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**Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific targeted documents**

**Report of the secretariat**

The present document presents a revised version of the draft harmonized guidelines, incorporating many of the changes suggested by the treaty bodies, as well as States parties, United Nations agencies, funds and programmes, and non-governmental organizations. It was prepared by the Secretariat at the request of the third inter-committee meeting and sixteenth meeting of human rights chairpersons.

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## **PROPOSED COMMON GUIDELINES ON REPORTING TO THE INTERNATIONAL HUMAN RIGHTS TREATY MONITORING BODIES**

### **Purpose of guidelines**

1. These guidelines are intended to guide States parties in fulfilling their reporting obligations under:

- Article 40 of the International Covenant on Civil and Political Rights (ICCPR), reporting to the Human Rights Committee (HRC);
- Article 16 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), reporting to the Committee on Economic, Social and Cultural Rights (CESCR);
- Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), reporting to the Committee on the Elimination of Racial Discrimination (CERD);
- Article 18 of the Convention on the Elimination of Discrimination Against Women, reporting to the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- Article 19 of the Convention Against Torture, and Other Forms of Cruel, Inhuman or Degrading Treatment and Punishment, reporting to the Committee Against Torture (CAT);
- Article 44 of the Convention on the Rights of the Child, reporting to the Committee on the Rights of the Child (CRC);
- Article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, reporting to the Committee on Migrant Workers (CMW).

These guidelines do not apply to reports prepared by States under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and article 12 of the Optional Protocol

to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, although States may wish to consider the information provided in those reports when preparing their other reports for the treaty bodies.

2. States parties to each of these human rights treaties undertake, in accordance with the provisions (reproduced in appendix 1), to submit to the relevant treaty body reports on the measures, including legislative, judicial, administrative or other measures, which they have adopted and the progress made in achieving the observance or enjoyment of the rights recognized in the treaty. Most treaties also require State parties to indicate in their reports the factors and difficulties, if any, affecting the implementation of the treaty.

3. Reports presented in accordance with the present common guidelines will enable each treaty body and the State party to obtain a complete picture of progress made in the implementation of the relevant treaties, set within the wider context of the State's international human rights obligations, and provide a uniform framework within which each committee, in collaboration with the other treaty bodies, can work.

4. Compliance with these guidelines will:

- (a) Avoid unnecessary duplication of information already submitted to other treaty bodies;
- (b) Minimize the possibility that reports may be considered inadequate in scope and insufficient in detail to allow the treaty bodies to fulfil their mandates;
- (c) Reduce the need for a committee to request supplementary information before considering a report;
- (d) Enable a consistent approach by all committees in considering the reports presented to them; and
- (e) Help each committee to consider the situation regarding human rights in every State party on an equal basis.

5. States are obliged to report only on the implementation of the provisions of the treaties to which they are a party. It should be noted that, where considered appropriate

in accordance with the provisions of their respective treaties, each treaty body may request additional information from States parties for the purpose of fulfilling its mandate to review the implementation of the treaty by the States parties, notwithstanding the submission of its report under these guidelines.

6. The guidelines provide guidance to States parties on the recommended form and content of reports to be submitted in fulfilment of the State's reporting obligations to each of the treaty bodies monitoring the implementation of the treaties to which the State is a party. They are divided into three sections. Sections I and II apply to all reports being prepared for submission to any of the treaty bodies, and offer general guidance on the recommended approach to the reporting process and the recommended form of reports, respectively. Section III provides guidance to States on the content of the common core document to be submitted to all treaty bodies and the targeted treaty-specific document to be submitted to each treaty body.

## **I. GUIDANCE ON THE RECOMMENDED APPROACH TO THE REPORTING PROCESS**

### **Purpose of reporting**

#### *Holistic perspective of human rights*

7. The revised reporting system is intended to provide a coherent framework within which States can meet their reporting obligations under all of the international human rights treaties to which they are a party as part of a coordinated and streamlined process. This approach, which was supported by the Secretary-General and the General Assembly, reflects the holistic perspective of human rights established by the Universal Declaration of Human Rights and reaffirmed in the human rights treaties: that human rights are indivisible and interrelated, and that equal importance should be attached to each and every right recognized therein. When reporting, States should consider the implementation of the rights protected in each treaty within the wider context of its implementation of all of their international human rights obligations.

*Commitment to treaties*

8. The reporting process constitutes a reaffirmation by the State party of its continuing commitment to respect and ensure observance of the rights set out in the treaties to which it is party. This commitment should be viewed within the wider context of the commitment of all States “to promote respect for [the] rights and freedoms [set out in the Universal Declaration of Human Rights] and by measures, national and international, to secure their universal and effective recognition and observance”[...].

*Review of the implementation of human rights at the national level*

9. States parties should see the process of preparing their reports for the treaty bodies not only as the fulfilment of an international obligation, but also as an opportunity to take stock of the state of human rights protection within their jurisdiction for the purpose of policy planning and implementation. The report preparation process offers an occasion for each State party to:

- (a) Conduct a comprehensive review of the measures it has taken to harmonize national law and policy with the provisions of the relevant international human rights treaties to which it is a party;
- (b) Monitor progress made in promoting the enjoyment of the rights set forth in the treaties in the context of the promotion of human rights in general;
- (c) Identify problems and shortcomings in its approach to the implementation of the treaties;
- (d) Assess future needs and goals for more effective implementation of the treaties; and
- (e) Plan and develop appropriate policies to achieve these goals.

10. The reporting process should encourage and facilitate, at the national level, popular participation, public scrutiny of government policies and constructive engagement with civil society conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the relevant convention.

*Basis for constructive dialogue at the international level*

11. At the international level, the reporting process creates a framework for constructive dialogue between States and the treaty bodies. The treaty bodies, in providing these guidelines, wish to emphasize their supportive role in fostering effective implementation of the international human rights instruments and in encouraging international cooperation in the promotion and protection of human rights in general.

**Collection of data and drafting of the report**

12. All States are parties to at least one of the main international human rights treaties, and more than seventy-five per cent are party to four or more. As a consequence, all States have considerable reporting obligations to fulfil and should benefit from adopting a coordinated approach to their reporting for all treaty bodies.

13. The treaty bodies recommend that States consider setting up an appropriate institutional framework for the preparation of their reports. These institutional structures—which could include an inter-ministerial drafting committee and/or focal points on reporting within each relevant government department—should support all of the State's reporting obligations under the international human rights instruments and related international treaties (for example Conventions of the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization), and should provide an effective mechanism to coordinate follow-up to the concluding observations of the treaty bodies. They should allow for the involvement of sub-national entities where these exist and should be established on a permanent basis.

14. These institutional structures should develop an efficient system—supported by modern technologies—for the collection (from the relevant ministries and government statistical offices) of all statistical and other data relevant to the implementation of human rights, in a comprehensive and continuous manner. Technical assistance is available from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in collaboration with the Division for the Advancement of Women (DAW), and from relevant United Nations agencies.

15. Permanent institutional structures of this nature could support States in meeting other reporting commitments, for example to follow up on international conferences and

summits, monitor implementation of the Millennium Development Goals, etc. Much of the information collected and collated for such reports may be useful in the preparation of States' reports to the treaty bodies.

### **Periodicity**

16. In accordance with the terms of the relevant treaty, each State party undertakes to submit a report on the measures taken to give effect to that treaty's provisions and on the progress made in that respect within a specified period after the treaty's entry into force for the reporting State. Thereafter, States are required to submit further reports periodically in accordance with the provisions of each treaty. The periodicity of these reports varies from treaty to treaty.

17. The common core document, submitted in tandem with a different treaty-specific document, will form the first part of several reports to the treaty bodies. In accordance with the different dates of accession to the treaties and the different periodicities, these reports will not be due at the same time. States should coordinate the preparation their reports in consultation with the relevant treaty bodies with a view to submitting all of their reports in a timely and coordinated manner. This will ensure that States receive the full benefit of the possibility of submitting information required by several treaty bodies in a common core document.

18. Reports submitted after some delay may not fulfil all of the requirements set by the treaty bodies if, when the treaty-specific document is submitted, the information contained in the common core document is no longer current. States should therefore review the common core document whenever they submit a treaty-specific document and prepare an update when necessary. If no update is considered necessary, this should be stated in the treaty-specific document, and the date of the last review indicated.

## **II. GUIDANCE ON THE RECOMMENDED FORM OF ALL REPORTS**

19. Information which the State considers relevant to assisting the treaty bodies in understanding the situation in the country should be presented in a concise and structured way. Although it is understood that some States parties have complex constitutional arrangements which need to be reflected in their report, reports should not be of excessive length. If possible, common core documents should not exceed 60-80

pages, initial treaty-specific documents should not exceed 60 pages, and subsequent treaty-specific documents should be limited to 40 pages. Pages should be formatted for A4-size paper, with 1.5 line spacing, and text set in 12 point Times New Roman type.

20. States should submit separately copies of the principal legislative, judicial, administrative and other texts referred to in the report, where these are available in a working language of the relevant committee. These texts will not be reproduced for general distribution, but will be made available to the relevant committee for consultation. Where a text is not quoted in or annexed to the report, the report should contain sufficient information to be understood without reference to that text.

21. Reports should contain a full explanation of all abbreviations used in the text, especially when referring to national institutions, organizations, laws, etc., that are not likely to be readily understood outside of the State party.

22. Reports must be submitted in one of the official languages of the United Nations (Arabic, Chinese, English, French, Russian or Spanish).

23. Reports should be thoroughly checked before submission to the Secretary-General to ensure that the language is comprehensible and accurate. In the interests of efficiency, reports submitted by States whose official language is one of the official languages of the United Nations will not necessarily be edited by the Secretariat. Reports submitted by States whose official language is not one of the official languages of the United Nations will be edited by the Secretariat. Nevertheless, in order to facilitate the editing and translation process and avoid the risk of errors and misunderstandings, it is recommended that the final text be edited by a professional editor competent in the language in which the report will be submitted prior to submission.

24. Reports should be submitted in electronic form (on diskette, CD-ROM or by electronic mail), accompanied by a printed paper copy.

25. Reports which, upon receipt, are found to be manifestly incomplete or require significant editing may be returned to the State party for modification before being officially accepted by the Secretary-General.

### III. GUIDANCE ON THE CONTENT OF REPORTS

#### General

26. Each report consists of two complementary documents: an up-to-date common core document and a targeted treaty-specific document. The common core document will be submitted to all treaty bodies in conjunction with a targeted report specific to the relevant treaty. Both documents form an integral part of the State's report: the State party will not be considered by each committee to have fulfilled its reporting obligations under the relevant treaty until it has submitted both parts of the report containing up-to-date information.

27. The common core document should contain information relating to the implementation of each of the treaties to which the reporting State is party and which may be of relevance to all or several of the treaty bodies monitoring the implementation of those treaties. The aim is to avoid reproducing the same information in several reports produced in accordance with the provisions of different treaties. It also allows each committee to view the implementation of its treaty in the wider context of the protection of human rights in the State in question.

28. The treaty-specific document should contain information relating to the implementation of the treaty which is of specific interest to the committee monitoring the implementation of that treaty or which needs to be brought to the particular attention of that committee, as well as any issues of particular concern which may be raised by the committee on a case-by-case basis.

29. Each document may be submitted separately. However, States are advised to approach all of their reporting obligations as part of a coordinated process and should try to minimize the delay between the submission of the common core document and the submission of the treaty-specific document to each committee to ensure that the common core document is as up-to-date as possible when the treaty-specific document is considered. A treaty body may request that the common core document be updated if it considers that the information it contains is out of date. Updates may be submitted in the form of an addendum to the existing common core document or a new revised version, depending on the extent of the changes which need to be incorporated.

30. The procedure for reporting under this reporting system will be as follows:

- (a) The State party submits the common core document to Secretary-General which is then transmitted to each of the treaty bodies monitoring the implementation of the treaties to which the State is party;
- (b) The State party submits the treaty-specific document to the Secretary-General which is then transmitted to the specific treaty body concerned;
- (c) Each treaty body considers the State report, consisting of the common core document and its treaty-specific document, according to its own procedures.

31. Reports provide an opportunity for the State party to present to each treaty body the extent to which its laws and practices comply with the human rights treaties which it has ratified or to which it has acceded.

32. Reports should contain information sufficient to provide each treaty body with a comprehensive understanding of the implementation of the relevant treaty in the country concerned.

33. Reports should elaborate both the *de facto* and the *de jure* situation with regard to the implementation of the provisions of the treaties to which the State is party. Reports should not be confined to lists or descriptions of legal instruments adopted in the country concerned in recent years, but should indicate how those legal instruments are reflected in the actual economic, political social and cultural realities and general conditions existing in the country.

34. States preparing a common core document for the first time and which have already submitted reports to any of the treaty bodies may wish to refer to the information contained in those reports, insofar as it remains current, whilst preparing their core document.

## **FIRST PART OF THE REPORT: THE COMMON CORE DOCUMENT**

35. For convenience, the common core document should be structured using the headings numbered consecutively from A to J in accordance with the guidelines. The common core document should include the following information:

### **1. General factual and statistical information about the reporting State**

36. This section should present general factual and statistical information relevant to assisting the committees in understanding the political, legal, social and economic context in which human rights implementation in the State concerned should be understood.

37. The report should provide a general overview of the data sufficient to assist the treaty bodies in assessing the State's implementation of the treaties, presented and explained in an accessible manner. Relevant statistical data, disaggregated by age, sex and other population groups, may be summarized in the text of the report where necessary.

38. Since many statistical indicators will be relevant for several sections of the report, full statistical information should be presented together in tables, annexed to the document as a compilation of statistical data. Such information should be disaggregated by sex and by age (at least showing children and young people under the age of 18 years), should allow comparison over time and should indicate data sources. Data should be further disaggregated where possible in relation to other demographic groups including, *inter alia*, racial, ethnic, indigenous, linguistic or religious groups, persons with disabilities, minorities, internally displaced persons, and non-citizens (non-nationals), including refugees, asylum-seekers, stateless persons or migrants.

39. A list of indicators that may be relevant to reporting under the international human rights treaties is provided in appendix 4. Many States may not be in a position to provide data relating to all indicators. States with particular difficulties in providing full statistical information relating to their human rights obligations should explain these difficulties in the common core document.

**A. Demographic, economic, social and cultural characteristics of the State**

40. States may provide initial background information on the national characteristics of the country. States should refrain from providing detailed historical narratives; it is sufficient to provide a concise account of key historical facts where these are necessary to assist the treaty bodies in understanding the context of the State's implementation of the treaties.

41. States should provide accurate information about the main ethnic and demographic characteristics of the country and its population.

42. States should provide accurate information on the standard of living of the different segments of the population, as well as common economic statistics.

43. States should include accurate information on crime figures and the administration of justice, including information indicating the profile of the perpetrators and the victims of crimes and any particular data on crimes motivated by racism or xenophobia.

**B. Constitutional, political and legal structure of the State**

44. States should provide a description of the constitutional structure and the political and legal framework of the State, including the type of government, the electoral system, and the organization of the executive, legislative and judicial organs.

**2. General framework for the protection and promotion of human rights**

**C. Acceptance of international human rights norms**

45. States should provide information on the status of all of the main international human rights treaties. Information may be organized in the form of a chart or table. It should include information on:

- (a) *Ratification of main international human rights instruments.* Information on the status of ratification of the main international human rights treaties and optional protocols listed in appendix 2, section A, indicating if and when the State envisages acceding to those instruments to which it is not yet a party or which it has signed but has not yet ratified.

(b) *Reservations and declarations.* Where the State has entered reservations to any of the treaties to which it is a party, the common core document should explain:

- (i) The scope of such reservations;
- (ii) The reason why such reservations were considered to be necessary and have been maintained;
- (iii) The precise effect of the reservation in terms of national law and policy;
- (iv) Whether any reservations entered by the State party on obligations arising from one treaty are consistent with obligations with regard to the same rights set forth in other treaties; and
- (v) In the spirit of the World Conference on Human Rights and other similar conferences which encouraged States to consider reviewing any reservation with a view to withdrawing it (see A/CONF.157/23, Part II, paras. 5 and 46), any plans to limit the effect of reservations and ultimately withdraw them within a specific time frame.

(c) *Derogations, restrictions, or limitations.* Where States have restricted, limited or derogated by law or custom from the provisions of any of the treaties to which it is a party, the core document should include information explaining the scope of such derogations, restrictions or limitations; the circumstances justifying them; and the timeframe envisaged for their withdrawal.

(d) *Objections of other States parties.* States should indicate whether any other States parties have objected to any the reporting State's reservations, derogations, restrictions or limitations of any of the provisions of the relevant treaty.

46. States may wish to include information relating to their acceptance of other international norms related to human rights, especially where this information is directly relevant to each State's implementation of the provisions of the main international human rights treaties. In particular, the attention of States is drawn to the following relevant sources of information:

(a) *Ratification of other United Nations human rights and related treaties.* States may indicate whether they are party to any of the other United Nations conventions related to human rights listed in appendix 2, section B.

(b) *Ratification of ILO conventions.* States may wish to indicate whether they are party to any of the ILO conventions relevant to human rights protection listed in appendix 2, section C.

Where States have already submitted reports to the ILO supervisory committee concerned which are relevant to the provisions of the international human rights treaties to which they are also party, States may wish to refer to the respective parts of those reports rather than repeat the information that they contain.

(c) *Ratification of the Hague conventions on private international law.* States may wish to indicate whether they are party to any of conventions of the Hague Conference on Private International Law relevant to human rights protection listed in appendix 2, section D.

(d) *Ratification of Geneva conventions and other humanitarian treaties.* States should indicate whether it is party to any of the Hague and Geneva conventions on international humanitarian law or any other humanitarian law treaties relevant to human rights protection listed in appendix 2, section E.

(e) *Ratification of regional human rights conventions.* States may indicate whether they are party to any regional human rights conventions. Where such conventions require States to report, the reporting State may wish to coordinate the use of relevant information in meeting all of their reporting obligations.

**D. General legal framework within which human rights are protected at the national level**

47. States should set out the specific legal context within which human rights are protected in the country. In particular, information should be provided on:

- (a) Which judicial, administrative or other competent authorities have jurisdiction affecting human rights matters and the extent of such jurisdiction;
- (b) The remedies available to an individual who claims that any of his or her rights have been violated, and the systems of compensation and rehabilitation that exist for victims;
- (c) Whether any of the rights referred to in the various human rights instruments are protected either in the constitution, a bill of rights and other basic law and, if so, what provisions are made for derogations and in what circumstances;
- (d) How human rights treaties are incorporated into the national legal system;
- (e) Whether the provisions of the various human rights instruments can be, and have been, invoked before, or directly enforced by, the courts, other tribunals or administrative authorities, or whether they must be incorporated into domestic laws or administrative regulations in order to be enforced;
- (f) Whether any institutions or national machinery exist with responsibility for overseeing the implementation of human rights, including machinery for the advancement of women or intended to address the particular situations of children, the elderly, persons with disabilities, minorities and indigenous populations, refugees and internally-displaced persons, migrant workers, aliens and non-citizens or other groups, the mandate of such institutions, and what human and financial resources are available to them;

- (g) Whether the State accepts the jurisdiction of any regional human rights court or other mechanism and, if so, the nature and progress of any recent or pending cases should be provided where possible.

**E. General framework within which human rights are promoted at the national level**

48. States should set out the efforts made to promote respect for all human rights in the State, including the role played by civil society. In particular, States should provide information on:

- (a) *National and regional parliaments and assemblies.* The role and activities of the national parliament and other sub-national, regional, provincial or municipal assemblies or authorities in promoting and protecting human rights in general and the international human rights treaties in particular;
- (b) *National human rights institutions.* Any institutions created for the protection and promotion of human rights at the national level, including those with specific responsibilities with regard to gender equality, race relations and children's rights, their precise mandate, composition, financial resources and activities, and whether such institutions are regarded as independent in accordance with the "Principles relating to the status of national institutions" (Paris Principles) E/1992/22 (A/RES/48/134);
- (c) *Publication of human rights instruments.* The extent to which each of the international human rights instruments to which the State is party have been translated, published and disseminated within the country in all national, local, minority or indigenous languages, including in simplified and accessible versions;
- (d) *Promotion of human rights awareness for public officers.* Any measures taken to ensure adequate education and training in human rights in general, and the international human rights instruments in particular, for government and other public officials, including teachers, law enforcement officials, including police, customs and immigration officers, judges, prosecutors,

lawyers, members of the armed forces, border guards, prison officers, medical doctors, health workers and social workers;

- (e) *Promotion of human rights awareness through educational programmes and Government-sponsored public information.* Measures taken to promote respect for human rights and fundamental freedoms, in accordance with the Universal Declaration, through education and training. Details should be provided on the inclusion of human rights education within national school curricula, adult education programmes and Government-sponsored public information campaigns, and the extent to which such education is available in all national, local, minority or indigenous languages;
- (f) *Promotion of human rights awareness through the mass media.* The role of the mass information media, i.e. the press, radio and television, in publicizing human rights and disseminating information on the purposes and principles of the human rights instruments. Attention should be paid to the availability of such information in all national, local, minority or indigenous languages;
- (g) *Role of civil society, including non-governmental organizations.* The current state of civil society, including non-governmental organizations, their activities and programmes within the country, and the extent to which they are subject to Government regulation, and steps taken by the Government to encourage and promote the development of a civil society with a view to ensuring the promotion and protection of human rights;
- (h) *Budget allocations and trends.* Where available, the budget allocations and trends, in percentages of national or regional budgets or gross domestic product (GDP) and disaggregated by sex, allocated specifically to the implementation of the State's human rights obligations and the provisions of the treaties and the results of any relevant budget impact assessments;

- (i) *Development cooperation and assistance.* The extent to which the State receives development cooperation or assistance or other support which is linked to human rights promotion, including budgetary allocations. Information on the extent to which the State provides development cooperation or assistance to other States which is linked to the promotion of human rights in that country.

49. The reporting State should indicate any factors or difficulties of a general nature, if any, affecting or impeding the implementation of international human rights standards at the national level.

#### **F. Role of the reporting process in promoting human rights at the national level**

50. The reporting State should describe the process by which its reports are prepared. It should include information on:

- (a) Participation of governmental departments at the central, regional and local levels and, where appropriate, at the federal and provincial levels;
- (b) Independent participation, where appropriate, of National Human Rights Institutions constituted in accordance with the Paris Principles in the reporting process, in monitoring government reports to the treaty bodies and in actively monitoring the implementation of concluding observations/comments of treaty bodies at the national level;
- (c) Participation of non-governmental organizations and other elements of civil society at any stage of the reporting process at the national level, including through public debate on drafts of the State's reports to any of the treaty bodies and/or the national response to the concluding observations/comments of any of the treaty bodies;
- (d) Participation of those most affected by specific provisions of the relevant treaties, including women, children and groups, such as the elderly, ethnic, racial, indigenous, religious, linguistic or cultural groups and minorities, persons with disabilities, members of political parties or organizations,

immigrants and migrant workers, refugees, internally-displaced persons, asylum-seekers and non-nationals;

- (e) The steps taken to publicize the report to everyone in the State, including by translating and disseminating it in the national, local, minority and indigenous languages and making it available in a form which is accessible to children and to those with sensorial impairment;
- (f) Events, such as parliamentary debates and governmental conferences, workshops, seminars, radio or television broadcasts, and publications issued explaining the report, or any other similar events undertaken during the reporting period.

*Follow-up to concluding observations/comments of human rights treaty monitoring bodies*

51. States should indicate the measures and procedures adopted or foreseen, if any, to ensure wide dissemination of and effective follow-up to the concluding observations or recommendations issued by any of the treaty bodies after consideration of the State's reports, including any parliamentary hearing or media coverage.

52. Specific information on the steps taken to implement each of the recommendations of a given treaty body should be provided in the treaty-specific document submitted to the relevant treaty body (see Second Part of the Report below).

**G. Other related human rights information**

53. States are invited to consider the following additional sources of information for inclusion in their common core document, where relevant.

*Follow-up to international conferences*

54. States may provide relevant information on follow-up to and implementation of the declarations, recommendations, commitments or obligations adopted at world conferences and subsequent reviews insofar as these have a bearing on the human rights situation in the country. A non-exhaustive list of relevant conferences is contained in appendix 3.

55. Where such conferences include reporting procedures, States may refer to information contained in those reports in their reports to the treaty bodies. In particular, the reporting on Millennium Development Goals is of particular interest to many of the committees insofar that each goal impacts on related articles of the treaties (see appendix 5).

### **3. Implementation of substantive human rights provisions common to all or several treaties**

56. This section should address the measures taken by the State to ensure the implementation of those rights contained in the main international human rights treaties to which it is party that are common to all or several treaties. In order to assist States in presenting relevant information concerning substantive rights provisions in a coherent and structured way, related articles may be clustered into groups to be addressed together. The common core document should include a section on non-discrimination and equality (H), and may include, *inter alia*, the following additional clusters: (I) effective remedies; (J) procedural guarantees; (K) participation in public life (without repeating information included in section B); (L) life, liberty and security of the person; (M) marriage and the family; (N) economic and social affairs; (N) education.

57. The reporting State should decide what information to include in the common core document and what to reserve for the treaty-specific document in accordance with the objectives set out in paragraphs 27 and 28 above. The treaty-specific document for one treaty should, in principle, contain no information which would need to be included in the treaty-specific document for another treaty.

58. Where the specific standards established in the various treaties differ with regard to related substantive human rights provisions, the reporting State should address the issue in the common core document according to the most progressive or protective standard.

59. Statistical data and other indicators which relate to several rights may be presented as an annex to the report.

## **H. Non-discrimination and equality**

60. This grouping examines the implementation of the State's general obligation to eliminate discrimination and promote equality for all in accordance with articles 1 and 2 of the Universal Declaration of Human Rights. It addresses the following congruent provisions: articles 2(1) and 3 ICCPR; articles 2(2) and 3 ICESCR; articles 2-7 ICERD; articles 2 and 9-16 CEDAW; article 2 CRC; articles 7, 18, 25, 27 CMW. CAT refers to the principle of equality in its preamble.

61. Reports should present information on measures taken to eliminate discrimination in all its forms in the enjoyment of civil, political, cultural, economic and social rights, and promote equality for everyone within the State. Discrimination includes all forms of discrimination based, *inter alia*, on race, colour, sex, age, descent, disability, language, religion or conviction, political or other opinion, national ethnic or social origin, economic position, property, marital status, birth, citizenship, residence or other status. Reports should delineate steps taken by the State party to bring about both formal and substantive equality for groups subject to discrimination.

62. Reports should address the situation in the country with regard to all groups of persons who may experience discrimination including, *inter alia*, women, children (including those born to unmarried parents and those who are living and/or working on the streets), the elderly, ethnic, racial, indigenous, religious, linguistic or cultural groups and minorities, persons with disabilities, persons living with HIV/AIDS, members of political parties or organizations, internally-displaced persons, immigrants and migrant workers, refugees, asylum-seekers and other non-nationals.

63. Reports should indicate whether the principle of non-discrimination is included as a general binding principle in the constitution or bill of rights or in domestic legislation; whether all the possible grounds for discrimination are reflected in such legal provisions; and whether such provisions specifically apply to each of the groups identified as requiring protection in any of the conventions.

64. Information should be provided on steps taken to ensure that discrimination in all its forms is prevented and combated, both in law and practice. Where provisions of any of the conventions require States parties to enact specific penal legislation to outlaw

certain forms of discrimination, the report should delineate whether specific legislation designed to implement such provisions have been enacted or are planned. Where no specific legislation has been enacted, the report should provide information on the manner and the extent to which the provisions of the existing penal laws, as applied by the courts, effectively implement the State parties' obligations under the principal human rights instruments.

65. States should describe any major problems encountered in implementing the provisions of conventions relating to non-discrimination and their plans to solve these problems. The report should evaluate progress in preventing and combating all forms of discrimination, including those arising from harmful or negative traditional practices. Where members of any of the specific groups requiring protection under the various conventions are not guaranteed all of the rights set out in them, the report should explain the justification behind such discriminatory practices as do exist and what steps are being taken or are planned to eliminate such discrimination.

66. The situation regarding the equal enjoyment of all rights by members of the specific groups covered under the various treaties should be specifically addressed. Reports should reveal obstacles to their participation on an equal basis with other members of society in the political, social, economic and cultural life of their countries, and give information on types and frequency of cases of non-compliance with the principle of equal rights.

67. States should indicate whether specific measures have been adopted to reduce economic, social and geographical disparities, including between rural and urban areas, to prevent discrimination against the most disadvantaged groups, and describe the impact of such measures.

68. States should indicate measures, including educational programmes and public information campaigns, which have been taken to prevent and eliminate negative attitudes to, and prejudice against, protected groups preventing them from fully enjoying their human rights, and describe the impact of these measures.

*Equality before the law and equal protection of the law*

69. This grouping examines the implementation of the State's obligation to guarantee equality before the law and equal protection of the law in accordance with article 7 of the Universal Declaration of Human Rights. It addresses the following congruent provisions: articles 14(1) and 26 ICCPR; article 5(a) ICERD; article 15 CEDAW; article 18(1) CMW. Issues related to this right are also raised in article 9(2) CRC and articles 12 and 13 CAT.

70. States should describe specific measures taken to guarantee the right to equality before the law and equal protection of the law for everyone within its jurisdiction, including measures taken to ensure that members of the groups mentioned above as being subject to discrimination receive equal protection against any discrimination in violation of the provisions of the conventions to which the State is party and against any incitement to such discrimination.

*Special measures to accelerate progress towards equality*

71. Certain treaties allow for, and may in certain circumstances require, the adoption of temporary special measures in specific circumstances to help accelerate progress towards equality. Such measures are addressed in the following provisions: article 27 ICCPR; article 2(3) ICESCR; articles 1(4) and 2(2) ICERD; articles 4 and 14 CEDAW; articles 22 and 23 CRC. The impact of such measures is of interest to all committees.

72. States should describe whether special measures, especially temporary special measures, aimed at accelerating *de facto* equality for members of particular groups protected by the non-discrimination provisions of any of the treaties to which the State is a party have been adopted, and describe the impact of these measures. Where such measures have been adopted on a temporary basis, the State should indicate the expected timeframe for the attainment of the goal of equality of opportunity and treatment and the withdrawal of such measures.

**SECOND PART OF THE REPORT: THE TREATY-SPECIFIC DOCUMENT**

73. The treaty-specific document should contain all information relating to the State party's implementation of each specific treaty which is relevant solely or principally to

the Committee charged with monitoring the implementation of that treaty. This part of the report allows the Committee to focus its attention on more specific issues relating to the implementation of the Convention.

74. The document should include the following information:

- (a) Information requested by the relevant treaty body in its guidelines on the treaty-specific document which is specific to the treaty in question and therefore not included in the first part of the report (common core document);
- (b) Information requested by the relevant treaty body designed to supplement information submitted in the common core document where the committee requires more specific information;
- (c) Where applicable, information on the specific steps taken to address issues raised by the treaty body in its concluding observations/comments on the State party's previous report.

75. Each committee may issue treaty-specific guidelines for the preparation of the second part of its reports in accordance with these common guidelines.

## **APPENDIX 1**

### **Mandate of treaty bodies for requesting reports from states parties**

#### **International Covenant on Economic, Social and Cultural Rights**

##### *Article 16*

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
  
2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant; [...]

##### *Article 17*

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
  
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
  
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

#### **International Covenant on Civil and Political Rights**

##### *Article 40*

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

(a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

## **International Convention on the Elimination of All Forms of Racial Discrimination**

### *Article 9*

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention:

(a) within one year after the entry into force of the Convention for the State concerned; and

(b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

[...]

## **Convention on the Elimination of All Forms of Discrimination against Women**

### *Article 18*

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

## **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### *Article 19*

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee. [...]

### **Convention on the Rights of the Child**

#### *Article 44*

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

**International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

*Article 73*

1. States Parties undertake to submit to the Secretary-General of the United Nations for consideration by the Committee a report on the legislative, judicial, administrative and other measures they have taken to give effect to the provisions of the present Convention:

(a) Within one year after the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years and whenever the Committee so requests.

2. Reports prepared under the present article shall also indicate factors and difficulties, if any, affecting the implementation of the Convention and shall include information on the characteristics of migration flows in which the State Party concerned is involved.

3. The Committee shall decide any further guidelines applicable to the content of the reports.

4. States Parties shall make their reports widely available to the public in their own countries.

*Article 74*

1. The Committee shall examine the reports submitted by each State Party and shall transmit such comments as it may consider appropriate to the State Party concerned. This State Party may submit to the Committee observations on any comment made by the Committee in accordance with the present article. The Committee may request supplementary information from States Parties when considering these reports. [...]

## **APPENDIX 2**

### **International conventions relating to issues of human rights**

#### **A. Main international human rights conventions and protocols**

International Covenant on Economic, Social and Cultural Rights

International Covenant on Civil and Political Rights

International Convention on the Elimination of All Forms of Racial Discrimination

Convention on the Elimination of All Forms of Discrimination against Women

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of the Child

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Optional Protocol to the CRC on the involvement of children in armed conflict

Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography

Optional Protocol to CCPR, concerning individual petition

Second Optional Protocol to CCPR, concerning abolition of the death penalty

Optional Protocol to CEDAW, concerning individual complaints and inquiry procedures

Optional Protocol to Committee against Torture, concerning regular visits by national and international institutions to places of detention

#### **B. Other United Nations human rights and related conventions**

Convention on the Prevention and Punishment of the Crime of Genocide 1948

Slavery Convention 1926 as amended 1955

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1949

Convention relating to the Status of Refugees 1951 and its 1967 Protocol

Convention relating to the Status of Stateless Persons 1954

Convention on the Reduction of Statelessness 1961

Rome Statute of the International Criminal Court 1998

United Nations Convention against Transnational Organized Crime 2000 and its Protocols against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children

### **C. Conventions of the International Labour Organization**

Weekly Rest (Industry) Convention, 1921 (No. 14)

Forced or Compulsory Labour Convention 1930 (No. 29)

Labour Inspection Convention, 1947 (No. 81)

Migration for Employment Recommendation, 1949 (No. 86)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Migration for Employment Convention, 1949 (No. 97)

Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Equal Remuneration Convention 1951 (No. 100)

Abolition of Forced Labour Convention, 1957 (No. 105)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Employment Policy Convention, 1964 (No. 122)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

Minimum Wage-Fixing Convention 1970 (No. 131)

Holidays with Pay Convention (Revised) 1970 (No. 132)

Minimum Age Convention 1973, (No. 138)

Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143)

Migrant Workers Recommendation, 1975 (No.151)

Labour Relations (Public Service) Convention, 1978 (No. 151)

Occupational Safety and Health Convention, 1981 (No. 155)

Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities Convention, 1981 (No. 156)

Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169)

Worst Forms of Child Labour Convention, 1999 (No. 182)

#### **D. Conventions of the United Nations Educational, Scientific and Cultural Organization**

Convention against Discrimination in Education 1960

#### **E. Conventions of the Hague Conference on Private International Law**

Convention relating to the settlement of the conflicts between the law of nationality and the law of domicile 1955

Convention on the law applicable to maintenance obligations towards children 1956

Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children 1958

Convention concerning the powers of authorities and the law applicable in respect of the protection of minors 1961

Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions 1965

Convention on the Law Applicable to Maintenance Obligations 1973

Convention on the Recognition of Divorces and Legal Separations 1970

Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations 1973

Convention on the Civil Aspects of International Child Abduction 1973

Convention on Celebration and Recognition of the Validity of Marriages 1978

Convention on the Law Applicable to Matrimonial Property Regimes 1978

Convention on International Access to Justice 1980

Convention on the Law Applicable to Succession to the Estates of Deceased Persons  
1989

Convention on Protection of Children and Co-operation in respect of Intercountry  
Adoption 1993

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-  
operation in respect of Parental Responsibility and Measures for the Protection of  
Children 1996

Convention on the International Protection of Adults 2002

**F. Geneva Conventions and other treaties on international humanitarian law**

Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick  
in Armed Forces in the Field 1949

Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and  
Shipwrecked Members of Armed Forces at Sea 1949

Geneva Convention (III) relative to the Treatment of Prisoners of War 1949

Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War.  
Geneva 1949

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the  
Protection of Victims of International Armed Conflicts (Protocol I) 1977

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the  
Protection of Victims of Non-International Armed Conflicts (Protocol II) 1977

Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer  
of Anti-Personnel Mines and On Their Destruction 1987

**APPENDIX 3**  
**World Conferences**

World Summit on the Information Society 2003-2005;

World Summit on Sustainable Development 2002;

World Conference against racism, racial discrimination, xenophobia and related intolerance 2001;

United Nations Conferences on the Least Developed Countries 2001;

Millennium Summit 2000;

Second United Nations Conference on Human Settlements (Habitat II) 1996;

Fourth World Conference on Women 1995;

World Summit for Social Development 1995;

International Conference on Population and Development 1994;

World Conference on Human Rights 1993;

UN Conference on Environment and Development (Earth Summit) 1992;

World Summit for Children 1990.

## **APPENDIX 4**

### **Indicators related to human rights**

The statistical annex to the report should contain the following indicators, disaggregated by sex and other population group where available:

#### **Land and People**

The reporting State should provide accurate information about the main demographic characteristics of its population, such as:

- Population growth
- Population density
- Land use
- Language of population by mother tongue
- Religion
- Age-composition
- Dependency ratio (percentage of population under 15 (**under 18**) and over 65 years of age)
- Sex
- Proportion of population in rural and urban areas
- Statistics on births
- Statistics on deaths
- Life expectancy
- Fertility rate
- Household size
- Proportion of single-parent households and households headed by women

#### **Social, economic and cultural statistics**

The reporting State should provide accurate information on the standard of living of each segment of the population, including:

- Per capita* income
- Share of (household) consumption expenditures on food, housing, health and education

Proportion of the population below national poverty line  
Proportion of population below minimum level of normative dietary intakes  
Gini coefficient (relating to distribution of income)  
Prevalence of underweight children under five years of age  
Infant mortality, maternal mortality  
Causes of death  
Rates of infection with HIV/AIDS

Net enrolment ratio in primary and secondary education  
Attendance and completion rates in primary and secondary education  
Drop-out rates  
Ratio of teachers to students  
Literacy rates

Rate of unemployment  
Employment by sectors, including the distinction between formal and informal sectors  
Work participation rates by sex, religion and population groups.

Population coverage of mass-media, circulation of daily newspapers and books, broken down by language.

Gross domestic product (GDP)  
Growth rate  
Gross National Income  
Rate of inflation  
Public expenditures as proportion of GDP  
External and domestic government debt  
Share of international assistance in public revenues and development expenditure

**Political system and administration of justice statistics**

The reporting State should provide information on electoral and political characteristics of the country, including:

Number of recognized political parties

Distribution of legislative seats by party  
Percentage of women in parliament  
Periodicity of elections at the national and local level  
Voter turnouts  
Crime statistics and information on the administration of justice, including:  
Number of criminal cases  
Backlog of cases per judge  
Prison population with breakdown by offence and length of sentence  
Death in penal institutions  
Instances of use of the death penalty  
Number of condemned prisoners and length of time awaiting execution

## **APPENDIX 5**

### **Millennium Development Goals**

#### **Millennium Development Goals and the human rights conventions**

Goal 1 (Eradicate extreme poverty and hunger): ICESCR (art. 11 and general comment 12), CRC (arts. 24(2) and 27(3));

Goal 2 (Achieve universal primary education): ICESCR (arts. 13 and 14, and general comment 11), CRC (art. 28 a and general comment 1), CERD (arts. 5 and 7);

Goal 3 (Promote gender equality and empower women): CEDAW; ICESCR (arts. 3 and 7(a)(i)); ICCPR (arts. 3, 6(5) and 23(2)); CRC (art. 2); CERD (general comment 25);

Goal 4 (Reduce child mortality): CRC (arts. 6 and 24(2)(a)); ICESCR (arts. 12(2)(a), general comment 14);

Goal 5 (Improve maternal health): CEDAW (arts. 10(h), 11(f), 12(1), 14(b), and general comment 24; CERD (art. 5 e iv); ICESCR: general comment 14; CRC (art. 24 (d));

Goal 6 (Combat HIV/AIDS, malaria and other diseases): International guidelines on HIV/AIDS and human rights; ICESCR: general comment 14; CRC (art. 24(c) and general comment 3);

Goal 7 (Ensure environmental sustainability) Safe drinking water: ICESCR: general comments 15 and 14, Slum dwellers: ICESCR: general comments 4 and 7; CRC (art. 24(c));

Goal 8 (Develop a global partnership for development): Charter of the United Nations (art. 1 (3)), ICESCR (art. 2), CRC (art. 4).

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