



**International  
Human Rights  
Instruments**

Distr.  
GENERAL  
HRI/MC/2005/6  
8 June 2005  
Original: ENGLISH

---

Fourth Inter-Committee Meeting of the human rights bodies  
Geneva, 20-22 June 2005

Seventeenth meeting of chairpersons of the human rights treaty bodies  
Geneva, 23-24 June 2005  
Item 7 of the provisional agenda

**COMMENTS AND SUGGESTIONS CONCERNING THE DRAFT  
HARMONIZED GUIDELINES ON REPORTING UNDER THE  
INTERNATIONAL HUMAN RIGHTS TREATIES**

**Report of the Secretariat**

The present report provides a summary of comments and suggestions concerning the draft harmonized guidelines on reporting under the international human rights treaties and guidelines on an expanded core document (HRI/MC/2004/3) received by the secretariat from States parties and non-governmental organizations. A revised version of the draft harmonized guidelines, incorporating many of the changes suggested by these actors as well as the treaty bodies, is contained in document HRI/MC/2005/3. The formal comments of five of the treaty bodies are annexed to the present report. Mr. Filali, rapporteur of the third Inter-Committee Meeting, will report to the fourth Inter-Committee Meeting on the views expressed by the treaties bodies during their consultations.

## TABLE OF CONTENTS

	<i>Page</i>
I. Introduction.....	4
II. SUMMARY OF SUBSTANTIVE COMMENTS RECEIVED FROM STATES	
PARTIES .....	4
General.....	4
Length of the reports.....	5
Periodicity and coordination of the submission of reports .....	5
Updating of the core document.....	5
Content of the common core document .....	5
Congruent provisions .....	6
Statistical information.....	6
Ratification of related international instruments .....	7
The treaty-specific document (TSD) .....	7
Consequences for the working methods of the treaty bodies .....	7
A coordinated approach to reporting .....	8
Need for technical assistance .....	8
Importance of the report preparation process .....	8
Desire for further consultations with States parties .....	8
III. SUMMARY OF SUBSTANTIVE COMMENTS RECEIVED FROM	
UNITED NATIONS ENTITIES .....	8
IV. SUMMARY OF SUBSTANTIVE COMMENTS RECEIVED FROM NON-	
GOVERNMENTAL ORGANIZATIONS AND OTHER INTERESTED PARTIES ..	9
Annex 1. Formal positions adopted by the treaty bodies regarding the proposed	
harmonized guidelines .....	13
A. Committee on the Elimination of Racial Discrimination.....	13
B. Committee on the Elimination of Discrimination against Women.....	14
C. Human Rights Committee.....	14

D. Committee on on the Protection of the Rights of All Migrant Workers and Members of Their Families .....	15
E. Committee on the Rights of the Child.....	16
 Annex 2. Chart of congruence in the substantive provisions of the seven core international human rights treaties.....	 18

## **I. Introduction**

1. In 2004, the draft harmonized guidelines on an expanded core document and treaty-specific targeted reports (HRI/MC/2004/3) and the report of the Inter-Committee Meeting (A/59/254, annex) were forwarded to the committees for consideration, in accordance with the recommendation of the third Inter-Committee Meeting and sixteenth meeting of chairpersons. All treaty bodies formally discussed the draft, in most cases in the presence of Mr. Kamel Filali, who was appointed by the third Inter-Committee Meeting to act as rapporteur for the consultations between the committees on the draft proposed guidelines and other matters relating to the harmonization of their reporting guidelines. The formal views adopted by five of the treaty bodies are annexed to the present report.

2. Bearing in mind the importance and complexity of the proposed guidelines, the third Inter-Committee Meeting requested the Office of the United Nations High Commissioner for Human Rights (OHCHR), in consultation with the Division for the Advancement of Women (DAW), to continue to work on the proposed draft guidelines, incorporating the comments and suggestions made by each committee during the course of the year, as well as those received from States parties, non-governmental organizations (NGOs), and national human rights institutions (NHRIs), with a view to producing revised guidelines for consideration at the fourth Inter-Committee Meeting in 2005. The revised guidelines are contained in document HRI/MC/2005/3.

3. The views of States parties were sought through a note verbale, sent to the Permanent Missions in Geneva by the secretariat on 21 December 2004. Some 20 responses were received and the 25 member States of the European Union also submitted a common position. All submissions received from States parties and other actors are available on the OHCHR website.

4. The United Nations specialized agencies, funds and programmes were invited to submit their comments and suggestions, NGOs. Comments were received from the International Labour Office (ILO), the United Nations Development Fund for Women (UNIFEM), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Health Organization (WHO). A number of NGOs and academic institutions also responded.

## **II. SUMMARY OF SUBSTANTIVE COMMENTS RECEIVED FROM STATES PARTIES**

### **General**

5. Most States parties welcomed the draft guidelines, which they considered a positive step towards facilitating the reporting process by reducing repetition and duplication of information submitted by States parties in their reports. Some States emphasized that the ultimate objective must be improved implementation of international human rights obligations, whilst others were concerned that the proposed guidelines should be workable and effectively reduce the reporting burden. Some States noted the ambitious

nature of certain aspects of the guidelines and wondered whether all States would realistically be able to obtain much of the information requested. It was observed that, in view of the wide range of information requested in the guidelines, the guidelines should explain that it is ultimately for each State party to decide what should be included in the common core document (CCD).

### **Length of the reports**

6. Some States parties welcomed the proposed limits on the size of reports to be submitted to the treaty bodies, but were concerned that page limits should be set at a practical and realistic level. A single universal limit on the length of reports did not take into account the different constitutional arrangements in States, their size and their complexity. The inconsistency between the page limits imposed and the requirement in the guidelines that reports should contain sufficient information to provide the treaty body with a comprehensive understanding of the implementation of the treaty concerned was noted by several States. Similarly, it was observed that differences in the scope of the provision of the treaties made it inappropriate to have the same page limits for all treaty-specific documents (TSDs). In order for page limits to be a practical proposition for TSDs, the individual treaty bodies must adopt appropriately concise guidelines.

### **Periodicity and coordination of the submission of reports**

7. Some concern was expressed about whether the 18-month time frame for the submission of reports suggested in the secretariat's report was realistic, in particular for States that have accepted all or most of the instruments imposing reporting obligations. Further reflection on the issue was requested. To demand almost-simultaneous reporting to all the committees was not realistic for many States parties, in view of the important mobilization of internal resources required even for the preparation of one report. One State suggested that the process of preparing its reports would probably not allow for the preparation of more than two TSDs per year and that its reporting cycle would thus cover a three- to four-year period. Treaty bodies should adopt a flexible approach to deadlines to allow States engaged in the coordinated reporting procedure to stagger submission of their reports over a 5-year period.

### **Updating of the core document**

8. The requirement that the CCD should be updated regularly was a cause of concern for many States parties, in particular with regard to the congruent provisions to be included. The European Union doubted whether it would be necessary to update all the elements of the CCD every time a report was submitted, and favoured a CCD that would remain durable for most of the document. It was suggested that the updating of the CCD should only be required when it was significantly out of date and that the committees could request supplementary information where necessary. In this context, the need for a timely examination of reports by the committees, before the information they contained became outdated, was also noted.

### **Content of the common core document**

9. Many States, including those of the European Union, generally approved the proposed structure of the CCD as regards background information, including the constitutional structure of the State party and the general framework for the promotion

and protection of human rights. One State, however, expressed doubts about requesting information which amounted to general knowledge about States parties, and considered that the State itself should be allowed to decide which information to include. It also objected to certain specific instances of information being requested which are not included in the current reporting guidelines of any treaty body and which it considered would increase the reporting burden.

10. One State suggested that the “guidelines could be more specific, and more strategic, in terms of the information required” in the section on congruent provisions. Others suggested that, in order for the CCD to stay effective for as long as possible, it should include a description of the State party’s respective policy, while more precise information on the specific programmes and campaigns and the concrete measures undertaken in the domain of human rights could be included in the TSD. Some States doubted whether it was appropriate for the treaty bodies systematically to require detailed information on follow-up to world conferences that did not impose legal obligations on States, and suggested such information should be provided only when relevant to the implementation of the provisions of the treaties. One State noted that information requested should be confined to that which has a legal basis under the treaties to which the reporting State is party.

### **Congruent provisions**

11. The European Union considered the approach proposed in the draft of including, inter alia, information on the implementation of the non-discrimination clauses and the provision of national remedies to be acceptable, although it noted that the information appropriate for the CCD would be general in nature and information related to specific categories of persons might be more appropriately included in the relevant TSDs. Other States agreed that there was a high level of congruence between the provisions of the various treaties. The table of congruence in the secretariat’s report (reproduced in annex 2 of the present report) was seen as a useful tool, but more work was required to ensure its accuracy.

12. Two States parties indicated that they have prepared, or are in the process of preparing, reports using the draft guidelines, in accordance with the recommendation of the third Inter-Committee Meeting. Both States considered that the existing areas of congruence in the draft could be expanded further. Congruent information pertaining to “marriage and family life”, “economic and social affairs”, “protection of the family” and the “right to liberty and security of the person” were suggested as possibilities for inclusion in the CCD, which would significantly reduce overlap and contribute to a holistic approach to human rights implementation and reporting. At the same time, careful consideration of the scope of the articles of congruence is warranted to ensure that all relevant articles are “captured”, and that articles of limited congruence are left to the TSD. States using the guidelines should be allowed to adopt a pragmatic approach to resolving these threshold issues. Additional thematic human rights issues could be included in Section E, including human rights and development, human rights education and gender mainstreaming.

### **Statistical information**

13. Some States estimated that certain elements contained in the draft guidelines, such as human rights indicators and ratification of all other international human rights

treaties, should be presented as indicative, non-obligatory elements. The appropriateness of inserting into the CCD statistics and data which change on a yearly basis was questioned and it was noted that to require extensive statistics in minute detail would run against the objective of the reform. One developing State, in particular, emphasized the particular difficulties faced by developing countries in obtaining disaggregated data.

14. Many States parties sought more clarification of what the treaty bodies would require in terms of statistical information and “indicators” requested, in particular with regard to the list contained in appendix 4 of the draft, and it was suggested that the United Nations should provide technical assistance in this regard.

#### **Ratification of related international instruments**

15. One State considered it inappropriate to impose an additional reporting burden relating to other international human rights instruments, but suggested that the status of ratification could be provided on a voluntary basis. Another State raised a specific concern about the appropriateness of asking States parties to indicate whether they were also party to the conventions of the Hague Conference on International Private Law listed in appendix 2, section D, of the draft since it was doubtful whether those instruments could obtain broad acceptance by all countries.

#### **The treaty-specific document (TSD)**

16. It was noted that the CCD would need a simplified and systematically organized TSD, and that this document needed to be discussed at the same time in order to ensure a harmonization of the requirements of both elements of each report. Many States parties urged each treaty body to propose guidelines for its TSD as soon as possible. These guidelines, it was suggested, would need to be very specific with regard to the information to be included, focusing on key issues only.

17. One State underlined the complementary need to couple the use of modern technology for the collection and evaluation of statistics and data with strategic planning. Goals, objectives, indicators and performance measures needed to be identified and developed before the data was collected and evaluated, and a move towards impact/results reporting was urged. The role of the list of issues in providing treaty bodies with targeted, treaty-specific information was noted by several States.

#### **Consequences for the working methods of the treaty bodies**

18. Many States noted that greater coordination of all treaty bodies would be required and that the timetable for coordinated submission of reports would also be affected by delays between the submission of the report documents and their consideration by the appropriate treaty body. For the new approach to be coherent and effective, a guarantee that treaty bodies would be able to review more State party reports each year was required, and the committees needed to ensure better follow-up to their concluding observations. Several States indicated that increased regular budget and voluntary contributions were fundamental to strengthening the treaty bodies. At the same time, the treaty bodies should harmonize their working methods, especially through employing the innovative practices that have already improved the efficiency of some committees. The usefulness of the list of issues and questions was noted in this context.

19. It was hoped that the new procedure, coupled with a more timely consideration of reports by treaty bodies, would lead to a reduction in requests from the treaty bodies for additional information to update submitted reports.

#### **A coordinated approach to reporting**

20. Several States indicated that coordinated reporting with a common core document containing congruent information had potential benefits, enabling a more integrated assessment of State party compliance with its treaty obligations, promoting the principles of the interrelatedness, universality and interdependence of human rights. It also appeared to offer enhanced opportunities to mainstream human rights treaty standards in development planning.

#### **Need for technical assistance**

21. It was noted that developing countries would require assistance, both technical and financial, to set up appropriate structures to be able to support sustained and timely reporting.

#### **Importance of the report preparation process**

22. One State shared the view that the process of preparing reports is as important as the report itself, as a means of assessing the state of implementation of human rights at the national level.

#### **Desire for further consultations with States parties**

23. Most States were positive about the proposed guidelines and wished to see them implemented without undue delay. Several States suggested that the revised draft should be widely disseminated so that all States could review and assess them to ensure that the final suggestions are workable and effectively reduce the burden of States parties. One State urged for a careful and cautious approach in which the consent of States parties should be sought. Others considered that the reform of the reporting procedures is a matter for the committees themselves.

### **III. SUMMARY OF SUBSTANTIVE COMMENTS RECEIVED FROM UNITED NATIONS ENTITIES**

24. UNIFEM submitted detailed recommendations to amend the text of the guidelines in certain respects. It was suggested that the need to report on “substantive equality”, rather than formal equality, should be highlighted in the section on non-discrimination and equality. It also suggested that the principle of the most protective principle in force should apply whenever conflicting standards existed in the context of interaction of treaty norms. UNIFEM suggested a strengthening of the language regarding institutional frameworks for reporting in order to avoid the marginalization of reporting on gender equality, language on follow-up to world conferences, as well as linkages to the Millennium Development Goals.

25. The UNHCR found the approach in the draft guidelines most convincing and welcomed the inclusion of references to refugees and asylum-seekers in the disaggregated data requested. It suggested, inter alia, that more explicit reference to

stateless persons be included and that States should be asked how, in practice, they secure their adherence to the extra-territorial effects of human rights treaty obligations, in particular with regard to non-refoulement. Any proposals that would ensure more regular reporting by States were generally welcomed, but it was suggested that submission of reports to the treaty bodies should be staggered to ensure continuous and systematic follow-up across the treaties, rather than all reports being submitted at once. Certain amendments to the text of the draft were suggested, including highlighting issues of particular concern to UNHCR and other United Nations specialized agencies.

26. ILO submitted a comment highlighting the over one hundred ILO conventions of relevance to human rights.

27. WHO was interested in participating in a pilot case using the draft guidelines in support of the relevant ministry of health, WHO regional offices and other health actors. WHO pointed out the need for a clear procedural and analytical framework for the selection of congruent provisions, rather than a concentration on explicit congruence in the wording of the provisions. The right to health should not, as a result of its exclusion from the draft, be considered less important or less “common” to all treaties. Furthermore, congruent issues such as non-discrimination would need to be covered in TSDs where they were relevant to analysing the implementation of other rights provisions. Greater clarity was required in the level of precision of information required in the CCD, and it was suggested that the CCD should concentrate on policy issues rather than more specific analysis of implementation. Selection of health-related core indicators merited further examination. WHO also highlighted the need for the harmonization of reporting requirements to be coupled with harmonization of the working methods of the treaty bodies.

#### **IV. SUMMARY OF SUBSTANTIVE COMMENTS RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS AND OTHER INTERESTED PARTIES**

28. Amnesty International recognized the advantages of the proposed CCD model: reduced duplication of information facilitating timely reporting by States; enhancing experts’ understanding of the protection of human rights within a country by increasing the information available to them; and encouraging a consistent approach by all treaty bodies. It noted discrepancies in the way the treaty bodies currently deal with particular violations of human rights, compounded by inconsistent information in States parties’ reports. Inconsistencies with regard to reservations were also observed. AI considered that the proposed model would increase the use of NGO information by a wider range of treaty bodies. It underlined the need for the CCD to be considered an obligatory part of all reports, and be kept up-to-date. It was emphasized that information on human rights protection *in practice* should be required, and suggested that specific information on investigation of human rights violations and individual complaints procedures be included. The inclusion of information on follow-up to world conferences was welcomed. It was also suggested that a broader range of congruent provisions could be included in the CCD, and a revised version of the table of congruence incorporated into the guidelines. At the same time, specificities should not be subsumed within more generalized reporting. Amnesty International recalled the recommendations of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system (E/CN.4/1997/74) regarding the content of focused periodic reports and agreed that follow-up to concluding observations should form part of the

TSD. Efforts to establish institutional structures for reporting should be encouraged, and the impact of the new reporting procedures on working methods should be considered by the treaty bodies.

29. The Castan Centre for Human Rights Law of Monash University (Australia) recommended that guidelines on TSDs be drafted and considered as soon as possible, and that prior to the final decision on the draft harmonized guidelines, the treaty bodies collaborate and cooperate in their drafting to ensure that they too are harmonized. It further recommended that the common core document be expanded further to incorporate more comprehensively the congruence in substantive provisions of the treaties. Computer software should be developed to support States parties in compiling their reports. Steps to harmonize reporting time frames and consideration of reports should be considered, and the longer-term goal of a single report addressing the specificities of the treaties should not be discounted.

30. The Dutch section of the International Commission of Jurists (ICJ) supported the initiative to build on the practice of the existing core document, and welcomed the codification and systematization of the existing practices of the committees contained in the guidelines. The CCD would give all the committees access to the same source of important information prepared systematically by the State party. Treaty bodies would need to strengthen their methods of work to take full advantage of the new system. The Dutch section considered that there was much to be gained in submitting data on equality and non-discrimination to all treaty bodies, making it possible, for example, to examine issues such as multiple discrimination. Congruent provisions should be interpreted in the most progressive way. The encouragement of appropriate institutional structures for reporting was welcomed. It was suggested that the trialling of the guidelines should be monitored to ensure that the scope of all treaties was covered adequately in practice. The section on effective remedies required further specification. The inclusion of the need for States parties to explain their reservations to treaties was welcomed as a means of encouraging them to review their reservations and establish time frames for their withdrawal.

31. The First Lady's Save Our Youths Campaign (Nigeria) suggested that the guidelines should include information on executions and extra-judicial killings, HIV/AIDS, human rights education and poverty reduction, in particular with regard to indigenous peoples.

32. International Women's Rights Action Watch (IWRAP) highlighted the need for a properly organized institutional framework for reporting, including permanent, integrated and high-level gender expertise. Data disaggregated by sex was considered a core requirement for any analysis of discrimination. It suggested that the proposals with regard to periodicity might not be realistic considering the extensive requirements of the CCD and other factors affecting the reporting process. IWRAP recognized both positive and negative aspects of the inclusion of non-discrimination and equality in the CCD. It was highly desirable to place these issues before all treaty bodies, but there were difficulties with the definition of discrimination in the proposals vis-à-vis the definition in the Convention on the Elimination of Discrimination against Women and the inclusion of women as a "group". In view of the expertise to be found in the Committee on the Elimination of Discrimination against Women and the time and work restrictions on other committees to consider sex discrimination in detail, it suggested that the CCD should be limited to information on constitutions, laws, policies, remedies and data, reserving analysis of obstacles and impact to the treaty-specific document.

33. International Women's Rights Action Watch Asia Pacific (IWRAP Asia-Pacific) held discussion with women's rights activists and advocates and presented a synthesis of their views. It was agreed that the proposals would bring benefits: encouraging a consistent and holistic approach to human rights promotion, protection and monitoring; strengthening the interdependence and indivisibility of rights and, consequently, mainstreaming of women's rights; broadening the scope of the review of the States parties' implementation of their obligations; and creating more entry points for advocacy for women's rights. Concerns were raised regarding the definition of "congruency" as applied in the guidelines, and in particular with regard to non-discrimination and equality. It was suggested that the most progressive standards should be the standard for reporting on congruent rights, and that those committees whose mandate is to eliminate discrimination must be given primary importance in determining the scope of these congruent provisions. It was suggested that women's rights issues could be reflected in many other areas of the CCD, and that steps should be taken to guard against the marginalization of women's rights by those compiling the common core document for submission to all committees. The need for technical assistance was highlighted. A number of background papers, analyzing the impact of the proposals on the monitoring of CEDAW in particular, were enclosed with comments by IWRAP Asia-Pacific.

34. The Kharkiv Centre for Women's Studies (Ukraine) remarked that the draft guidelines provided for consistency in the preparation of reports and facilitated their consideration. It considered reporting on the whole range of human rights provisions to be a mandatory prerequisite for an objective assessment of the degree of protection and enjoyment of human rights in each country. However, it was concerned that the actual implementation of the proposed approach might be problematic. In particular, it suggested that the page limits were not realistic in view of the suggested content of the core document, and sought clarification on how and when the CCD should be updated. The subject of periodicities in the treaties was raised, as was the role of general comments in providing treaty-specific guidance to States on reporting on certain rights. It suggested that the treaty bodies adopt joint general comments. The inclusion of non-discrimination in the CCD was welcomed, but the question of the incompatibility of temporary special measures required by some treaties with the provisions of other treaties was raised. Further issues raised included: whether States that have already submitted their initial reports to a treaty body would be required to prepare a CCD; the institutional arrangements for reporting at the national level; the need for the guidelines to be tested in practice before final adoption; and the impact of coordinated reporting on how NGO information should be submitted to the treaty bodies.

35. The National Council of Women of New Zealand (NCWNZ) commended the clarity of the presentation and the thoughtful rationale behind the proposals. It considered that they would enable States parties to streamline their reporting without duplication and reduce the work required for each separate report, allowing for the more timely compilation and submission of reports in accordance with the treaties. It supported the concept of harmonized reporting on implementation of human rights treaties using the model of a CCD and TSD, and considered that there was a base of information, including statistical data, which is common to all treaties and is duplicated if included in separate reports. The Council had some concerns about the management of the reporting process and suggested that ideally, States parties would present reports to the treaty

bodies as a unified cycle. The treaty bodies would have to ensure that reports, once submitted, were considered without undue delay.

36. The NGO Group for the Convention on the Rights of the Child welcomed the draft guidelines, which highlighted the importance of the reporting process itself. The creation of inter-ministerial drafting committees was encouraged as an important first step in ensuring effective consultation, although data collection systems were more complex and costly and would require technical assistance. The amount of statistical data requested should not impede the timely submission of reports. Concerns were raised about the size of the CCD compared to the TSD. It was suggested that information on decentralization, federalization and delegation should be included in the general framework for the protection and promotion of human rights, following the practice of the Committee on the Rights of the Child. In the section on congruent provisions, it was noted that the more than 40 different types of discrimination identified by CRC in relation to children were not incorporated. Doubts were raised about the proposals regarding periodicity and the suggestion that States parties submit all their reports at once, rather than staggered. It was suggested that committees should schedule reports for consideration two years in advance, regardless of whether the report has already been submitted, and that consideration should proceed even in the absence of a report.

**Annex 1.**  
**Formal positions adopted by the treaty bodies**  
**regarding the proposed harmonized guidelines**

**A. Committee on the Elimination of Racial Discrimination**

64th session

23 February-12 March 2005

Points of Special Interest to the Committee on the Elimination of Racial Discrimination, to be included in an Expanded (Consolidated) Core Document (Revised)

1. Demographic, economic, social and cultural characteristics of the State:
  - i. Main ethnic and demographic characteristics of the population; Proportion of population in rural and urban areas; Proportion of population living below the national poverty line; Literacy rate; Employment and rate of unemployment This information should be set in a gender context, with special reference to women's economic and social status
  - ii. Rate of inflation;
  - iii. Systems of education and health services, and access of racial, ethnic or cultural groups to them.
2. Constitutional, political and legal structure of the State
  - i. Political and legal framework of the State: type of government, electoral system, organization of the legislative, executive and judicial organs;
  - ii. Measures to ensure equal rights for the participation of racial, ethnic or cultural groups in government and public administrative institutions (gender context).
3. General framework within which human rights are protected:
  - i. Judicial, administrative or other organs competent to protect human rights; Remedies available to victims; Human rights treaties that are incorporated into the national legal systems, and whether provisions of human rights instruments can be invoked before the courts; National human rights institutions; Promotion of human rights awareness for public officers, and through educational programmes; Mass media; Role of the civil society;
  - ii. Human rights international and regional instruments related to racial discrimination in force in the State;
  - iii. Non-discrimination and equality: State's general obligation to eliminate discrimination and promote equality (both in law and practice); Major problems in implementing provisions of the conventions; Measures taken to reduce economic, social and other disparities.
4. Measures taken to ensure all inhabitants of the State are informed about human rights instruments.

## **B. Committee on the Elimination of Discrimination against Women**

32nd session, 10-28 January 2005

The comments of CEDAW are contained in document HRI/MC/2005/6/Add.1

## **C. Human Rights Committee**

83rd session, 14 March – 1 April 2005

At its eighty-second session (at its 2246th meeting, on 1 November 2004) and its eighty-third session (at its 2264th meeting, on 21 March 2005), the Human Rights Committee considered the proposals on guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties.

The Committee had before it the following documents for its consideration:

- Note by the Secretary-General on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/59/254);
- Report of the secretariat on guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2004/3);
- Report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all” (A/59/2005);
- Report of the Human Rights Committee (A/59/40, Vol. I);
- Summary record of the 2246th meeting of the Human Rights Committee (CCPR/C/SR.2246).

The Human Rights Committee, having carefully considered the above-mentioned documents, makes the following observations:

1. To assist States in honouring the obligations they have assumed to treaty bodies and to promote consistency and complementarity among the different treaty bodies, the Committee views favourably the notion of an expanded core document and targeted reports.
2. The Committee thinks that the expanded core document, as a report common to all the treaty bodies, should contain:
  - a) In particular the following information:
    - i. General factual and statistical information about the reporting State (demographic, economic, social and cultural characteristics of the State; constitutional, political and legal structure of the State);
    - ii. The general framework for the protection of human rights (acceptance of international human rights norms; general legal framework within which human rights are protected at the

national level; general framework within which human rights are promoted at the national level; role of the reporting process in the promotion of human rights at the national level; other related human rights information).

- b) With regard to information concerning the implementation of substantive human rights provisions common to all or several of the international instruments, as set forth in the proposed guidelines (HRI/MC/2004/3), the Committee feels that the proposal to combine information on non-discrimination and equality, effective remedies and procedural guarantees requires clarification and discussion in view of the specific approach taken by each treaty body with respect to such provisions.
3. The treaty-specific document, in the case of this Committee a document specific to the International Covenant on Political and Civil Rights, should be limited to information solely or chiefly of interest to the treaty body concerned. The term “treaty-specific document” covers both the initial report and the subsequent periodic reports. The initial report to the Human Rights Committee should contain all information regarding implementation of the International Covenant on Civil and Political Rights not covered by the expanded core document. The subsequent reports, on the other hand, should be more narrowly targeted, responding only to the concerns expressed and questions raised by the Committee in its concluding observations, on the understanding that the State is, obviously, free to draw the Committee’s attention to any other information of relevance to the implementation of the Covenant.
4. The closest possible cooperation should be established, strengthened or gradually developed, as appropriate, between the different mechanisms, both treaty-based and non-treaty-based, engaged in the protection and promotion of human rights. Such cooperation should, in particular, permit a fuller exchange of information, facilitate consultation on issues of common interest and allow for the organization of discussions, insofar as possible, aimed at developing common or similar solutions or approaches to the problems faced.

#### **D. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families**

2nd session, 25-29 April 2005

At its 12th meeting, on 26 April 2005, Mr. Kamel Filali, rapporteur for the harmonization of reporting under the treaty bodies, discussed with the Committee the draft guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2004/3). The Committee agreed in principle that the guidelines on an expanded core document and treaty-specific reports were the way forward in order to harmonize and simplify reporting. Meanwhile, the Committee welcomed the submission by States parties of simple reports, preferably based on the reporting guidelines adopted by the Committee. The Committee’s reporting guidelines include a reference to the expanded core document and States parties may thus wish to use the option of the expanded core document and treaty specific report. In this connection, the Committee

emphasized that the harmonization of the working methods of the treaty bodies should not prevent each treaty body from retaining its core competence.

## **E. Committee on the Rights of the Child**

39th session  
17 May – 3 June 2005

The Committee agrees with the assumption behind the provisional guidelines that one consolidated report per State party on the implementation of all the human rights treaties is not a feasible option for various reasons. It would be very difficult to do justice in one report to all the specific provisions in the various treaties and therefore not likely that it would increase timely reporting.

The Committee agrees with the proposed reporting structure of one expanded core document and a treaty specific report.

The Committee agrees with the overall structure and content of the guidelines on the preparation of a common core document but would like to make the following observations:

1. The Inter-Committee Meeting suggested in its 2003 recommendations to include in the common core document information about substantive human rights provisions common to all or several treaties. The Committee notes that section III of the guidelines dealing with these substantive human rights is limited to the right to non-discrimination and related issues like equality before the law and temporary special measures for the protection of vulnerable groups. The Committee accepts this limitation for particular reasons, inter alia the fact that the inclusion of more common human rights provisions may considerably delay the reform process. It is important that States parties interested in using this new procedure can do so as soon as possible;
2. The Committee notes that the guidelines call for rather specific and detailed information on the implementation of the right to non-discrimination and related issues, as described in section III, and wonders what kind of impact that may have on the reporting under the separate human rights treaties, in particular those with a focus on the elimination of discrimination. There seems to be a need to clearly identify the topics in the area of discrimination that should be dealt with in the treaty specific report;
3. The Committee wonders why at least a considerable part of the information requested in section III under K (Participation) could not be included in section I under B concerning the constitutional, political and legal structure of the State;
4. As far as the drafting of the common core document is concerned, the Committee wants to emphasize the importance of the active involvement of NGOs and other parts of the civil society and United Nations agencies, particularly regarding the information that is to be provided under section III. In its pre-sessional meetings and/or consultations, the human rights treaty bodies should encourage NGOs and United Nations agencies to provide additional information, not only to the treaty specific report but also to the common core document, in particular section III. Finally, and very importantly, the Committee

fully supports and underscores the recommendation (para. 10 of the draft) that States parties should consider setting up an appropriate institutional framework for the preparation of not only the common core document but also of all the other treaty specific reports. It is undoubtedly important that the treaty bodies try to streamline and harmonize their reporting guidelines in order to facilitate a timely reporting by States parties. The Committee is convinced that without such an institutional framework, the harmonized guidelines or other efforts will most likely not have their desired effect of timely reporting of good quality under all the human rights treaties.

**Annex 2.**  
**Chart of congruence in the substantive provisions of the  
seven core international human rights treaties**

	<b>ICESCR</b>	<b>ICCPR</b>	<b>ICERD</b>	<b>CEDAW</b>	<b>CAT</b>	<b>CRC</b>	<b>CMW</b>
	Art. No.	Art. No.	Art. No.	Art. No.	Art. No.	Art. No.	Art. No.
Right to self-determination	<b>1</b>	<b>1</b>					
Public emergencies; limitation of and derogation from rights	<b>4; 5</b>	<b>4; 5</b>	<b>1(2); 1(3)</b>		<b>2(2); 2(3)</b>	<b>13(2); 14(3);15(2)</b>	
Implementation of the instrument; preventive measures			<b>7</b>	<b>5; 3</b>	<b>10; 11</b>	<b>19(2); 33; 35</b>	
Implementation of the instrument; adoption of legislation	<b>2(1); 2(3)</b>	<b>2(2)</b>	<b>2(2); 4; 5</b>	<b>3; 2(a)</b>	<b>2(1)</b>	<b>4</b>	
Implementation of the instrument; legal punishability of offences			<b>4(a); 4(b)</b>	<b>(2b); 11(2a)</b>	<b>4; 5; 6; 7; 8; 9</b>		
Non-discrimination; equality before the law; general policy	<b>2(2); 3</b>	<b>2(1); 3; 26</b>	<b>2(1); 5(a)</b>	<b>2; 15(1); 9-16</b>		<b>2</b>	<b>7; 18; 25; 27</b>
Rights of groups subject to discrimination (special measures)	<b>2(3)</b>	<b>27</b>	<b>1(4); 2(2)</b>	<b>4; 14</b>		<b>22; 23; 30</b>	
Right to an effective remedy		<b>2(3)</b>	<b>6</b>	<b>2(c)</b>	<b>14</b>	<b>37(d); 39</b>	<b>16(9)</b>
Right to procedural guarantees		<b>14; 15; 16</b>	<b>5(a)</b>	<b>15</b>	<b>12; 13; 14; 15</b>	<b>12(2); 37(d); 40</b>	<b>16(5) (6) (7) (8); 18</b>
Right to a		<b>24(3)</b>	<b>5(d- iii)</b>	<b>9</b>		<b>7; 8</b>	<b>29</b>

	ICESCR	ICCPR	ICERD	CEDAW	CAT	CRC	CMW
nationality							
Political rights and access to public service		25	5(c)	7; 8		18(2)(3); 26; 23(3)(4)	41; 42(3)
Right to life; right to physical and moral integrity; slavery, forced labour and traffic in persons	6*; 10*; 11*; 12*	6; 7; 8		6	1; 16	6; 11; 19; 34; 32; 35 33, 36; 37(a)	9; 10; 11
Right to liberty and security of the person		9; 10; 11	5(b)			37	16
Right to freedom of movement; right of access to any public place; expulsion and extradition		12; 13	5(d-i); 5(d-ii); 5(f)	15(4)	3	10	8; 22; 39; 56
Right to privacy; right to freedom of thought, conscience and religion	15(1)(a)*	17; 18	5(d-vii)			14; 16	12; 14
Freedom of opinion and expression	15*	19; 20	5(d-viii); 4(a); 4(c)			12; 13	13
Right to peaceful assembly and association	8	21; 22	5(d-ix); 4(b)			15	40
Right to marry and found a family; protection of the family, mother and children	10	23; 24	5(d-iv)	16; 12; 4(2); 5(b); 11(2)		16;18; 19; 20; 22; 23; 33; 34; 36; 38	44
Right to own property, to inherit and	15(1)(c)*		5(d-v); 5 (d-vi)	13(b) 15(2)			32

	ICESCR	ICCPR	ICERD	CEDAW	CAT	CRC	CMW
obtain financial credits							
Right to work	<b>6(1)</b>		<b>5(e-i)</b>	<b>11(1-a,b,c)</b>			<b>25</b>
Right to just and favourable conditions of work	<b>7</b>		<b>5(e-i)</b>	<b>11(1-d,f); 11(2); 11(3)</b>			<b>25; 35</b>
Trade union rights	<b>8</b>	<b>22</b>	<b>5(e-ii)</b>				<b>26; 40</b>
Right to social security	<b>9</b>		<b>5(e-iv)</b>	<b>11(1-e); 13(a); 14(2-c)</b>		<b>26</b>	<b>43(e)</b>
Right to adequate food and clothing	<b>11</b>	<b>6(1)</b>	<b>5(e-iii)</b>	<b>14(2-h)</b>		<b>27(3)</b>	
Right to enjoy the highest standard of physical and mental health	<b>12</b>	<b>6(1)</b>	<b>5(e-iv)</b>	<b>12; 14(2-b)</b>		<b>24</b>	<b>28; 43(e)</b>
The right to education; other cultural rights	<b>13; 14; 15</b>	<b>27</b>	<b>5(e-v); 5(e-vi)</b>	<b>10; 13(c); 14(2-d)</b>		<b>23; 24 (2)(c); 28; 29; 30; 31</b>	<b>30; 31; 43(a)(b) (c)</b>

\* Implicit according to the interpretation of the Committee.