees appoint a country task force with the same responsibilities.

#### **7. Delegations' responses to questions during the session**

56. Following the opening statement by the head of the delegation and the country rapporteurs' initial questions, committee members may pose questions to the delegation. Questions are posed by clusters of articles or article-by-article, depending on the committee.

57. The delegation is invited to respond to each cluster immediately, before moving to the next group of questions. The delegation may defer answering any question immediately

if it wishes to consult the capital. If outstanding questions remain, some committees allow supplementary information to be submitted in writing within 48 hours of the conclusion of the dialogue, which will be taken into consideration during the formulation of the concluding observations. Regarding unanswered questions, the committee will request in the concluding observations that the State party respond to its concerns in its next periodic report.

#### **8. Postponement of the consideration of reports and consideration of reports in the absence of a delegation**

58. Although this has become the practice, treaties do not oblige States parties to send a delegation to present their reports. All treaty bodies may consider reports in the absence of a delegation, *inter alia*, where there is a request for last-minute postponements in the event that the State party has not responded to the invitation to attend or does not appear.

59. States parties whose reports have been scheduled to be considered by a committee at a specific session sometimes request that consideration of the report be postponed. In this case, the committee may reschedule the consideration of the report to another session, if the State party provides compelling reasons for the deferral request, or it may proceed with the consideration of the report in the absence of the State party's representation. Committees usually proceed with the examination of a report in the absence of State party representation if the State party fails to send a representative without notification, or if a representative is unable to appear at the rescheduled session. However, committees tend to use the latter as a last resort.

### **E. Concluding observations**

60. All treaty bodies have adopted the practice established by CESCR in 1990 of formulating concluding observations or comments following the consideration of a State party's report. In general, these have the following structure: introduction; positive aspects; principal subjects of concern; suggestions and recommendations. Concluding observations may also include factors and difficulties impeding the implementation of the treaty, request for their wide dissemination in the State party concerned and an invitation to ratify all core international human rights treaties. Some committees comment on all the positive aspects, then all issues of concern and finally make recommendations; others state each concern followed by a corresponding recommendation. The country rapporteur usually coordinates the drafting process and collects comments and suggestions from members of the committee before the draft is discussed and adopted in a formal session.

61. Committees that have a follow-up procedure, such as the Human Rights Committee, CAT, CERD, CED, CEDAW and CRPD, also include a paragraph in which they request additional information under the respective follow-up procedure. In addition to indicating the time frame for follow-up to specific recommendations, CERD also draws the attention of the State party concerned to a few recommendations of particular importance and requests detailed information their implementation in the next periodic report. CAT invites States parties concerned to accept to report under the optional reporting procedure within a one-year time frame, in order to prepare the list of issues prior to reporting in a timely manner.

62. Most committees, and in particular those which have adopted a flexible approach to the periodicity of reporting, indicate the provisional due date for the next periodic report in their concluding observations

## **1. Release of concluding observations**

63. It is a common practice for committees to transmit an advance unedited version of the concluding observations, once they are formally adopted, to the State party concerned for factual correction or comments before they are made available publicly. A final unedited version of the concluding observations is posted on the Committee's website on the last day of the session during which the report was considered, or the following working day, to allow interested parties immediate access.

64. Concluding observations are included in the respective committee's sessional or annual reports. All committees publish their concluding observations as separate official documents in all official languages. Edited concluding observations are posted on the Committee's website.

## **2. States parties' comments on concluding observations**

65. In accordance with specific provisions in the treaties, States parties may, if they wish, submit comments on the concluding observations to the relevant committee. The committees may make these comments publicly available and acknowledge them in their report to the General Assembly.

66. Comments on the concluding observations of CAT are issued as official documents

## **IV. Strategies to encourage reporting by States parties**

67. All committees have adopted strategies to encourage reporting by States parties. Several treaty bodies allow for the combination of overdue reports in a single document. A list of reports that are overdue is also included in the annual reports of most treaty bodies; some, such as the Human Rights Committee, CEDAW and CERD, provide lists of States parties whose reports are 5 and 10 years overdue, respectively. Most committees also send targeted reminders to States parties whose reports, in particular initial reports, are overdue.

68. CAT has appointed two members to maintain contact with representatives of non-reporting States to encourage the preparation and submission of reports, especially overdue initial reports. The Chairperson of CRC maintains informal contact with representatives of non-reporting States, sometimes through UNICEF or OHCHR field presences, in particular with regard to the pending initial reports.

69. In case its letters encouraging non-reporting States to submit their overdue reports remain without a response, CESCR informs the State party that the status of implementation of the Covenant in the State party will be examined in the absence of a report.

### **A. Consideration of a country situation in the absence of a report**

70. All committees, except CMW, have adopted the practice of proceeding with the examination of the situation regarding the implementation of the relevant treaty by a State party even when no report has been received. In general, the review procedure is as follows:

(a) The committee notifies the non-reporting State party of its intention to examine the situation regarding implementation of the relevant treaty by the State party in the absence of a report, during a public meeting on a specified date. If the State party responds by submitting a report, the procedure will be suspended and the normal process of consideration of the report will begin. Where the State party concerned indicates that a report will be provided, the review may be postponed pending receipt of said report;

(b) The committee may formulate a list of issues and questions and send it to the State party, and invite it to send a delegation to attend the session during which the State party will be reviewed. If the State party is not represented, the committee may decide to proceed with the review or it may notify the State party of a new date for consideration;

(c) The committee reviews the situation in the country on the basis of information available to it, including any dialogue with the State party delegation and information submitted by United Nations partners, national human rights institutions and civil society organizations.

71. Some treaty bodies prepare provisional concluding observations, which will be referred to, but not published, in its annual report and which will be transmitted to the State party concerned. These provisional concluding observations become final if the State party does not respond or indicate that it will submit a report in the near future. Other treaty bodies, including the Human Rights Committee, review the implementation of the treaty in a State party in public session and issue concluding observations publically in the usual way.

## **B. List of issues prior to reporting**

72. In order to assist States parties with preparing and submitting more focused reports in a timely manner, some committees, including CAT, the Human Rights Committee and CMW, have adopted a simplified reporting procedure in the form of a list of issues prior to reporting (LOIPR). Under this optional procedure, a list of issues is transmitted to the State party prior to the submission of its periodic report. The State party's response to the list of issues will constitute its periodic report under the convention and any State party reporting under this new procedure will have fulfilled its reporting obligations under the convention for the period under consideration. However, States parties may decide to continue to submit their reports under the traditional procedure.

73. CAT and the Human Rights Committee introduced the new procedure on a trial basis for 2009 and, in 2011, CAT undertook a preliminary evaluation of the LOIPR, which encouraged the Committee to continue using this procedure. (CAT/C/47/2). CMW adopted the LOIPR procedure in April 2012 with respect to State parties whose second periodic reports were overdue and which have accepted this procedure.

---