

PARTICIPANT'S HANDBOOK

MODULE 4 - SUBMITTING THE STATE PARTY REPORT

DESCRIPTION

This module reviews the 8 stages of the treaty body reporting process, specifying the necessary steps to be taken when reporting to both the CEDAW and CRC Committees.

TIME: 2 HOURS 30 MINUTES

MODULE AIMS

This module aims to provide participants with an understanding of the different stages of the reporting process once the State Party report has been submitted to the CRC or CEDAW Committee.

- The module explains each stage of the reporting process and provides clear details of what is expected of States at each stage.
- The module also contains a simulation exercise on the Plenary Session in order to prepare participants for the dialogue that will take place, the questions that are likely to be asked and how the State can best prepare to respond to these.

LEARNING OUTCOMES

On completion of this module participants should have:

1. An understanding of the different stages of the reporting process and what will happen at each stage.
2. An understanding of the role of the State at the different stages and the actions that need to be taken.
3. An understanding of the preparation that needs to be undertaken by the State to ensure that it can participate effectively at all stages of the reporting process.
4. An understanding of the issues that are likely to be raised at the Plenary Session, and how the State should address these.

MODULE CONTENT

4.1 The Different Stages of the Reporting Process

4.2 Stage 1: The Submission of the State Report

4.3 Stage 2: The Pre-Sessional Working Group

4.4 Stage 3: The List of Issues

4.5 Stage 4: The Written Response to List of Issues

4.6 Stage 5: The Plenary Session/ Constructive Dialogue

4.7 Stage 6: The Concluding Observations

4.8 Stage 7: The Follow- Up Procedure

4.1 The Different Stages of the Reporting Process

CEDAW and CRC each have their own treaty-specific reporting processes and rules, which impose different obligations and responsibilities on States parties. Nevertheless the main stages of the reporting process are the same for both Conventions.

The reporting process can be divided into 7 stages:

- Submission of the State Report
- Pre-Sessional Working Group
- Presentation of the List of Issues
- Written Response to the List of Issues
- Plenary Session/Constructive Dialogue
- Concluding Observations
- The Follow-Up Procedure



4.2 Stage 1: The Submission of the State Report

The formal reporting process begins with the submission of the State Report to the relevant Treaty Body Committee.

States are required to submit their reports to the **Committee at the UN Office of the High Commissioner for Human Rights (OHCHR)** in Geneva, which serves as the Committees' Secretariat. The State Report is then processed by the Secretariat and is scheduled for

consideration by the relevant Committee at one of its ‘sessions’. The Committees generally hold 3 sessions per year.¹⁹⁵ All the sessions are held in Geneva.

Committee on the Rights of the Child (CRC)

Human Rights Treaties Division (HRTD)

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais Wilson - 52, Rue des Pâquis

CH-1201 Geneva (Switzerland)

Mailing address:

UNOG-OHCHR

CH-1211 Geneva 10 (Switzerland)

Tel.: +41 22 917 91 41

Fax: +41 22 917 90 08

E-mail: crc@ohchr.org

Committee on the Elimination of Discrimination against Women (CEDAW)

Human Rights Treaties Division (HRTD)

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais Wilson - 52, Rue des Pâquis

CH-1201 Geneva (Switzerland)

Mailing address:

UNOG-OHCHR

CH-1211 Geneva 10 (Switzerland)

Tel.: +41 22 917 94 43

Fax: +41 22 917 90 08

E-mail: cedaw@ohchr.org

There is a backlog of State Party Reports requiring review both by the CRC and CEDAW Committees. This means that there will probably be a considerable delay between the submission of a State report and its review by the Committee. At the present time, the wait is around **two years**.

¹⁹⁵ While the rules of procedure of the CRC specifies that the Committee should meet three times a year the rules of procedure for the CEDAW Committee does not make any references to the amount of sessions per year, however the CEDAW Committee has generally also met in three session per year.

4.3. Stage 2: The Pre-Sessional Working Group

The review process takes off with the first meeting of the **Working Group**. This is called the **‘Pre-Sessional Working Group’** and lasts for one week.¹⁹⁶

The Country Rapporteur

Before the meeting of the Pre-Session Working Group each Committee appoints a **Country Rapporteur** whose task it is to facilitate and coordinate the whole reviewing process for each State report.

The CEDAW Committee appoints one Country Rapporteur, while the CRC Committee often appoints two (a ‘major’ and a ‘minor’ Rapporteur).¹⁹⁷ The first task of the Rapporteur is to examine the State report thoroughly and prepare a draft **List of Issues** (discussed below)¹⁹⁸.

The **CRC Country Rapporteur** may, if invited, visit the State submitting the report. UNICEF often invites the Country Rapporteur, but it is also common for NGOs to collectively issue an invite, or for the respective Government to do so. Where an invite is issued by UNICEF or NGOs, the Rapporteur will still want to visit and speak to members of the Government and may ask to meet with specific adults or children or to visit institutions. Governments should be open, allow and facilitate such visits, and take the opportunity to discuss the challenges they face with the Rapporteur.

The **CEDAW Country Rapporteur** is responsible for preparing “country briefing notes”, which are circulated to the Committee around a week before the session. The Country Rapporteur will also brief the Committee members before and after the examination of a report.¹⁹⁹

¹⁹⁶ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 12.

¹⁹⁷ UN Committee on the Rights of the Child, *Committee on the Rights of the Child - Working Methods*, available at: <http://www2.ohchr.org/english/bodies/crc/workingmethods.htm>, [accessed 1 May 2013] and UN Committee on the Elimination of Discrimination Against Women, *Overview of the working methods of the Committee on the Elimination of Discrimination against Women in relation to the reporting process*, CEDAW/C/2009/II/4, available at: <http://www2.ohchr.org/english/bodies/cedaw/workingmethods.htm>, [accessed 1 May 2013], p. 11.

¹⁹⁸ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 18.

¹⁹⁹ UN Committee on the Elimination of Discrimination Against Women, *Overview of the working methods of the Committee on the Elimination of Discrimination against Women in relation to the reporting process*, available at: http://www2.ohchr.org/english/bodies/cedaw/docs/Working_methods_CEDAW_en.pdf [accessed 1 May 2013], p. 10.

The Country Rapporteurs (both for CEDAW and CRC) are also responsible for drafting the Concluding Observations to State Parties at the end of the reporting process.²⁰⁰

During the Pre-Session Working Group, the Committee members will analyse State reports in order to identify areas of concern. The analysis will focus on gaps in information and concerns about implementation identified in the report. The aim of the Pre-Sessional Working Group is to produce a ‘List of Issues’ and/or questions to the State, based on the report.

The **CRC Committee’s** Pre-Sessional Working Group generally includes all Committee members. For **CEDAW**, the group consist of five members of the Committee, including the Country Rapporteur.²⁰¹

In order to gain a more complete understanding of the rights situation in the State, both Committees invite **National Human Rights Institutions (NHRIs)** and **NGOs** to submit information to the Committee in writing before the Pre-Sessional Working Group.²⁰²



NHRIs are institutions, which work towards the promotion and protection of human rights within their countries. They generally take the form of a Human Rights Commissions or an Ombudsman (the Children’s Ombudsman being an important actor with regards to the CRC). Although these bodies are established and financed by the State, the establishing documents should permit these bodies to act independently.²⁰³

The CRC Committee, in General Comment No. 2, encourages States to consult their NHRIs as they generally have a good overview of whether and how their government’s policies and legislation conform with international Conventions.²⁰⁴ This can be very useful for whoever has responsibility for drafting the report. NHRIs will also, submit their own report to the Committee containing their view on government implementation of the Convention.

²⁰⁰ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 18.

²⁰¹ UN Committee on the Rights of the Child, *Committee on the Rights of the Child - Working Methods*, available at: <http://www2.ohchr.org/english/bodies/crc/workingmethods.htm>, [accessed 1 May 2013] and UN Committee on the Elimination of Discrimination Against Women, Overview of the working methods of the Committee on the Elimination of Discrimination against Women in relation to the reporting process, CEDAW/C/2009/II/4, available at: <http://www2.ohchr.org/english/bodies/cedaw/workingmethods.htm>, [accessed 1 May 2013], p. 12


²⁰² United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], pp. 30-32.

²⁰³ Müller, A and Seidensticke, F (2007) Handbook: The Role of National Human Rights Institutions in the United Nations Treaty Body Process, available at:

http://www.institut-fuer-menschenrechte.de/uploads/tx_commerce/handbook_the_role_of_national_human_rights_institutions_in_the_un_treaty_body_process.pdf [accessed 1 May 2013] p. 33.

²⁰⁴ CRC, General Comment No. 2, “The role of independent human rights institutions”, CRC/GC/2002/2, (2002), para 21.




NGOs can also submit their own reports to the Committees (usually known as alternative, parallel or shadow reports). These reports present the same type of information as the State report, but based on the NGOs own research and understanding of how the State is fulfilling the obligations under the Convention. NGOs' reporting is dealt with in Module 7.

Having considered this information, the Committee may invite some non-State actors to participate and give oral statements on the situations in their country in closed meetings during the Pre-Sessional Working Group.²⁰⁵ Additional information may also be submitted by UN bodies and specialised agencies such as UNICEF (who are given a special role of monitoring implementation of the CRC under Article 45 of CRC), UNHCR, and WHO.²⁰⁶

The information provided by these non-State actors can provide the Committee with valuable additional insights into the situation in the State and will be used to draw up the List of Issues. It is also possible that the information will form the basis of the constructive dialogue with the State in the Plenary Session. The State in question does not attend the Pre-Sessional Working Group and the meeting is not open to the public.


4.4 Stage 3: The List of Issues

During the third stage of the reporting process the Committee in question produces a List of Issues, which they send to the State.



In essence, the List of Issues is a request for **further and improved information**. The List generally contains questions in relation to matters that are either not adequately covered in the report or which have not been addressed.

The Committees often ask States to provide updated information on new Bills or legislation, policies, institutions, programmes, or projects relevant to the fulfilment of the Convention. They may also request additional data for specific years or in relation to particular issues of implementation of the Conventions that the Committee has identified as important.²⁰⁷ The Committee may ask for a more qualitative analysis if the State has provided quantitative data but not reflected adequately on how it relates to the fulfilment of the State's obligations of the Convention.



The List of Issues gives States an important indication of the subjects that the Committee is likely to focus on in their discussions with States at the **Plenary Session** (stage 5).

²⁰⁵ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 33.

²⁰⁶ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], pp. 26-27 and 31.

²⁰⁷ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 13.

Nevertheless, States parties may have limited time to respond to the ‘List of Issues’ before the Plenary Session. Ensuring that the submitted State Party Report is **comprehensive** and **addresses the** issues requested in the **Guidelines** (discussed in Module 3) will reduce the probability of being asked to provide further information and data at short notice.

The List of Issues issued to each State by the Committees are made public and can be found on the Office of the High Commissioner for Human Rights (OHCHR) website

The lists of issues are found under “Sessions” for each of the Committees in accordance to when the State reported.

CEDAW: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>

CRC: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>

CRC: List of Issues

In 2010, the CRC Committee revised the structure of the Lists of Issues and it now consists of three parts:

- a) Specific information on progress towards implementing the provisions of the Convention.
- b) Information on new measures such as Bills, legislation, institutions, policies programmes and ratifications.
- c) Data and statistics and other available information.²⁰⁸

CEDAW: List of issues

For initial reports, the CEDAW Committee draws up the Lists of Issues according to an Article-by-Article approach (consistent with the structure of the reports by States, as set out in the CEDAW guidelines to the Treaty-Specific Document). Lists of Issues for periodic reports, however, follow a cluster structure, addressing groups of Articles together.²⁰⁹

4.5 Stage 4: The Written Response to List of Issues


During the 4th Stage of the reporting process, the State must go through the List of Issues sent by the Committee, and respond to the issues raised in writing, providing the information requested. The Committee will set a deadline for responses and the State must keep to this deadline.

²⁰⁸ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 13.


²⁰⁹ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 13.



The CRC Committee usually sets a deadline of around **6 weeks** for States to submit their written replies. States should limit their responses to no more than **40 pages**.²¹⁰

The CEDAW Committee's similarly require that States provide their response within **6 weeks**. However, replies to the CEDAW Committee should not exceed 25-30 pages (Times New Roman type, 12 point font, single-spaced). The CEDAW Committee asks that responses are submitted electronically.²¹¹



As the List of Issues provides a good indication of the subject matter that is likely to be the focus of discussion at the Plenary Session, it is advisable for States not only to provide the information requested, but also to be prepared to answer detailed questions on these issues at the Plenary Session.

State replies to the List of Issues are also published on the OHCHR website. Again it may be helpful to look at some of these as they provide examples of how other States have responded to Committee inquiries and requests.


The responses to list of issues are found at the same place as the List of Issues as “Statement”.

CEDAW: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>

CRC: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>

4.6 Stage 5: The Plenary Session/ Constructive Dialogue

States will be invited to send a delegation to the main Committee session during which their initial or periodic report will be considered. The purpose of inviting a State delegation is to give the State the opportunity to respond to Committee members' questions and provide any additional information on the State's implementation of the provisions in the relevant treaty.



The Plenary Session is not supposed to be adversarial. The aim is to engage in a constructive and productive dialogue with the State, to involve the State in the review process and to assist it in its efforts to implement the relevant treaty as comprehensively and effectively as possible.

²¹⁰ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at: <http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 14.

²¹¹ UN Committee on the Elimination of Discrimination Against Women, *Overview of the working methods of the Committee on the Elimination of Discrimination against Women in relation to the reporting process*, CEDAW/C/2009/II/4, available at: <http://www2.ohchr.org/english/bodies/cedaw/workingmethods.htm>, [accessed 1 May 2013], p. 11-12.

The plenary session takes place in **two parts**; each part lasts for a period of **three hours**.²¹²

The State Delegation

The State delegation should include senior government representatives who have extensive knowledge on government policy, law and practice as well as an understanding of the issues of human rights relevant to the specific Convention. The Committee will be keen to discuss future plans and goals, so the delegation should include individuals with involvement in and responsibility for strategic political decisions in the State who are in a position to speak on behalf of the government.²¹³

A suitable delegation would include high-level officials and ministers, as well as individuals working more directly with issues relating to the domestic implementation of the Conventions. The Committees strongly encourages the State to send such a delegation and not to rely solely upon diplomats based in Geneva.



The Office of the High Commissioner for Human Rights offers both collective and individual briefings for members of the State delegation attending the plenary session. These briefings generally take place about four weeks before the Plenary Session. They provide an important opportunity for States to become familiar with the report review process and the individual approach taken by specific Committees during this process.²¹⁴ All State delegations taking part in a plenary session will be invited to a briefing organised by the Office of the High Commissioner for Human Rights (OHCHR).

²¹² In case the CRC Committee considers all three reports for a State, i.e. the report under the Convention as well as the reports under the Optional Protocols, one additional three hour meeting will be added.

²¹³ Committee on the Rights of the Child, *Committee on the Rights of the Child - Working Methods*, available at: <http://www2.ohchr.org/english/bodies/crc/workingmethods.htm>, [accessed 1 May 2013].

²¹⁴ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at: <http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 17.

The Committees will be interested to discuss future plans with the delegation. This could involve questions about how the State intends to progress with implementation of the Convention, and its key future priorities, objectives and plans.

The State Delegation should make sure that they come **ready** and **prepared** to discuss issues of implementation and, in particular, issues that have been flagged up in the List of Issues or the NGO alternative or shadow reports.

For instance, it is highly likely that the CRC Committee will ask about the State plans to eliminate the use of corporal punishment both in schools and institutions as well as in the home. States should remember that the CRC Committee regards corporal punishment as amounting to inhuman and degrading treatment within the meaning of Article 37 of CRC.

Structure of the Plenary Session

Opening statement: (Head of State delegation)

After a formal welcome by the Chairperson, the head of the State Delegation will be invited to **introduce** the **State's report** and **summarise important developments**.²¹⁵ This is a good opportunity for the State party to set the direction of the discussion, and the delegation should be sure to focus on issues that are particularly relevant and important within the State.

Before coming to the Plenary Session the State should therefore prepare a short and concise written introduction to the report.

For **CEDAW** the statement must not exceed **30 minutes**.
For **CRC** the statement should be no longer than **15 minutes**.²¹⁶

If the State is also reporting on any of the Optional Protocols the opening statement should also include references to that Protocol.

Question and Answer Session

After the speaker for the State Delegation has finished presenting the statement, the Committee members will be invited to make comments or pose questions to the State delegation. This process will often be led by the Country Rapporteur.²¹⁷

²¹⁵ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 18

²¹⁶ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 18

²¹⁷ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at:

<http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 17

Questions will be posed in “clusters” (i.e. groups of Articles) and Committee members will address their questions to the State delegation in turn. The State delegation will then be invited to respond to the cluster of questions. The discussion will cover all the clusters in turn and will then move on to the Optional Protocols (if the State is a party and is reporting on these Protocols at the same session).



Questions posed by the Committee do not have to be limited to the information that the State has provided in its report, but can refer to information submitted by other non-state actors, including NGOs, and/or can be based on the Committee’s own knowledge.

The delegation may ask to defer the answer if it wants to refer a question back to one of its Ministries before answering. **If any questions remain unanswered at the end of the session, the Committee may allow the State to submit additional information within 48 hours** and this information will then be taken into consideration in the Concluding Observations. The Committee may also ask the State to respond to outstanding issues or to questions where it would like a more thorough answer in its next periodic report.²¹⁸

Closing summary (Country Rapporteur(s))

Before closing the meeting, the Country Rapporteur(s) summarise their observations as well as the discussion that has taken place. They may also raise suggestions or recommendations.

Final statement (State Delegation)

At the end of the Plenary Session the State will be invited to make a final closing statement.



The same procedures apply to initial reports under the Optional Protocols of CRC. The main difference is the time set aside for the consideration of a report, which will be shorter in sessions where only an Optional Protocol is reviewed.

Interested individual can attend the Plenary Session of either of the Committees, as these are public hearings. States should expect relevant UN bodies and agencies as well as NGOs to send representatives to attend. It is common for national and international journalists to attend some of the sessions and likely that they will want a comment from the State delegation on the process and the issues raised by the Committees. It is helpful for States if they have already agreed on the position they want to take with the press and have a press statement prepared.

At this point, the facilitator will conduct Exercise 4.6.1: “Simulation Exercise”.



²¹⁸ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at: <http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], p. 19.

4.7 Stage 6: The Concluding Observations

After the Plenary Session, the Committee will hold a closed meeting during which it agrees on its **Concluding Observations** to States. The Concluding Observations highlight **opportunities, challenges, and principle areas for concern** relating to the fulfilment of provisions of the Convention within the State Party. Critically, the Concluding Observations also provide **recommendations** to States for further and improved implementation of aspects of the Convention.



The Concluding Observations set out the steps the State needs to take in order to comply with the Convention. The purpose of the Concluding Observations is to support the State to move towards **progressive implementation** of the Convention's provisions. Concluding Observations are often regarded as marking the end of the reporting process, but in essence they are the starting point for the next periodic report.

The Concluding Observations made by both Committees follow a similar structure and format. They include the following:

- An introduction which includes information on whether the report complied with the Committee's reporting guidelines, as well as the positive and negative aspects of the entire review process);
- A recognition of the progress the State has made towards full implementation of the Convention;
- Identification of those aspects of the Convention, which the Committee find the State has yet to fully implement. The CRC and CEDAW Committees are likely to express concerns about any specific Articles or cluster of Articles which have not been addressed in government policies, laws or practices;
- Suggestions and recommendations for addressing areas of concern and for ensuring the full implementation of the Convention;
- The Committee may also refer to Concluding Observations from previous reports, reminding States of the need to address the issues raised if it believes that the State has not adequately addressed them; and
- Finally, the Committee is likely to raise and question any reservations to the Convention entered into by the State.²¹⁹

²¹⁹ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at: <http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], pp. 20-21

The amount of information and the level of detail provided by different Committees varies. Over time, as the Committees have developed, Concluding Observations have become lengthier and more detailed. They generally contain concrete recommendations as to necessary reforms to policy, law and practice and recommend specific actions, such as the creation of policies or programmes, or the amendment or development of laws.

Unedited versions of the Concluding Observations are given to States approximately a week after the session to enable them to make any relevant comments.

After having been formally adopted, the Concluding Observations are made public and can be found on the OHCHR website under the Committee page, under “Session” and then under “Concluding Observations” for each State.

CEDAW: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>

CRC: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>

States have the opportunity to submit a written response to the Concluding Observations. These responses should be sent to the Secretariat of the relevant Committee. They will be circulated to Committee members and will be made available to the public.²²⁰

This provides a really useful opportunity for the State to make any **final remarks** or **clarify any matter** that the Committee has included in its Concluding Observations.

The Concluding Observations form the basis and starting point for the State Parties’ **next report** to the Committee. In the next report, the State must ensure that it clearly outlines how it has worked towards implementing and addressing the recommendations set out in the last Concluding Observations.

4.8 Stage 7: The Follow-Up Procedure

The Follow-Up procedure is concerned with how the State addresses the Concluding Observations once the review process is complete. In other words: how does the State utilise all the recommendations contained in the Concluding Observations to further the progressive implementation of the Convention(s)? In many ways, the follow-up procedure is **the most important part** of the review process. This is where the hard work begins. The rest of the reporting process is merely a means to assist that State party with this final process.

Follow-Up is addressed in detail in Module 8.

²²⁰ United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at: <http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013], pp. 21-22.

In 2008 CEDAW introduced a special follow-up procedure, which requires States to **provide information** on the **implementation** of Observations **within one to two years after their publication**. The Committee will appoint a Rapporteur for the follow-up procedure.²²¹

Examples of these reports can be found at:

<http://www2.ohchr.org/english/bodies/cedaw/followup.htm>

NGOs are also invited to supply shadow/alternative reports on the progress the State has made in implementing the recommendations.

The follow up activities of the Committee

Every two years the **CRC Committee** will submit its ‘Session Report’ (a report on the States reviewed in each session) to the United Nations General Assembly, through the Economic and Social Council. (This is in accordance with Article 44, paragraph 5 of the CRC).²²²

The **CEDAW Committee** reports annually on its activities to the General Assembly. The report will contain any General Recommendations produced as a result of States’ Parties reporting and the review process.²²³

FURTHER READING

1. UN Committee on the Elimination of Discrimination Against Women, *Overview of the working methods of the Committee on the Elimination of Discrimination against Women in relation to the reporting process*, CEDAW/C/2009/II/4, available at: <http://www2.ohchr.org/english/bodies/cedaw/workingmethods.htm>, [accessed 1 May 2013]
2. UN Committee on the Elimination of Discrimination Against Women, *Rules of Procedure of the Committee on the Elimination of Discrimination against Women*, Available at: http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW_Rules_en.pdf [accessed 1 May 2013]
3. UN Committee on the Rights of the Child, *Committee on the Rights of the Child - Working Methods*, available at: <http://www2.ohchr.org/english/bodies/crc/workingmethods.htm>, [accessed 1 May 2013].

²²¹ UN Committee on the Elimination of Discrimination Against Women, *Rules of Procedure of the Committee on the Elimination of Discrimination against Women*, Available at:

http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW_Rules_en.pdf [accessed 1 May 2013] p. 27.

²²² UN Committee on the Rights of the Child, *Rules of procedure*, 16 April 2013, CRC/C/4/Rev.3, available at: http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-4-rev-3_en.doc [accessed 1 May 2013], p. 20.

²²³ UN Committee on the Elimination of Discrimination Against Women, *Rules of Procedure of the Committee on the Elimination of Discrimination against Women*, Available at:

http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW_Rules_en.pdf [accessed 1 May 2013], p. 16.

4. UN Committee on the Rights of the Child, *Rules of procedure*, 16 April 2013, CRC/C/4/Rev.3, available at: http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-4-rev-3_en.doc [accessed 1 May 2013].

5. United Nations, *Report on the Working Methods of the Human Rights Treaty Bodies Relating to the State Party Reporting Process*, 23 May 2011, HRI/ICM/2011/4 available at: <http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.ICM.2011.4.doc> [accessed 1 May 2013]