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**COMPILATION OF GUIDELINES ON THE FORM AND CONTENT  
OF REPORTS TO BE SUBMITTED BY STATES PARTIES TO THE  
INTERNATIONAL HUMAN RIGHTS TREATIES**

**Report of the Secretary-General**

In its resolutions 52/118 and 53/138, the General Assembly requested the Secretary-General to compile in a single volume the guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture. This compilation was prepared pursuant to that request and is being updated on a regular basis. In addition to the guidelines issued by the above bodies, the updated compilation contains guidelines for reports to be submitted to the Committee on Migrant Workers, and harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document.

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## **Chapter I**

### **HARMONIZED GUIDELINES ON REPORTING UNDER THE INTERNATIONAL HUMAN RIGHTS TREATIES, INCLUDING GUIDELINES ON A CORE DOCUMENT AND TREATY-SPECIFIC DOCUMENTS\***

#### **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, reporting to the Human Rights Committee (CCPR)
- Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, 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, reporting to the Committee on the Elimination of Racial Discrimination (CERD)
- Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, reporting to the Committee on the Elimination of Discrimination Against Women (CEDAW)
- Article 19 of the Convention Against Torture and Other 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 initial 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 reports for the treaty bodies.

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\* Contained in document HRI/MC/2006/3, issued on 10 May 2006.

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 initial and periodic reports on the measures, including legislative, judicial, administrative or other measures, which they have adopted in order to achieve the enjoyment of the rights recognized in the treaty.
3. Reports presented in accordance with the present harmonized guidelines will enable each treaty body and State party to obtain a complete picture of 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. The harmonized guidelines aim at strengthening the capacity of States to fulfil their reporting obligations in a timely and effective manner, including the avoidance of unnecessary duplication of information. They also aim at improving the effectiveness of the treaty monitoring system by:
  - (a) Facilitating a consistent approach by all committees in considering the reports presented to them;
  - (b) Helping each committee to consider the situation regarding human rights in every State party on an equal basis; and
  - (c) Reducing the need for a committee to request supplementary information before considering a report.
5. Where considered appropriate, and 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.
6. The harmonized guidelines 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 parties on the contents of reports, i.e. the common core document to be submitted to all treaty bodies and the treaty-specific document to be submitted to each treaty body.

## I. THE REPORTING PROCESS

### **Purpose of reporting**

7. The reporting system as described in these guidelines 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 through a coordinated and streamlined process.

### *Commitment to treaties*

8. The reporting process constitutes an essential element in the continuing commitment of a State to respect, protect and fulfil the rights set out in the treaties to which it is party. This

commitment should be viewed within the wider context of the obligation of all States to promote respect for the rights and freedoms, set out in the Universal Declaration of Human Rights and international human rights instruments, 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 an aspect of the fulfilment of their international obligations, 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 thus 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; and

(d) Plan and develop appropriate policies to achieve these goals.

10. The reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant actors of 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 basis 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 national implementation of the international human rights instruments.

**Collection of data and drafting of reports**

12. All States are parties to at least one of the main international human rights treaties the implementation of which is monitored by independent treaty bodies (see paragraph 1), and more than seventy-five per cent are party to four or more. As a consequence, all States have reporting obligations to fulfil and should benefit from adopting a coordinated approach to their reporting for each respective treaty body.

13. States should 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-could support all of the State's reporting obligations under the international human rights instruments

and, as appropriate, related international treaties (for example, Conventions of the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization), and could provide an effective mechanism to coordinate follow-up to the concluding observations of the treaty bodies. Such structures should allow for the involvement of sub-national levels of governance where these exist and could be established on a permanent basis.

14. Institutional structures of this nature could also 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.

15. These institutional structures should develop an efficient system 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. States can benefit from technical assistance 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.

### **Periodicity**

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

17. Reports under the revised reporting system will consist of two parts: the common core document and the treaty-specific document. In accordance with the different periodicity requirements of treaties, submission of these reports under different treaties may not be due at the same time. However, States could coordinate the preparation of their reports in consultation with the relevant treaty bodies with a view to submitting their reports not only in a timely manner, but with as little time lag between the different reports as possible. This will ensure that States receive the full benefit of submitting information required by several treaty bodies in a common core document.

18. States should keep their common core documents current. States should endeavour to update the common core document whenever they submit a treaty-specific document. If no update is considered necessary, this should be stated in the treaty-specific document.

## **II. THE FORM OF REPORTS**

19. Information which a 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 have complex constitutional arrangements which need to be

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

20. States may wish to submit separately copies of the principal legislative, judicial, administrative and other texts referred to in the reports, 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.

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 comprehensible and accurate when submitted to the Secretary-General. 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 may be edited by the Secretariat. Reports which, upon receipt, are found to be manifestly incomplete or require significant editing may be returned to the State for modification before being officially accepted by the Secretary-General.

### **III. THE CONTENT OF REPORTS**

#### **General**

24. Both the common core document and the treaty-specific document form an integral part of each State's reports. Reports should contain information sufficient to provide each respective treaty body with a comprehensive understanding of the implementation of the relevant treaty by the State.

25. Reports should elaborate both the *de jure* and the *de facto* situation with regard to the implementation of the provisions of the treaties to which States are a 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 political, economic, social and cultural realities and general conditions existing in the country.

26. Reports should provide relevant statistical data, disaggregated by sex, age,<sup>1</sup> and population groups, which may be presented together in tables annexed to the report. Such information

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<sup>1</sup> Including with respect to children (persons under the age of 18 years).

should allow comparison over time and should indicate data sources. States should endeavour to analyze this information insofar as it is relevant to the implementation of treaty obligations.

27. The common core document should contain information of a general and factual nature relating to the implementation of the treaties to which the reporting State is party and which may be of relevance to all or several treaty bodies. 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.

28. 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 integrate into the common core document information contained in those reports, insofar as it remains current.

29. The treaty-specific document should contain information relating to the implementation of the treaty which the relevant committee monitors. In particular, recent developments in law and practice affecting the enjoyment of rights under that treaty should be included, as well as - except for initial treaty-specific documents - a response to issues raised by the committee in its concluding observations or its general comments.

30. Each document may be submitted separately - though States are referred to consider paragraph 17 - the procedure for reporting will be as follows:

(a) The State party submits the common core document to the 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 treaty-specific documents to the Secretary-General which are then transmitted to the specific treaty bodies concerned;

(c) Each treaty body considers the State party's report on the treaty the implementation of which it monitors, consisting of the common core document and the treaty-specific document, according to its own procedures.

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

31. For convenience, the common core document should be structured using the headings contained in sections 1-3 in accordance with the guidelines. The common core document should include the following information.

##### **1. General information about the reporting State**

32. This section should present general factual and statistical information relevant to assisting the committees in understanding the political, legal, social, economic and cultural context in which human rights are implemented in the State concerned.



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

33. States may provide 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.

34. States should provide accurate information about the main demographic and ethnic characteristics of the country and its population, taking into account the list of indicators contained in the section "Demographic indicators" in Appendix 3.

35. States should provide accurate information on the standard of living of the different segments of the population, taking into account the list of indicators contained in the section "Social, Economic and Cultural Indicators" in Appendix 3.

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

36. 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. States are also encouraged to provide information about any systems of customary or religious law that may exist in the State.

37. States should provide information on the principal system through which non-governmental organizations are recognized as such, including through registration where registration laws and procedures are in place, granting of non-profit status for tax purposes, or other comparable means.

38. States should provide information on the administration of justice. They should include accurate information on crime figures, including inter alia, information indicating the profile of perpetrators and victims of crime and sentences passed and carried out.

39. Information submitted in respect of paragraphs 36 to 38 should take into account the list of indicators contained in the section "Indicators on the Political System" and "Indicators on Crime and the Administration of Justice" in Appendix 3.

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

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

40. 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.

- (i) Information on the acceptance of treaty amendments;
- (ii) Information on the acceptance of optional procedures.

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

- (i) The nature and scope of such reservations;
- (ii) The reason why such reservations were considered to be necessary and have been maintained;
- (iii) The precise effect of each reservation in terms of national law and policy;
- (iv) 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,<sup>2</sup> 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 from the provisions of any of the treaties to which they are a party, the common 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.

41. 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 other relevant international conventions.* States are encouraged to indicate whether they are party to the international conventions relevant to human rights protection and humanitarian law listed in Appendix 2, Sections C to F;

(c) *Ratification of regional human rights conventions.* States may indicate whether they are party to any regional human rights conventions.

#### **D. Legal framework for the protection of human rights at the national level**

42. States should set out the specific legal context for the protection of human rights in the country. In particular, information should be provided on:

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<sup>2</sup> See A/CONF.157/23, Part II, paras. 5 and 46.

(a) Whether, and if so, which of the rights referred to in the various human rights instruments are protected either in the constitution, a bill of rights, a basic law, or other national legislation and, if so, what provisions are made for derogations, restrictions or limitations and in what circumstances;

(b) Whether human rights treaties have been incorporated into the national legal system;

(c) Which judicial, administrative or other authorities have competence affecting human rights matters and the extent of such competence;

(d) 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;

(e) What remedies are available to an individual who claims that any of his or her rights have been violated, and whether any systems of reparation, compensation and rehabilitation exist for victims;

(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, those belonging to minorities, indigenous peoples, refugees and internally-displaced persons, migrant workers, non-authorized aliens, non-citizens or others, the mandate of such institutions, the human and financial resources available to them, and whether policies and mechanisms for gender mainstreaming and corrective measures exist;

(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.

#### **E. Framework within which human rights are promoted at the national level**

43. States should set out the efforts made to promote respect for all human rights in the State. Such promotion may encompass actions by government officials, legislatures, local assemblies, national human rights institutions, etc, together with the role played by the relevant actors in civil society. States may offer information on measures such as dissemination of information, education and training, publicity, and allocation of budgetary resources. In describing these in the common core document, attention should be paid to the accessibility of promotional materials and human rights instruments, including their availability in all relevant national, local, minority or indigenous languages. In particular, States should provide information on:

(a) *National and regional parliaments and assemblies.* The role and activities of the national parliament and sub-national, regional, provincial or municipal assemblies or authorities in promoting and protecting human rights, including those contained in international human rights treaties;

(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 for all, race relations and children's rights, their precise mandate, composition, financial resources and activities, and whether such institutions are independent;<sup>3</sup>

(c) *Dissemination 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;

(d) *Raising human rights awareness among public officials and other professionals.* Any measures taken to ensure adequate education and training in human rights for those with responsibilities for the implementation of the law, such as Government officials, police, immigration officers, prosecutors, judges, lawyers, prison officers, members of the armed forces, border guards, as well as teachers, medical doctors, health workers and social workers;

(e) *Promotion of human rights awareness through educational programmes and Government-sponsored public information.* Any measures taken to promote respect for human rights through education and training, including Government-sponsored public information campaigns. Details should be provided on the extent of human rights education within schools, (public or private, secular or religious) at various levels;

(f) *Promotion of human rights awareness through the mass media.* The role of the mass information media, such as the press, radio, television and internet, in publicizing and disseminating information about human rights, including the international human rights instruments;

(g) *Role of civil society, including non-governmental organizations.* The extent of the participation of civil society, in particular non-governmental organizations, in the promotion and protection of human rights within the country, and the 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, budget allocations and budgetary trends, as percentages of national or regional budgets and gross domestic product (GDP) and disaggregated by sex and age for the implementation of the State's human rights obligations and the results of any relevant budget impact assessments;

(i) *Development cooperation and assistance.* The extent to which the State benefits from development cooperation or other assistance which supports human rights promotion, including budgetary allocations. Information on the extent to which the State provides development cooperation or assistance to other States which supports the promotion of human rights in those countries.

44. The reporting State may indicate any factors or difficulties of a general nature affecting or impeding the implementation of international human rights obligations at the national level.

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<sup>3</sup> See the "Principles relating to the status of national human rights institutions" (Paris Principles) E/1992/22 (A/RES/48/134).

## **F. Reporting process at the national level**

45. States should provide information on the process by which both parts of their reports (common core document and treaty-specific documents) are prepared, including on:

- (a) The existence of a national coordinating structure for reporting under the treaties;
- (b) Participation of departments, institutions and officials at national, regional and local levels of governance and, where appropriate, at federal and provincial levels;
- (c) Whether reports are made available to or examined by the national legislature prior to submission to the treaty monitoring bodies;
- (d) The nature of the participation of entities outside of government or relevant independent bodies at the various stages of the report preparation process or follow-up to it, including monitoring, public debate on draft reports, translation, dissemination or publication, or other activities explaining the report or concluding observations of the treaty bodies. Such participants may include human rights institutions (national or otherwise), non-governmental organizations, or other relevant actors of civil society, including those persons and groups most affected by the relevant provisions of the treaties;
- (e) 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 of human rights treaty bodies*

46. States should provide general information in the common core document on the measures and procedures adopted or foreseen, if any, to ensure effective follow-up to and wide dissemination of 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.

## **G. Other related human rights information**

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

### *Follow-up to international conferences*

48. States may provide general information on follow-up to the declarations, recommendations, and commitments adopted at world conferences and subsequent reviews insofar as these have a bearing on the human rights situation in the country.

49. Where such conferences include reporting procedures (eg, the Millennium Summit), States may integrate the relevant information contained in those reports in the common core document.

### **3. Information on non-discrimination and equality and effective remedies**

#### *Non-discrimination and equality*

50. States should provide in their common core document general information on the implementation of its obligations to guarantee equality before the law and equal protection of the law for everyone within their jurisdiction, in accordance with the relevant international human rights instruments, including information on the legal and institutional structures.

51. The common core document should include general factual information on measures taken to eliminate discrimination in all its forms and on all grounds, including multiple discrimination, in the enjoyment of civil, political, economic, social and cultural, rights, and on measures to promote formal and substantive equality for everyone within the jurisdiction of the State.

52. It should contain general information on whether the principle of non-discrimination is included as a general binding principle in a basic law, the constitution, a bill of rights or in any other domestic legislation and the definition of and legal grounds for prohibiting discrimination (if not already provided in para. 42(a)). Information should also be provided on whether the legal system allows for or mandates special measures to guarantee full and equal enjoyment of human rights.

53. Information should be provided on steps taken to ensure that discrimination in all its forms and on all grounds is prevented and combated in practice, including 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.

54. States should provide general information regarding the human rights situation of persons belonging to specific vulnerable groups in the population.

55. States should provide information on specific measures adopted to reduce economic, social and geographical disparities, including between rural and urban areas, to prevent discrimination, as well as situations of multiple discrimination, against the persons belonging to the most disadvantaged groups.

56. States should provide general information on the measures, including educational programmes and public information campaigns, that have been taken to prevent and eliminate negative attitudes to, and prejudice against, individuals and groups which prevent them from fully enjoying their human rights.

57. States should provide general information on the implementation of their international obligations to guarantee equality before the law and equal protection of the law for everyone within their jurisdiction, in accordance with the international human rights instruments.

58. States should provide general information on the adoption of temporary special measures in specific circumstances to help accelerate progress towards equality. Where such measures have been adopted, States should indicate the expected timeframe for the attainment of the goal of equality of opportunity and treatment and the withdrawal of such measures.

*Effective remedies*

59. States should include general information in the common core document on the nature and scope of remedies provided in their domestic legislation against violations of human rights and whether victims have effective access to these remedies (if not already provided in para. 42(e)).

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

60. The treaty-specific document should contain all information relating to States' implementation of each specific treaty which is relevant principally to the committee charged with monitoring the implementation of that treaty. This part of the report allows States to focus their attention on the specific issues relating to the implementation of the respective Convention. The treaty-specific document should include the information requested by the relevant committee in its most current treaty-specific guidelines. The treaty-specific document should include, where applicable, information on the steps taken to address issues raised by the committee in its concluding observations on the State party's previous report.

## **Appendix 1**

### **MANDATE OF TREATY BODIES TO REQUEST 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**

### **PARTIAL LIST OF MAJOR INTERNATIONAL CONVENTIONS RELATING TO ISSUES OF HUMAN RIGHTS**

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

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966  
International Covenant on Civil and Political Rights (ICCPR), 1966  
International Convention on the Elimination of All Forms of Racial Discrimination, (ICERD), 1965  
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979  
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984  
Convention on the Rights of the Child (CRC), 1989  
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (ICMW), 1990  
Optional Protocol to the CRC on the involvement of children in armed conflict, 2000  
Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography, 2000  
Optional Protocol to ICCPR, concerning individual petition, 1966  
Second Optional Protocol to ICCPR, concerning abolition of the death penalty, 1989  
Optional Protocol to CEDAW, concerning individual complaints and inquiry procedures, 1999  
Optional Protocol to CAT, concerning regular visits by national and international institutions to places of detention, 2002

#### **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)  
 Social Security (Minimum Standards) Convention, 1952 (No. 102)  
 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)  
 Equality of Treatment (Social Security) Convention, 1962 (No. 118)  
 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)  
 Maternity Protection Convention, 2000 (No. 183)

#### **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 Inter-country 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, 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**

## **INDICATORS FOR ASSESSING THE IMPLEMENTATION OF HUMAN RIGHTS**

### **Demographic indicators**

Reporting States should provide accurate information, where available, about the main demographic characteristics and trends of its population, including the following. The information should cover at least the last five years and be disaggregated by sex, age, and main population groups.

- Population size
- Population growth rate
- Population density
- Population distribution by mother tongue, religion and ethnicity, in rural and urban areas
  
- Age-composition
- Dependency ratio (percentage of population under 15 and over 65 years of age)
- Statistics on births and deaths
- Life expectancy
- Fertility rate
- Average household size
- Proportion of single-parent households and households headed by women
- Proportion of population in rural and urban areas

### **Social, economic and cultural indicators**

Reporting States should provide information reflecting the standard of living, including the following, covering at least the last five years and disaggregated by sex, age, and main population groups:

- Share of (household) consumption expenditures on food, housing, health and education
- Proportion of population below the national poverty line
- Proportion of population below the minimum level of dietary consumption
- Gini coefficient (relating to distribution of income or household consumption expenditure)
- Prevalence of underweight children under five years of age
- Infant and maternal mortality rates
- Percentage of women of child/bearing age using contraception or whose partner is using contraception
- Medical terminations of pregnancy as a proportion of live births
- Rates of infection of HIV/AIDS and major communicable diseases
- Prevalence of major communicable and non-communicable diseases
- Ten major causes of death
  
- Net enrolment ratio in primary and secondary education
- Attendance and drop-out rates in primary and secondary education
- Teacher-student ratio in public funded schools

Literacy rates  
Unemployment rate  
Employment by major sectors of economic activity, including break-down between the formal and informal sectors  
Work participation rates  
Proportion of work force registered with trade unions

Per capita income  
Gross domestic product (GDP)  
Annual growth rate  
Gross National Income (GNI)  
Consumer Price Index (CPI)  
Social expenditures (eg., food, housing, health, education, social protection, etc.) as proportion of total public expenditure and GDP  
External and domestic public debt

Proportion of international assistance provided in relation to the State budget by sector and in relation to GNI

### **Indicators on the political system**

Reporting States should provide information on the following, covering at least the last five years and disaggregated by sex, age, and main population groups:

Number of recognized political parties at the national level  
Proportion of population eligible to vote  
Proportion of non-citizen adult population registered to vote  
Number of complaints on the conduct of elections registered, by type of alleged irregularity  
Population coverage and breakdown of ownership of major media channels (electronic, print, audio, etc.)

Number of recognized non-governmental organizations\*  
Distribution of legislative seats by party  
Percentage of women in parliament  
Proportions of national and sub-national elections held within the schedule laid out by law  
Average voter turnouts in the national and sub-national elections by administrative unit (eg, states or provinces, districts, municipalities and villages)

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\* In accordance with the reporting State's system of granting recognition to non-governmental organizations, information on which is requested is paragraph 37.



### **Indicators on crime and the administration of justice**

Reporting States should provide information on the following, covering at least the last five years and disaggregated by sex, age, and main population groups:

- Incidence of violent death and life threatening crimes reported per 100,000 persons
- Number of persons and rate (per 100,000 persons) who were arrested/brought before a court\convicted\sentenced\incarcerated for violent or other serious crimes (such as homicide, robbery, assault and trafficking)
- Number of reported cases of sexually motivated violence (such as rape, female genital mutilation, honour crimes and acid attacks)
- Maximum and average time of pre-trial detention
- Prison population with breakdown by offence and length of sentence
- Incidence of death in custody
- Number of persons executed under the death penalty per year
- Average backlog of cases per judge at different levels of the judicial system
- Number of police\security personnel per 100,000 persons
- Number of prosecutors and judges per 100,000 persons
- Share of public expenditure on police\security and judiciary
- Of the accused and detained persons who apply for free legal aid, the proportion of those who receive it
- Proportion of victims compensated after adjudication, by type of crime

## **Chapter II**

### **COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS\***

#### **GUIDELINES ON TREATY-SPECIFIC DOCUMENTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS<sup>1</sup>**

##### **Note by the Secretary-General**

1. In accordance with article 17 of the International Covenant on Economic, Social and Cultural Rights, the Economic and Social Council, by its resolution 1988 (LX) of 11 May 1976, established a programme under which the States parties to the Covenant would furnish in stages the reports referred to in article 16 of the Covenant and the Secretary-General, at the Council's request, subsequently drew up an appropriate set of general guidelines. In response to the introduction of a new reporting cycle, the Committee on Economic, Social and Cultural Rights, at its fifth session, held from 26 November to 14 December 1990, adopted a set of revised general guidelines which replaced the original guidelines.
2. The purpose of reporting guidelines is to advise States parties on the form and content of their reports, so as to facilitate the preparation of reports and ensure that reports are comprehensive and presented in a uniform manner by States parties.

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\* Adopted by the Committee on Economic, Social and Cultural Rights at its 49th meeting (forty-first session) on 18 November 2008, taking into consideration the guidelines on a common core document and treaty-specific documents, as contained in the harmonized guidelines (HRI/GEN/2/Rev.5).

<sup>1</sup> Adopted by the Committee on Economic, Social and Cultural Rights at its 49th meeting (forty first session) on 18 November 2008, taking into consideration the guidelines on a common core document and treaty-specific documents, as contained in the harmonized guidelines (HRI/GEN/2/Rev.5).

3. The Committee has decided to replace the revised general guidelines (E/C.12/1991/1) by the present guidelines to take into account the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.5), as well as the evolving practice of the Committee in relation to the application of the Covenant, as reflected in its concluding observations, general comments and statements.
4. The text of the guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant is contained in the annex to the present document.

## Annex

### **GUIDELINES ON TREATY-SPECIFIC DOCUMENTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

#### **A. The revised reporting system and organization of information to be included in the common core document and in the treaty-specific document submitted to the Committee on Economic, Social and Cultural Rights**

1. State reports submitted under the harmonized guidelines on reporting under the international human rights treaties consist of two parts: a common core document and treaty-specific documents. The common core document should contain general information about the reporting State, the general framework for the protection and promotion of human rights, as well as information on non-discrimination and equality, and effective remedies, in accordance with the harmonized guidelines.
2. The treaty-specific document submitted to the Committee on Economic, Social and Cultural Rights should not repeat information included in the common core document or merely list or describe the legislation adopted by the State party. Rather, it should contain specific information relating to the implementation, in law and in fact, of articles 1 to 15 of the Covenant, taking into account the general comments of the Committee, as well as information on recent developments in law and practice affecting the full realization of the rights recognized in the Covenant. It should also contain information on the concrete measures taken towards that goal, and the progress achieved, including - except for initial treaty-specific documents - information on the steps taken to address issues raised by the Committee in the concluding observations on the State party's previous report, or in its general comments.
3. In relation to the rights recognized in the Covenant, the treaty-specific document should indicate:
  - (a) Whether the State party has adopted a national framework law, policies and strategies for the implementation of each Covenant right, identifying the resources available for that purpose and the most cost-effective ways of using such resources;
  - (b) Any mechanisms in place to monitor progress towards the full realization of the Covenant rights, including identification of indicators and related national benchmarks in relation to each Covenant right, in addition to the information provided under appendix 3 of the harmonized guidelines and taking into account the framework and tables of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (HRI/MC/2008/3);
  - (c) Mechanisms in place to ensure that a State party's obligations under the Covenant are fully taken into account in its actions as a member of international organizations and

international financial institutions, as well as when negotiating and ratifying international agreements, in order to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined;

(d) The incorporation and direct applicability of each Covenant right in the domestic legal order, with reference to specific examples of relevant case law;

(e) The judicial and other appropriate remedies in place enabling victims to obtain redress in case their Covenant rights have been violated;

(f) Structural or other significant obstacles arising from factors beyond the State party's control which impede the full realization of the Covenant rights;

(g) Statistical data on the enjoyment of each Covenant right, disaggregated by age, gender, ethnic origin, urban/rural population and other relevant status, on an annual comparative basis over the past five years.

4. The treaty-specific document should be accompanied by a sufficient number of copies in one of the working languages of the Committee (English, French, Russian and Spanish) of all other supplementary documentation which the State party may wish to have distributed to all members of the Committee to facilitate the consideration of the report.

5. If a State party is party to any of the ILO Conventions listed in appendix 2 of the harmonized guidelines, or to any other relevant conventions of United Nations specialized agencies, and has already submitted reports to the supervisory committee(s) concerned that are relevant to any of the rights recognized in the Covenant, it should append the respective parts of those reports rather than repeat the information in the treaty-specific document. However, all matters which arise under the Covenant and are not fully covered in those reports should be dealt with in the present treaty-specific document.

6. Periodic reports should address directly the suggestions and recommendations of the previous concluding observations.

**B. Part of the treaty-specific document submitted to the Committee  
relating to general provisions of the Covenant**

**Article 1 of the Covenant**

7. In what manner has the right to self-determination been implemented?

8. Indicate the ways and means by which the State party recognizes and protects the rights of indigenous communities, if any, to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood.<sup>a</sup> Also indicate the extent to which indigenous

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<sup>a</sup> General comment 12, para. 13; general comment 14, para. 27.

and local communities are duly consulted, and whether their prior informed consent is sought, in any decision-making processes affecting their rights and interests under the Covenant, and provide examples.

### **Article 2**

9. Indicate the impact of international economic and technical assistance and co-operation, whether received or provided by the State party, on the full realization of each of the Covenant rights in the State party or, as the case may be, in other countries, especially developing countries.

10. In addition to information provided in the common core document ( paras. 50 to 58 of the harmonized guidelines), provide disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal enjoyment of each of the Covenant rights by all, in particular the disadvantaged and marginalized individuals and groups.

11. If the State party is a developing country, provide information on any restrictions imposed under article 2, paragraph 3, of the Covenant, on the enjoyment by non-nationals of the economic rights recognized in the Covenant.

### **Article 3**

12. What steps have been taken to eliminate direct and indirect discrimination based on sex in relation to each of the rights recognized in the Covenant, and to ensure that men and women enjoy these rights on a basis of equality, in law and in fact?

13. Indicate whether the State party has adopted gender equality legislation and the progress achieved in the implementation of such legislation. Also indicate whether any gender-based assessment of the impact of legislation and policies has been undertaken to overcome traditional cultural stereotypes that continue to negatively affect the equal enjoyment of economic, social and cultural rights by men and women.

### **Articles 4 and 5**

14. See paragraph 40 (c) of the harmonized guidelines on a common core document.

## **C. Part of the report relating to specific rights**

### **Article 6**

15. Provide information on effective measures taken to reduce unemployment including on:

(a) The impact of targeted employment programmes in place to achieve full and productive employment among persons and groups considered particularly disadvantaged, in particular women, young persons, older persons, persons with disabilities and ethnic minorities, in rural and deprived urban areas; and

(b) The impact of measures to facilitate re-employment of workers, especially women and long-term unemployed workers, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises.

16. Provide information on work in the informal economy in the State party, including its extent and the sectors with a large percentage of informal workers, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure access by informal workers, in particular older workers and women, to basic services and social protection.

17. Describe the legal safeguards in place to protect workers from unfair dismissal.

18. Indicate what technical and vocational training programmes are in place in the State party and their impact on empowering the workforce, especially disadvantaged and marginalized individuals, to enter or re-enter the labour market.

### **Article 7**

19. Indicate whether a national minimum wage has been legally established, and specify the categories of workers to which it applies, as well as the number of persons covered by each category. If any category of workers is not covered by the national minimum wage, explain the reasons why. In addition, indicate:

(a) Whether a system of indexation and regular adjustment is in place to ensure that the minimum wage is periodically reviewed and determined at a level sufficient to provide all workers, including those who are not covered by a collective agreement, and their families, with an adequate standard of living; and

(b) Any alternative mechanisms in place, in the absence of a national minimum wage, to ensure that all workers receive wages sufficient to provide an adequate standard of living for themselves and their families.

20. Provide information on working conditions for all workers, including overtime, paid and unpaid leave and on the measures taken to reconcile professional, family and personal life.

21. Indicate the impact of the measures taken to ensure that women with the same qualifications do not work in lower-paid positions than men, in accordance with the principle of equal pay for work of equal value.

22. Indicate whether the State party has adopted and effectively implemented legislation that specifically criminalizes sexual harassment in the workplace, and describe the mechanisms to monitor such implementation. Also indicate the number of registered cases, the sanctions imposed on perpetrators and the measures taken to compensate and assist victims of sexual harassment.

23. Indicate what legal, administrative or other provisions have been taken to ensure safety and healthy conditions at the workplace and their enforcement in practice.

## Article 8

24. Indicate:

(a) What substantive or formal conditions, if any, must be fulfilled to form or join the trade union of one's choice. Also indicate whether there are any restrictions on the exercise of the right to form or join trade unions by workers, and how they have been applied in practice; and

(b) How trade unions are guaranteed independence to organize their activities without interference, as well as to federate and join international trade union organizations, and the legal and de facto restrictions, if any, on the exercise of this right.

25. Provide information on collective bargaining mechanisms in the State party and their impact on labour rights.

26. Indicate:

(a) Whether the right to strike is constitutionally or legally guaranteed and to what extent such guarantees are observed in practice;

(b) Any restrictions on the right to strike in the public and private sectors and their application in practice; and

(c) The definition of essential services for which strikes may be prohibited.

## Article 9

27. Indicate whether there is universal social security coverage in the State party. Also indicate which of the following branches of social security are covered: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, and survivors and orphans.<sup>b</sup>

28. Indicate whether there are legally established and periodically reviewed minimum amounts of benefits, including pensions, and whether they are sufficient to ensure an adequate standard of living for recipients and their families.<sup>c</sup>

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<sup>b</sup> General comment 19, para. 12 (a) to (i).

<sup>c</sup> Ibid., paras. 22 and 59 (a).



29. Indicate whether the social security system also guarantees non-contributory social assistance allowances for disadvantaged and marginalized individuals and families who are not covered by the contributory schemes.<sup>d</sup>
30. Indicate whether the public social security schemes described above are supplemented by any private schemes or informal arrangements.<sup>e</sup> If so, describe these schemes and arrangements and their inter-relationship with the public schemes.
31. Indicate if there is equal enjoyment by men and women of pension rights as regards the age of access,<sup>f</sup> qualifying periods and amounts.
32. Provide information on social security programmes, including informal schemes, to protect workers in the informal economy, in particular in relation to health care, maternity and old age.<sup>g</sup>
33. Indicate to what extent non-nationals benefit from non-contributory schemes for income support, access to health care and family support.<sup>h</sup>

### Article 10

34. Indicate how the State party guarantees the right of men and, particularly, women to enter into marriage with their full and free consent and to establish a family.
35. Provide information on the availability, coverage and funding of social services to support families, as well as on legal provisions in place to ensure equal opportunities for all families, in particular poor families, families from ethnic minorities, and single parent families, in relation to:
- (a) Child care;<sup>i</sup> and
  - (b) Social services that enable older persons and persons with disabilities to remain in their normal living environment for as long as possible<sup>j</sup> and to receive adequate health and social care when they are dependent.

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<sup>d</sup> Ibid., paras. 4 (b) and 50.

<sup>e</sup> Ibid., para. 5.

<sup>f</sup> General comment 16, para. 26 and general comment 19, para. 32.

<sup>g</sup> General comment 19, paras. 16 and 34.

<sup>h</sup> Ibid., para. 37.

<sup>i</sup> Ibid., paras. 18 and 28; general comment 5, para. 30; general comment 6, para. 31.

<sup>j</sup> General comment 19, paras. 15, 18 and 20; general comment 5, para. 30; general comment 6, para. 31.

36. Provide information on the system of maternity protection in the State party, including working conditions and prohibition of dismissal during pregnancy. In particular, indicate:

(a) Whether it also applies to women involved in atypical work<sup>k</sup> and women who are not covered by work-related maternity benefits;

(b) The duration of paid maternity leave before and after confinement and the cash, medical and other support measures provided during pregnancy, confinement and after childbirth;<sup>l</sup> and

(c) Whether paternity leave is granted to men, and parental leave to men and women.<sup>m</sup>

37. Indicate the measures of protection and assistance taken on behalf of children and young persons, including:

(a) Age limits below which the paid employment of children in different occupations is prohibited under the law of the State party and the application of criminal law provisions in place punishing the employment of under-aged children and the use of forced labour of children;<sup>n</sup>

(b) Whether any national survey has been undertaken in the State party on the nature and extent of child labour and whether there is a national action plan to combat child labour; and

(c) The impact of measures taken to protect children against work in hazardous conditions harmful to their health and against exposure to various forms of violence and exploitation.<sup>o</sup>

38. Provide information on the legislation and mechanisms in place to protect the economic, social and cultural rights of older persons in the State party, in particular on the implementation of laws and programmes against abuse, abandon, negligence and ill-treatment of older persons.

39. Provide information on the economic and social rights of asylum seekers and their families and on legislation and mechanisms in place for family reunification of migrants.

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<sup>k</sup> General comment 19, para. 19.

<sup>l</sup> Idem.

<sup>m</sup> General comment 16, para. 26; see also draft general comment 20, paras. 10 (b) (vii) and 16.

<sup>n</sup> General comment 18, para. 24.

<sup>o</sup> Ibid., para. 15.

40. Indicate:

(a) Whether there is legislation in the State party that specifically criminalizes acts of domestic violence, in particular violence against women and children,<sup>p</sup> including marital rape and sexual abuse of women and children and the number of registered cases, as well as the sanctions imposed on perpetrators;

(b) Whether there is a national action plan to combat domestic violence, and the measures in place to support and rehabilitate victims;<sup>q</sup> and

(c) Public awareness-raising measures and training for law enforcement officials and other involved professionals on the criminal nature of acts of domestic violence.

41. Indicate:

(a) Whether there is legislation in the State party that specifically criminalizes trafficking in persons and the mechanisms in place to monitor its strict enforcement. Also indicate the number of reported trafficking cases from, to and through the State party, as well as the sentences imposed on perpetrators; and

(b) Whether there is a national plan of action to combat trafficking and the measures taken to support victims, including medical, social and legal assistance.

## Article 11

### A. The right to the continuous improvement of living conditions

42. Indicate whether the State party has defined a national poverty line and on what basis it is calculated. In the absence of a poverty line, what mechanisms are used for measuring and monitoring the incidence and depth of poverty?

43. Indicate:

(a) Whether the State party has adopted a national action plan or strategy to combat poverty that fully integrates economic, social and cultural rights<sup>r</sup> and whether specific mechanisms and procedures are in place to monitor the implementation of the plan or strategy and evaluate the progress achieved in effectively combating poverty; and

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<sup>p</sup> General comment 16, para. 27; general comment 14, paras. 21 and 51.

<sup>q</sup> General comment 16, para. 27.

<sup>r</sup> See Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001).

(b) Targeted policies and programmes to combat poverty, including among women and children, and the economic and social exclusion of individuals and families belonging to the disadvantaged and marginalized groups, in particular ethnic minorities, indigenous peoples and those living in rural and deprived urban areas.

### **B. The right to adequate food**

44. Provide information on the measures taken to ensure the availability of affordable food in quantity and quality sufficient to satisfy the dietary needs of everyone, free from adverse substances, and culturally acceptable.<sup>s</sup>

45. Indicate the measures taken to disseminate knowledge of the principles of nutrition, including of healthy diets.

46. Indicate the measures taken to promote equality of access by the disadvantaged and marginalized individuals and groups, including landless peasants and persons belonging to minorities, to food, land, credit, natural resources and technology for food production.<sup>t</sup>

47. Indicate whether the State party has adopted or envisages the adoption, within a specified time frame, of the 'Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security'.<sup>u</sup> If not, explain the reasons why.

### **C. The right to water**

48. Indicate:

(a) The measures taken to ensure adequate and affordable access to water that is sufficient and safe for personal and domestic uses for everyone;<sup>v</sup>

(b) The percentage of households without access to sufficient and safe water in the dwelling or within its immediate vicinity, disaggregated by region and urban/rural population<sup>w</sup> and the measures taken to improve the situation;

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<sup>s</sup> General comment 12, para. 8.

<sup>t</sup> General comment 15, para. 7.

<sup>u</sup> Adopted by the 127th session of the Council of the Food and Agriculture Organization of the United Nations, November 2004.

<sup>v</sup> General comment 15, paras. 12 (a) and 37 (a); general comment 14, para. 43 (c).

<sup>w</sup> General comment 15, paras. 12 (c) (i) and 37 (c).

(c) The measures taken to ensure that water services, whether privately or publicly provided, are affordable for everyone;<sup>x</sup> and

(d) The system in place to monitor the quality of water.<sup>y</sup>

49. Provide information on education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.<sup>z</sup>

#### **D. The right to adequate housing**

50. Indicate whether a national survey on homelessness and inadequate housing has been undertaken, as well as its findings, in particular the number of individuals and families who are homeless or inadequately housed and without access to basic infrastructures and services such as water, heating, waste disposal, sanitation, and electricity, as well as the number of persons living in over-crowded or structurally unsafe housing.

51. Indicate:

(a) The measures taken to ensure access to adequate and affordable housing with legal security of tenure for everyone, irrespective of income or access to economic resources;

(b) The impact of social housing measures, such as the provision of low-cost social housing units for disadvantaged and marginalized individuals and families, in particular in rural and deprived urban areas, whether there are waiting lists for obtaining such housing and the average length of waiting time;

(c) Measures taken to make housing accessible and habitable for persons with special housing needs, such as families with children, older persons<sup>aa</sup> and persons with disabilities;<sup>bb</sup>

52. Indicate the legislative and other measures in place to ensure that housing is not built on polluted sites or in immediate proximity of pollution sources that threaten the health of inhabitants.<sup>cc</sup>

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<sup>x</sup> Ibid., paras. 24 and 27.

<sup>y</sup> Ibid., para. 12 (b).

<sup>z</sup> Ibid., para. 25.

<sup>aa</sup> GCGeneral comment 6, para. 33.

<sup>bb</sup> Idem.

<sup>cc</sup> General comment 4, para. 8 (f).

53. Indicate whether there are any disadvantaged and marginalized individuals and groups, such as ethnic minorities, who are particularly affected by forced evictions and the measures taken to ensure that no form of discrimination is involved whenever evictions take place.<sup>dd</sup>

54. Indicate the number of persons and families evicted within the last five years and the legal provisions defining the circumstances in which evictions may take place and the rights of tenants to security of tenure and protection from eviction.<sup>ee</sup>

## Article 12

55. Indicate whether the State party has adopted a national health policy and whether a national health system with universal access to primary health care is in place.

56. Provide information on the measures taken to ensure:

(a) That preventive, curative, and rehabilitative health facilities, goods and services are within safe reach and physically accessible for everyone, including older persons and persons with disabilities;<sup>ff</sup>

(b) That the costs of health-care services and health insurance, whether privately or publicly provided, are affordable for everyone, including for socially disadvantaged groups;<sup>gg</sup>

(c) That drugs and medical equipment are scientifically approved and have not expired or become ineffective; and

(d) Adequate training of health personnel, including on health and human rights.<sup>hh</sup>

57. Provide information on the measures taken:

(a) To improve child and maternal health, as well as sexual and reproductive health services and programmes, including through education, awareness-raising, and access to family planning, pre- and post-natal care and emergency obstetric services, in particular in rural areas and for women belonging to disadvantaged and marginalized groups;<sup>ii</sup>

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<sup>dd</sup> General comment 7, para. 10.

<sup>ee</sup> Ibid., paras. 9, 13-15, 16 and 19; see also Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex 1).

<sup>ff</sup> General comment 14, para. 12 (b).

<sup>gg</sup> Ibid., paras. 12 (b), 19 and 36.

<sup>hh</sup> Ibid., paras. 12 (d) and 44 (e).

<sup>ii</sup> Ibid., paras. 14, 21-23 and 44 (a).

(b) To prevent, treat and control diseases linked to water and ensure access to adequate sanitation;<sup>jj</sup>

(c) To implement and enhance immunization programmes and other strategies of infectious disease control;<sup>kk</sup>

(d) To prevent the abuse of alcohol and tobacco, and the use of illicit drugs and other harmful substances, in particular among children and adolescents, ensure adequate treatment and rehabilitation of drug users, and support their families;<sup>ll</sup>

(e) To prevent HIV/AIDS and other sexually transmitted diseases, educate high-risk groups, children and adolescents as well as the general public on their transmission, provide support to persons with HIV/AIDS and their families, and reduce social stigma and discrimination;<sup>mmm</sup>

(f) To ensure affordable access to essential drugs, as defined by the WHO, including anti-retroviral medicines and medicines for chronic diseases;<sup>nnn</sup> and

(g) To ensure adequate treatment and care in psychiatric facilities for mental health patients, as well as periodic review and effective judicial control of confinement.

### Article 13

58. Indicate to what extent the form and substance of education in the State party are directed towards the aims and objectives identified in article 13, paragraph 1,<sup>ooo</sup> and whether school curricula include education on economic, social and cultural rights.

59. Indicate how the obligation to provide primary education that is compulsory and available free for all is implemented in the State party, in particular:

(a) The level or grade until which education is compulsory and free for all;

(b) Any direct costs such as school fees, as well as the measures taken to eliminate them;  
and

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<sup>jj</sup> General comment 15, paras. 8 and 37 (i).

<sup>kk</sup> General comment 14, paras. 16 and 44 (b)

<sup>ll</sup> Ibid., para. 16.

<sup>mmm</sup> Ibid., para. 16.

<sup>nnn</sup> Ibid., para. 43 (d).

<sup>ooo</sup> General comment 13, paras. 4-5 and 49.

(c) Any indirect costs (e.g. expenses for school books, uniforms, transport, special fees such as exam fees, contributions to district education boards, etc.) and the measures taken to alleviate the impact of such costs on children from poorer households.

60. Indicate the measures taken to make secondary education in its different forms, including technical and vocational education, generally available and accessible to all, including:

(a) Concrete steps taken by the State party towards progressively achieving free secondary education;<sup>pp</sup> and

(b) The availability of technical and vocational education, and whether it enables students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability.<sup>qq</sup>

61. Indicate the measures taken to make higher education equally accessible to all and without discrimination, on the basis of capacity, and the concrete steps taken towards progressively achieving free higher education.<sup>rr</sup>

62. Indicate the measures taken to promote literacy, as well as adult and continuing education, in a life-long perspective.

63. Indicate whether minority and indigenous children have adequate opportunities to receive instruction in or of their native language and the steps taken to prevent lower educational standards for these children,<sup>ss</sup> their segregation in special classes, and their exclusion from mainstream education.

64. Indicate the measures taken to ensure the same admission criteria for boys and girls at all levels of education,<sup>tt</sup> and to raise awareness among parents, teachers and decision-makers on the value of educating girls.<sup>uu</sup>

65. Indicate the measures taken to reduce the drop-out rates, at the primary and secondary levels, for children and young persons, in particular girls, children from ethnic minorities, indigenous communities and poorer households, as well as migrant, refugee and internally displaced children.

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<sup>pp</sup> Ibid., para. 14.

<sup>qq</sup> Ibid., paras. 15-16.

<sup>rr</sup> Ibid., para. 20.

<sup>ss</sup> Ibid., para. 30.

<sup>tt</sup> General comment 16, para. 30.

<sup>uu</sup> Idem.



#### Article 14

66. If compulsory and free primary education is not currently enjoyed in the State party, provide information on the required plan of action<sup>vv</sup> for the progressive implementation, within a reasonable number of years fixed in this plan, of this right. Also indicate any particular difficulties encountered, in the adoption and implementation of this plan of action, as well as the measures taken to overcome these difficulties.

#### Article 15

67. Provide information on the institutional infrastructure to promote popular participation in, and access to, cultural life, especially at the community level, including in rural and deprived urban areas. In this regard, indicate the measures taken to promote broad participation in, and access to, cultural goods, institutions and activities, including measures taken:

(a) To ensure that access to concerts, theatre, cinema, sport events and other cultural activities is affordable for all segments of the population;

(b) To enhance access to the cultural heritage of mankind, including through new information technologies such as the Internet;

(c) To encourage participation in cultural life by children, including children from poorer families, and migrant or refugee children; and

(d) To eliminate physical, social and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life.<sup>ww</sup>

68. Indicate the measures taken to protect cultural diversity, promote awareness of the cultural heritage of ethnic, religious or linguistic minorities and of indigenous communities, and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

69. Provide information on school and professional education in the field of culture and the arts.

70. Indicate:

(a) The measures taken to ensure affordable access to the benefits of scientific progress and its applications for everyone, including disadvantaged and marginalized individuals and groups; and

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<sup>vv</sup> In general comment 11, paragraph 11, the Committee asks States parties to submit their plans of action as an integral part of the reports required under the Covenant.

<sup>ww</sup> General comment 5, paras. 36-38; general comment 6, paras. 39-41.

(b) The measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity and human rights.

71. Indicate the measures taken to ensure the effective protection of the moral and material interests of creators,<sup>xx</sup> in particular:

(a) To protect the right of authors to be recognized as the creators and for the protection of the integrity of their scientific, literary and artistic productions;<sup>yy</sup>

(b) To protect the basic material interests of authors resulting from their productions, which enable them to enjoy an adequate standard of living;<sup>zz</sup>

(c) To ensure the protection of the moral and material interests of indigenous peoples relating to their cultural heritage and traditional knowledge,<sup>aaa</sup> and ..

(d) To strike an adequate balance between the effective protection of the moral and material interests of authors and the State party's obligations in relation to the other rights recognized in the Covenant.<sup>bbb</sup>

72. Indicate the legal provisions in place to protect the freedom indispensable for scientific research and creative activity and any restrictions on the exercise of this freedom.

73. Indicate the measures taken for the conservation, development and diffusion of science and culture and to encourage and develop international contacts and co-operation in the scientific and cultural fields.

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<sup>xx</sup> General comment 17, paras. 39 (a).

<sup>yy</sup> Ibid., para. 39 (b).

<sup>zz</sup> Ibid., para. 39 (c).

<sup>aaa</sup> Ibid., para. 32.

<sup>bbb</sup> Ibid., para. 39 (e).

### Chapter III

#### HUMAN RIGHTS COMMITTEE\*

##### A. Introduction

A.1 These guidelines replace all earlier versions issued by the Human Rights Committee, which may now be disregarded (CCPR/C/19/Rev.1 of 26 August 1982, CCPR/C/5/Rev.2 of 28 April 1995 and Annex VIII to the Committee's 1998 report to the General Assembly (A/53/40)); the Committee's general comment 2 (13) of 1981 is also superseded. The present guidelines do not affect the Committee's procedure in relation to any special reports which may be requested.

A.2 These guidelines will be effective for all reports to be presented after 31 December 1999.

A.3 The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

A.4 Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

##### B. Framework of the Covenant concerning reports

B.1 Every State party, upon ratifying the Covenant, undertakes, under article 40, to submit, within a year of the Covenant's entry into force for that State, an initial report on the measures it has adopted which give effect to the rights recognized in the Covenant ("Covenant rights") and progress made in their enjoyment; and thereafter periodic reports whenever the Committee so requests.

B.2 For subsequent periodic reports the Committee has adopted a practice of stating, at the end of its concluding observations, a date by which the following periodic report should be submitted.

##### C. General guidance for contents of all reports

C.1 *The articles and the Committee's general comments.* The terms of the articles in Parts I, II and III of the Covenant must, together with general comments issued by the Committee on any such article, be taken into account in preparing the report.

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\* Contained in document CCPR/C/66/GUI/Rev.2 entitled *Consolidated guidelines for State reports under the International Covenant on Civil and Political Rights*. The guidelines were adopted during the sixty-sixth session (July 1999) of the Human Rights Committee and amended during its seventieth session (October 2000).

C.2 *Reservations and declarations.* Any reservation to or declaration as to any article of the Covenant by the State party should be explained and its continued maintenance justified.

C.3 *Derogations.* The date, extent and effect of, and procedures for imposing and for lifting any derogation under article 4 should be fully explained in relation to every article of the Covenant affected by the derogation.

C.4 *Factors and difficulties.* Article 40 of the Covenant requires that factors and difficulties, if any, affecting the implementation of the Covenant should be indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome these.

C.5 *Restrictions or limitations.* Certain articles of the Covenant permit some defined restrictions or limitations on rights. Where these exist, their nature and extent should be set out.

C.6 *Data and statistics.* A report should include sufficient data and statistics to enable the Committee to assess progress in the enjoyment of Covenant rights, relevant to any appropriate article.

C.7 *Article 3.* The situation regarding the equal enjoyment of Covenant rights by men and women should be specifically addressed.

C.8 *Core document.* Where the State party has already prepared a core document, this will be available to the Committee: it should be updated as necessary in the report, particularly as regards “General legal framework” and “Information and publicity” (HRI/CORE/1, see chapter 1 of the present document).

## **D. The initial report**

### D.1 General.

This report is the State party’s first opportunity to present to the Committee the extent to which its laws and practices comply with the Covenant which it has ratified. The report should:

- Establish the constitutional and legal framework for the implementation of Covenant rights
- Explain the legal and practical measures adopted to give effect to Covenant rights
- Demonstrate the progress made in ensuring enjoyment of Covenant rights by the people within the State party and subject to its jurisdiction

### D.2 Contents of the report.

D.2.1 A State party should deal specifically with every article in Parts I, II and III of the Covenant; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies for violation of Covenant rights should be explained and exemplified.

D.2.2 The report should explain:

How article 2 of the Covenant is applied, setting out the principal legal measures which the State party has taken to give effect to Covenant rights; and the range of remedies available to persons whose rights may have been violated;

Whether the Covenant is incorporated into domestic law in such a manner as to be directly applicable;

If not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

Whether the Covenant rights are guaranteed in a Constitution or other laws and to what extent; or

Whether Covenant rights must be enacted or reflected in domestic law by legislation so as to be enforceable.

D.2.3 Information should be given about the judicial, administrative and other competent authorities having jurisdiction to secure Covenant rights.

D.2.4 The report should include information about any national or official institution or machinery which exercises responsibility in implementing Covenant rights or in responding to complaints of violations of such rights, and give examples of their activities in this respect.

D.3 Annexes to the report.

D.3.1 The report should be accompanied by copies of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Covenant rights. Such texts will not be copied or translated, but will be available to members of the Committee; it is important that the report itself contains sufficient quotations from or summaries of these texts so as to ensure that the report is clear and comprehensible without reference to the annexes.

## **E. Subsequent periodic reports**

E.1 There should be two starting points for such reports:

The concluding observations (particularly “Concerns” and “Recommendations”) on the previous report and summary records of the Committee’s consideration (insofar as these exist);

An examination by the State party of the progress made towards and the current situation concerning the enjoyment of Covenant rights by persons within its territory or jurisdiction.

E.2 Periodic reports should be structured so as to follow the articles of the Covenant. If there is nothing new to report under any article it should be so stated.<sup>1</sup>

E.3 The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to a periodic report.

E.4 There may be circumstances where the following matters should be addressed, so as to elaborate a periodic report:

There may have occurred a fundamental change in the State party's political and legal approach affecting Covenant rights: in such a case a full article-by-article report may be required;

New legal or administrative measures may have been introduced which deserve the annexure of texts and judicial or other decisions.

## **F. Optional protocols**

F.1 If the State party has ratified the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should (unless the matter has been dealt with in a previous report) include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance thus criticized does not recur.

F.2 If the State party has abolished the death penalty the situation relating to the Second Optional Protocol should be explained.

## **G. The Committee's consideration of reports**

### **G.1 General**

The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Covenant rights in the State.

### **G.2 List of issues**

On the basis of all information at its disposal, the Committee will supply in advance a list of issues which will form the basic agenda for consideration of the report. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

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<sup>1</sup> E.2 in fine: adopted at the seventieth session.

### G.3 The State party's delegation

The Committee wishes to ensure that it is able effectively to perform its functions under article 40 and that the reporting State party should obtain the maximum benefit from the reporting requirement. The State party's delegation should, therefore, include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of Covenant rights.

### G.4 Concluding observations

Shortly after the consideration of the report, the Committee will publish its concluding observations on the report and the ensuing discussion with the delegation. These concluding observations will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

### G.5 Extra information.

G.5.1 Following the submission of any report, subsequent revisions or updating may only be submitted:

(a) No later than 10 weeks prior to the date set for the Committee's consideration of the report (the minimum time required by the United Nations translation services); or

(b) After that date, provided that the text has been translated by the State party into the working languages of the Committee (currently English, Spanish and French).

If one or other of these courses is not complied with, the Committee will not be able to take an addendum into account. This, however, does not apply to updated annexes or statistics.

G.5.2 In the course of the consideration of a report, the Committee may request or the delegation may offer further information; the secretariat will keep a note of such matters which should be dealt with in the next report.

G.6.1 The Committee may, in a case where there has been a long-term failure by a State party, despite reminders, to submit an initial or a periodic report, announce its intention to examine the extent of compliance with Covenant rights in that State party at a specified future session. Prior to that session it will transmit to the State party appropriate material in its possession. The State party may send a delegation to the specified session, which may contribute to the Committee's discussion, but in any event the Committee may issue provisional concluding observations and set a date for the submission by the State party of a report of a nature to be specified.

G.6.2 In a case where a State party, having submitted a report which has been scheduled at a session for examination, informs the Committee, at a time when it is impossible to schedule the examination of another State party report, that its delegation will not attend the session, the Committee may examine the report on the basis of the list of issues either at that session or at

another to be specified. In the absence of a delegation, it may decide either to reach provisional concluding observations, or to consider the report and other material and follow the course in paragraph G.4 above.<sup>2</sup>

#### **H. Format of the report**

The distribution of a report, and thus its availability for consideration by the Committee, will be greatly facilitated if:

- (a) The paragraphs are sequentially numbered;
- (b) The document is written on A4-sized paper;
- (c) Is single-spaced; and
- (d) Allows reproduction by photo-offset (is on one side only of each sheet of paper).

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<sup>2</sup> G.6.1 and 2: adopted during the seventieth session.



## **Chapter IV**

### **COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION**

#### **Guidelines for the CERD-Specific document to be submitted by States parties under article 9, paragraph 1, of the Convention**

Adopted by the Committee at its seventy-first session (30 July-17 August 2007) taking into consideration the guidelines on a common core document and treaty specific documents, as contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1).

#### **A. Introduction**

1. In accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention), each State party has undertaken to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Elimination of Racial Discrimination (the Committee), a report on the legislative, judicial, administrative or other measures which it has adopted and which give effect to the provisions of the 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. Article 9, paragraph 1, also provides that the Committee may request further information from the States parties.
2. The purpose of the reporting guidelines is to advise States parties on the form and content of their reports, so as to ensure that reports are comprehensive and presented in a uniform manner. Compliance with the reporting guidelines will also reduce the need for the Committee to request further information under article 9 and under rule 65 of its rules of procedure.
3. States should consider the reporting process, including the process of preparation of their reports, not only as a means to ensure compliance with their international obligations, but also as an opportunity to fully comprehend the state of human rights protection within their jurisdiction for the purpose of more efficient policy planning and implementation of the Convention. Furthermore, States parties should encourage and facilitate the involvement of non-governmental organizations in the preparation of reports. Such constructive engagement on the part of non-governmental organizations will enhance the quality of reports as well as promote the enjoyment by all of the rights protected by the Convention.
4. The Committee has decided to replace its previous reporting guidelines (CERD/C/70/Rev.5) with the present document in order to take into consideration the guidelines on a common core document and treaty specific documents, as contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1), as well as to take into account the evolving practice and interpretation of the Convention by the Committee, as reflected in its general recommendations, opinions under article 14 of the Convention, decisions and concluding observations.

**B. The revised reporting system and organization of information to be included in the common core document and the CERD-specific document**

5. State reports under the treaty body reporting system consist of two parts: a common core document and treaty-specific documents. The common core document should include general information about the reporting State, the general framework for the protection and promotion of human rights, as well as general information on non-discrimination and equality and effective remedies in accordance with the harmonized guidelines (HRI/MC/2006/3 and Corr.1).

6. The CERD-specific document to be submitted under article 9 of the Convention should not repeat information included in the common core document. It should contain specific information relating to the implementation of articles 1 to 7 of the Convention, taking into account the general recommendations of the Committee. The report should reflect in all its parts the actual situation as regards the practical implementation of the Convention and progress achieved. It should also contain - except for the initial CERD-specific document - a response to the concerns expressed by the Committee in its concluding observations and decisions, as well as information on implementation of its recommendations therein, taking into consideration the guidelines for follow-up on concluding observations and recommendations.

7. Furthermore, the report should provide information on machinery developed at the national level to ensure follow-up to the concluding observations of the Committee, including information on the involvement of civil society in this process (if not already included in the common core document, as requested under paragraph 46 of the harmonized guidelines).

8. Part 3 of the common core document should contain information on non-discrimination and equality and effective remedies, which are matters of particular interest for the Committee. Whereas information included in the common core document is of a general nature, information included in the CERD-specific document must be more detailed, taking into account the definition of racial discrimination provided in article 1 of the Convention. The guidelines set out in section C below provide further details.

9. In accordance with paragraph 27 of the harmonized guidelines, the Committee may request that the common core document be updated if it considers that the information it contains is out of date.

10. The ethnic characteristics of the population, including those resulting from a mixing of cultures, are of particular importance in relation to the Convention.<sup>1</sup> Indicators for assessing the implementation of human rights, including demographic indicators, should be provided in the common core document. If this information has not been included in the common core document, it should be provided in the CERD-specific document.

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<sup>1</sup> See general recommendations No. 16 (1993) concerning the application of article 9 of the Convention; No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention; and No. 24 (1999) concerning article 1 of the Convention.

11. Many States consider that, when conducting a census, they should not draw attention to factors like race, lest this reinforce divisions they wish to overcome or affect rules concerning the protection of personal data. If progress in eliminating discrimination based on race, colour, descent, or national or ethnic origin (hereinafter racial discrimination) is to be monitored, some indication is needed in the CERD-specific document of the number of persons who might be treated less favourably on the basis of these characteristics. States that do not collect information on these characteristics in their censuses are therefore requested to provide information on mother tongues, languages commonly spoken, or other indicators of ethnic diversity, together with any information about race, colour, descent, or national or ethnic origins derived from social surveys. In the absence of quantitative information, a qualitative description of the ethnic characteristics of the population should be supplied. States are advised and encouraged to develop appropriate methodologies for the collection of relevant information.

12. The Committee is also interested in information indicating whether groups, and if so which groups, are officially considered to be national or ethnic minorities, or indigenous peoples in the State party. It also recommends that descent-based communities, non-citizens and internally displaced persons be identified.<sup>2</sup>

13. If needed, the report should be accompanied by sufficient copies in one of the working languages of the Committee of all other supplementary documentation which the reporting State may wish to have distributed to all members of the Committee to facilitate the consideration of its report.

14. When reporting, if States refer the Committee to information provided either in the common core document or in any other treaty-specific document, they should indicate precisely the relevant paragraphs in which such information is provided.

15. As required in paragraph 19 of the harmonized guidelines, initial treaty-specific documents should not exceed 60 pages, and subsequent periodic documents should be limited to 40 pages.

### **C. Information relating to articles 1 to 7 of the Convention**

16. The Committee invites States parties to incorporate in this part, under appropriate headings, the relevant extracts of the laws, regulations and judicial decisions referred to therein, as well as all other elements which they consider essential for the consideration of their reports by the Committee. The State party may, if necessary, append to the report in separate annexes all documents that it deems important for the further clarification of the report.<sup>3</sup>

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<sup>2</sup> See general recommendation No. 29 (2002) on article 1, paragraph 1, (Descent); general recommendation No. 27 (2000) on discrimination against Roma; general recommendation No. 23 (1997) on the rights of indigenous peoples and general recommendation; and No. 30 (2004) on discrimination against non-citizens.

<sup>3</sup> Annexes are not part of the report but are kept by the Secretariat and available for consultation.

17. States parties are also required to report to the Committee on difficulties they meet, if any, in implementing each provision of the Convention. Reports should not only focus on measures they plan to take to overcome these difficulties, but also on what has been achieved during the reporting period.

18. The Committee recommends that States parties include in their reports information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.<sup>4</sup>

19. The information contained in the CERD-specific report should be arranged as follows:

### **Article 1**

A. Assessment of the compliance of the definition of racial discrimination in domestic law with the definition provided in article 1, paragraph 1 of the Convention,<sup>5</sup> in particular:

1. Information on whether the definition of racial discrimination in domestic law encompasses discrimination based on race, colour, descent, or national or ethnic origin;

2. Information on whether direct as well as indirect forms of discrimination are included in the definition of racial discrimination in domestic law;

3. Information should be provided by the State party on its understanding of the term “public life” in article 1, paragraph 1, and on the scope of anti-discrimination law;

4. Information relating to reservations and declarations, as well as derogations, restrictions or limitations regarding the scope of the definition of racial discrimination in domestic law should be included in the common core document as required in paragraph 40 b) and c) of the harmonized guidelines.<sup>6</sup>

5. Information relating to the extent to which domestic law provides for differential treatment based on citizenship or immigration, taking into consideration paragraphs 2 and 3 of article 1 of the Convention, as well as general recommendation No. 30 (2004) on discrimination against non-citizens.

B. Information on whether the legal system of the State party allows or provides for special measures to secure the adequate advancement of groups and individuals protected under the

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<sup>4</sup> See general recommendation No. 28 (2002) on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

<sup>5</sup> See in particular general recommendation No. 14 (1993) on article 1, paragraph 1 of the Convention.

<sup>6</sup> If this information has not been included in the common core document, it should be provided in the CERD-specific document.

Convention, should be provided in the common core document as required in paragraph 52 of the harmonized guidelines. If this information has not been included in the common core document, it should be provided in the CERD-specific document.

## Article 2

A. Brief description of the legal framework and general policies to eliminate racial discrimination and to give effect to the provisions of article 2, paragraphs 1 and 2, of the Convention (if not already provided in the common core document under paragraphs 50 to 58 of the harmonized guidelines).

B. Specific and detailed information on the legislative, judicial, administrative or other measures taken:

1. To give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

2. To give effect to the undertaking to prohibit and bring to an end racial discrimination by any persons, groups or organizations;

3. To give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations;

4. To review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists, bearing in mind information already provided under paragraph 42 of the harmonized guidelines;

5. To encourage, where appropriate, non-governmental organizations and institutions that combat racial discrimination and foster mutual understanding.

C. Information on whether a national human rights institution, created in accordance with the Paris principles (General Assembly resolution 48/134 of 20 December 1993), or other appropriate bodies, have been mandated with combating racial discrimination (if not already provided in the common core document in accordance with paragraphs 42 f) and 43 b) of the harmonized guidelines).<sup>7</sup>

D. Information on groups and individuals benefiting from special and concrete measures taken in the social, economic, cultural and other fields in accordance with article 2, paragraph 2, of the Convention. Furthermore, detailed information on results achieved should be provided under article 5 of the Convention.

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<sup>7</sup> See general recommendation No. 17 (1993) on the establishment of national institutions to facilitate implementation of the Convention.

### Article 3

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 3 of the Convention, in particular:

1. Recalling general recommendation No. 19 (2002) on article 1, paragraph 1, the reference to apartheid may have been directed exclusively to South Africa, but the article as adopted prohibits all forms of racial segregation in all countries. Therefore information should be supplied on measures to prevent, prohibit and eradicate all practices of racial segregation in territories under the jurisdiction of the reporting State, in particular in cities where residential patterns may result from multiple discrimination based on low income and race, colour, descent or national or ethnic origin;<sup>8</sup>

2. Measures to ensure proper monitoring of all trends that can give rise to racial segregation and ghettoization, recalling that a condition of racial segregation can also arise without any initiative or direct involvement by public authorities;<sup>9</sup>

3. Measures to prevent and avoid as much as possible the segregation of groups and individuals protected under the Convention, including the Roma,<sup>10</sup> descent-based communities<sup>11</sup> and non-citizens,<sup>12</sup> in particular in the areas of education and housing.

### Article 4

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 4 of the Convention, bearing in mind information already provided in the common core document as requested under paragraph 53 of the harmonized guidelines, in particular on measures:

1. To give effect to the undertaking to adopt immediate measures designed to eradicate all incitement to, or acts of, racial discrimination, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

2. To publicly condemn all propaganda and organizations based on ideas or theories of the superiority of one group of persons on the basis of race, colour, descent or national or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form;

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<sup>8</sup> See general recommendation No. 19 (1995) on article 3 of the Convention.

<sup>9</sup> Ibid.

<sup>10</sup> See general recommendation No. 27 (2000) on discrimination against Roma.

<sup>11</sup> See general recommendation No. 29 (2002) on article 1, paragraph 1, (Descent).

<sup>12</sup> See general recommendation No. 30 (2004) on discrimination against non-citizens.

3. To declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination against any person or group of persons;

4. To declare an offence punishable by law all acts of violence or incitement to such acts against persons or groups of persons because of their race, colour, descent or national or ethnic origin;

5. To declare an offence punishable by law the provision of any assistance to racist activities, including the financing thereof;

6. To declare illegal and prohibit organizations, as well as organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;<sup>13</sup>

7. To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination.

B. Information on whether racial motives are considered an aggravating circumstance under domestic penal legislation.<sup>14</sup>

C. The Committee recalls its general recommendations No. 7 (1985) relating to the implementation of article 4 and No. 15 (1993) on article 4 of the Convention in which it stresses that the provisions of article 4 are of a mandatory character. Where, however, no specific legislation has been enacted to implement article 4 of the Convention, States parties should:

1. Explain the reasons for the absence of legislation, and the difficulties they face in implementing that provision;

2. Inform the Committee of the manner and the extent to which the provisions of existing penal laws, as applied by the courts, effectively implement their obligations under that provision.<sup>15</sup>

D. To satisfy their obligations under article 4 of the Convention, States parties have not only to enact appropriate legislation but also to ensure that it is effectively enforced. Therefore, they should provide information concerning decisions taken by national tribunals and other State institutions regarding acts of racial discrimination, and in particular those offences dealt with in

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<sup>13</sup> See in particular general recommendation No. 15 (1993) on article 4 of the Convention.

<sup>14</sup> See for example general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, para. 4.

<sup>15</sup> Information requested in Decision 3 (7) adopted by the Committee on 4 May 1973.

article 4 (a) and (b).<sup>16</sup> Statistical data should also be provided on complaints filed, prosecutions launched and sentences passed for acts prohibited under article 4 of the Convention over the reporting period, as well as a qualitative assessment of such data.<sup>17</sup>

### **Article 5**

States Parties are required to report on the non-discriminatory implementation of each of the rights and freedoms referred to in article 5 of the Convention. They should provide information on the legislative, judicial, administrative or other measures taken to that effect, presented either under the right in question (with subsections devoted to the implementation of each right listed in that provision) or for the benefit of relevant groups of victims or potential victims of racial discrimination based (with subsections devoted to each relevant group).

The list of rights and freedoms, as provided in article 5, is not exhaustive. The equal enjoyment of the rights and freedoms referred to in article 5, and any similar rights, shall be protected by States parties. Such protection may be achieved in different ways, be it by the use of public institutions or through the activities of private institutions. In any case, it is the obligation of States parties to ensure the effective implementation of the Convention and to report thereon under article 9 of the Convention. To the extent that private institutions influence the exercise of rights or the availability of opportunities, the concerned State party must ensure that the result has neither the purpose nor the effect of creating or perpetuating racial discrimination.<sup>18</sup>

When special measures have been adopted for the benefit of specific groups and individuals in accordance with article 2, paragraph 2, of the Convention, detailed information on results achieved should be provided under that section.

#### **I. INFORMATION GROUPED UNDER PARTICULAR RIGHTS**

**Requests for information listed below are only indicative and not limitative**

A. The right to equal treatment before tribunals and all other organs administering justice. In particular, information should be provided on measures taken to:

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<sup>16</sup> See general recommendation No. 7 (1985) relating to the implementation of article 4.

<sup>17</sup> See general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

<sup>18</sup> See general recommendation No. 20 (1996) on article 5 of the Convention.



1. Ensure that any measures taken in the fight against terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin, and that individuals are not subjected to racial or ethnic profiling or stereotyping;<sup>19</sup>

2. Ensure that claims of racial discrimination by individuals are investigated thoroughly and that claims made against officials, notably those concerning discriminatory or racist behaviour, are subject to independent and effective scrutiny;

3. Implement general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution. In particular, information should be provided on measures taken to:

1. Ensure equal protection of the security and integrity of victims or potential victims of racial discrimination by adopting measures for preventing racially motivated acts of violence against them; ensure prompt action by the police, prosecutors and the judiciary in investigating and punishing such acts; and ensure that perpetrators, be they public officials or other persons, do not enjoy any degree of impunity;<sup>20</sup>

2. Prevent the use of illegal force by the police against persons belonging to groups protected under the Convention, in particular in connection with arrest and detention;<sup>21</sup>

3. Encourage appropriate arrangements for communication and dialogue between the police and groups of victims or potential victims of racial discrimination, with a view to preventing conflicts caused by racial prejudice and combating acts of racially motivated violence against members of these groups, as well as against other persons;<sup>22</sup>

4. Encourage recruitment of members of groups protected under the Convention into the police force and other law enforcement agencies;<sup>23</sup>

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<sup>19</sup> See statement on racial discrimination and measures to combat terrorism (official Records of the General Assembly, fifty-seventh session, supplement No. 18 (A/57/18), chapter XI, section C).

<sup>20</sup> See for example general recommendation No. 27 (2000) on discrimination against Roma, para. 12.

<sup>21</sup> Ibid., para. 13.

<sup>22</sup> Ibid., para. 14.

<sup>23</sup> Ibid., para. 15.

5. Ensure that non-citizens are not returned or removed to a country or territory where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment.<sup>24</sup>

C. Political rights, in particular the right to participate in elections, to vote and to stand for election on the basis of universal and equal suffrage, to take part in government as well as in the conduct of public affairs at any level and to have equal access to public service. In particular, information should be provided on:

1. Measures adopted to guarantee these rights, and on their enjoyment in practice. For example, do members of indigenous peoples and persons of different ethnic or national origin exercise such rights to the same extent as the rest of the population? Are they proportionately represented in all State public service and governance institutions?

2. The extent to which groups of victims or potential victims of racial discrimination are involved in the development and implementation of policies and programmes affecting them.<sup>25</sup>

3. Measures taken to promote awareness among members of the groups and communities concerned of the importance of their active participation in public and political life, and to eliminate obstacles to such participation.<sup>26</sup>

D. Other civil rights. In particular information should be provided on:

1. The right to freedom of movement and residence within the border of the State;
2. The right to leave any country, including one's own, and to return to one's country;
3. The right to nationality.

In particular, information should be provided on (a) measures taken to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization; (b) the specific situation of long-term or permanent

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<sup>24</sup> See general recommendation No. 30 (2004) on discrimination against non-citizens, para. 27.

<sup>25</sup> See for example general recommendation No. 27 (2000) on discrimination against Roma, para. 43; general recommendation No. 23 (1997) on the rights of indigenous peoples, para. 4.

<sup>26</sup> See for example general recommendation No. 27 (2000) on discrimination against Roma, para. 44.

residents; (c) action taken to reduce statelessness; and (d) whether different standards of treatment for accessing citizenship are applied to non-citizen spouses (female and male) of citizens;<sup>27</sup>

4. The right to marriage and choice of spouse;
5. The right to own property alone as well as in association with others;
6. The right to inherit;
7. The right to freedom of thought, conscience and religion.

The Committee would like to recall the possible intersectionality of racial and religious discrimination, including the effects of anti-terrorism measures, which may lead to discrimination on ethnic grounds against members of specific religious communities;

8. The right to freedom of opinion and expression;<sup>28</sup>
9. The right to freedom of peaceful assembly and association.

E. Economic, social and cultural rights. In particular information should be provided on:

1. The right to work.

States parties should, for example, (a) indicate whether persons belonging to groups protected under the Convention are over- or underrepresented in certain professions or activities, and in unemployment; and (b) describe governmental action to prevent racial discrimination in the enjoyment of the right to work;

2. The right to form and join trade unions.

States parties should, for example, (a) indicate whether the right to form and join trade unions is granted to non-citizens, and/or which restrictions apply depending on their status, and (b) whether the right to form and join trade unions is restricted for specific professions or for specific types of contract, for which persons belonging to groups protected under the Convention are over-represented;

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<sup>27</sup> On these issues, see in particular general recommendation No. 30 (2004) on discrimination against non-citizens.

<sup>28</sup> See in this regard general recommendation No. 15 (1993) on article 4 of the Convention, according to which “in the opinion of the Committee, the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression”.

3. The right to housing.

States parties should, for example, (a) indicate whether groups of victims or potential victims of racial discrimination are concentrated in particular sectors or tend to concentrate in particular localities; (b) describe governmental action to prevent racial discrimination by those who rent or sell houses or apartments; and (c) describe measures taken to implement the right to housing of nomadic or semi-nomadic people, with full respect for their cultural identity;<sup>29</sup>

4. The right to public health, medical care, social security and social services.

Different groups of victims or potential victims of racial discrimination within the population may have different needs for health and social services. States parties should (a) describe any such differences and (b) describe governmental action to secure the equal provision of these services;

5. The right to education and training.

States parties should, for example, (a) indicate any variations in the level of education and training between members of groups protected under the Convention; (b) provide information on languages spoken and taught in schools; and (c) describe governmental action to prevent racial discrimination in the enjoyment of this right;

6. The right to equal participation in cultural activities.

States parties should, for example, report (a) on measures taken to enhance the right of all persons without discrimination to participate in cultural life, while at the same time respecting and protecting cultural diversity; (b) on measures taken to encourage creative activities by persons belonging to groups protected under the Convention, and to enable them to preserve and develop their culture; (c) on measures taken to encourage and facilitate their access to the media, including newspapers, television and radio programmes, and the establishment of their own media; (d) on measures taken to prevent racial hatred and prejudice in competitive sports; and (e) on the status of minority, indigenous and other languages in domestic law and in the media;

7. The right of access to places of service.

States parties should report on action taken to prevent racial discrimination in access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, discos, cinemas, theatres and parks.

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<sup>29</sup> See, for instance, in relation to Roma, the recommendations made by the Committee in paragraphs 31 and 32 of its general recommendation No. 27 (2000) on discrimination against Roma; see also the recommendation made by the Committee on Economic, Social and Cultural Rights in paragraph 7 of its general comment No. 4 (1991) on the right to adequate housing (article 11(1) of the Covenant).

## II. INFORMATION BY RELEVANT GROUPS OF VICTIMS OR POTENTIAL VICTIMS OF RACIAL DISCRIMINATION

A. The Committee wishes to ascertain to what extent all persons within the State's jurisdiction, and particularly members of groups protected by the Convention, in practice enjoy, free from racial discrimination, all the rights and freedoms referred to in article 5 of the Convention. Information provided on indicators in the common core document, in accordance with appendix 3 of the harmonized guidelines, should be supplemented with (a) a qualitative assessment of these indicators and (b) information on progress achieved over the reporting period. Specific information should be provided, and in particular:

1. On refugees and displaced persons, bearing in mind general recommendation No. 22 (1996) on article 5 of the Convention on refugees and displaced persons;

2. On non-citizens, including immigrants, refugees, asylum-seekers and stateless persons, bearing in mind general recommendation No. 30 (2004) on discrimination against non-citizens;

3. On indigenous peoples, bearing in mind general recommendation No. 23 (1997) on the rights of indigenous peoples;

4. On minorities, including the Roma, bearing in mind general recommendation No. 27 (2000) on discrimination against Roma;

5. On descent-based communities, bearing in mind general recommendation No. 29 (2002) on article 1, paragraph 1 of the Convention (Descent);

6. On women, bearing in mind general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination. States parties are requested to describe, as far as possible in quantitative and qualitative terms, factors affecting and difficulties experienced in ensuring the equal enjoyment by women, free from racial discrimination, of rights under the Convention. They should provide data by race, colour, descent and national or ethnic origin, which are then disaggregated by gender within those groups.

B. Particular attention should be brought to complex forms of disadvantage in which racial discrimination is mixed with other causes of discrimination (such as those based on age, sex and gender, religion, disability and low socio-economic status). States parties are asked to bear in mind the circumstances of the persons concerned, and to refer to any available social indicators of forms of disadvantage that may be linked with racial discrimination.<sup>30</sup>

C. Where no quantitative data relevant to the enjoyment of these rights is available, States parties should provide relevant information derived from social surveys, and report the opinions of representatives of disadvantaged groups.

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<sup>30</sup> See general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination.

## Article 6

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention, bearing in mind information already provided in accordance with paragraph 59 of the harmonized guidelines. In particular, information should be provided on:

1. The practice and decisions of courts and other judicial and administrative organs relating to cases of racial discrimination, as defined under article 1 of the Convention;
2. Measures taken to ensure (a) that victims have adequate information concerning their rights; (b) that they do not fear social censure or reprisals; (c) that victims with limited resources do not fear the cost and complexity of the judicial process; (d) that there is no lack of trust in the police and judicial authorities; and (e) that the authorities are sufficiently alert to, or aware of, offences with racial motives;
3. Whether national human rights institutions and ombudspersons and other similar institutions are authorized to hear and consider individual complaints of racial discrimination;
4. Types of reparation and satisfaction, with examples, which are considered adequate in domestic law in case of racial discrimination;<sup>31</sup>
5. The burden of proof in civil proceedings for cases involving racial discrimination.<sup>32</sup>

B. If relevant, States parties should indicate whether they intend to make the optional declaration provided in article 14. Information on obstacles to that effect may be provided. For those States that have made the declaration under article 14 of the Convention, information should be provided on whether, in accordance with paragraph 2 of article 14, they have established or identified a body within their national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within their jurisdiction who claim to be victims of a violation of any of the rights set forth in the Convention and who have exhausted other available local remedies.

## Article 7

Information should supplement that already provided in the common core document in accordance with paragraph 56 of the harmonized guidelines. Reports should provide information on each of the main subjects mentioned in article 7 under the following separate headings: (a) education and teaching; (b) culture; and (c) information. Within these broad parameters, the

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<sup>31</sup> See general recommendation No. 26 (2000) on article 6 of the Convention. See also in this regard general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 23(1997) on the rights of indigenous peoples, para. 5.

<sup>32</sup> See general recommendation No. 30 (2004) on discrimination against non-citizens, para. 24.

information provided should reflect the measures taken by States parties (i) to combat prejudices which lead to racial discrimination; and (ii) to promote understanding, tolerance and friendship among nations and all groups.

A. Education and teaching. In particular, information should be provided on:

1. Legislative and administrative measures taken in the field of education and teaching to combat prejudices which lead to racial discrimination, including general information on the educational system;

2. Steps taken to include, in school curricula and in the training curricula of teachers and other professionals, programmes and subjects to help promote human rights issues which would lead to better understanding, tolerance and friendship among all groups. Information should also be provided on whether the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention are included in education and teaching;

3. Steps taken to review all language in textbooks which conveys stereotyped or demeaning images, references, names or opinions concerning groups protected under the Convention, and replace it by images, references, names and opinions which convey the message of the inherent dignity of all human beings and their equality in the enjoyment of human rights;<sup>33</sup>

4. Steps taken to include in textbooks, at all appropriate levels, chapters about the history and culture of groups protected under the Convention and living on the State's territory, and to encourage and support the publication and distribution of books and other print materials as well as the broadcasting of television and radio programmes, as appropriate, about their history and culture, including in languages spoken by them;<sup>34</sup>

5. Measures taken for intensive training of law enforcement officials to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.<sup>35</sup>

B. Culture. In particular, information should be provided on:

1. The role of institutions or associations working to develop national culture and traditions, to combat racial prejudices and to promote intra-national and intra-cultural understanding, tolerance and friendship among all groups;

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<sup>33</sup> See for example general recommendation No. 29 (2002) on article 1, paragraph 1, (Descent), para. 48.

<sup>34</sup> See general recommendation No. 27 (2000) on discrimination against Roma, para. 26.

<sup>35</sup> See general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights.

2. Support provided by the States parties to such institutions and associations, and more generally, action taken to ensure the respect and promotion of cultural diversity, for example in the area of artistic creation (cinema, literature, painting, etc.);

3. The linguistic policies adopted and implemented by the State party.

C. Information. In particular, information should be provided on:

1. The role of State media in the dissemination of information to combat prejudices which lead to racial discrimination, and in fostering better understanding of the purposes and principles of the Convention;

2. The role of mass information media, i.e. the press, radio and television and Internet in publicizing human rights and disseminating information on the purposes and principles of human rights instruments;

3. Action taken to encourage awareness among professionals of all media of their particular responsibility not to encourage prejudice and to avoid reporting incidents involving individual members of groups protected under the Convention in a way which blames such groups as a whole;<sup>36</sup>

4. Action taken to encourage methods of self-monitoring by the media, through a code of conduct for media organizations, in order to avoid racial, discriminatory or biased language;<sup>37</sup>

5. Action to develop educational and media campaigns to educate the public about the life, society and culture of groups protected under the Convention and the importance of building an inclusive society while respecting the human rights and cultural identity of all groups.<sup>38</sup>

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<sup>36</sup> See for example general recommendation No. 27 (2000) on discrimination against Roma, para. 37.

<sup>37</sup> Ibid., para. 40.

<sup>38</sup> Ibid., para. 38.



## Chapter V

### COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN<sup>1</sup>

#### A. Introduction

A.1. The present treaty-specific reporting guidelines must be applied in conjunction with the harmonized reporting guidelines on a common core document.<sup>2</sup> Together they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. They replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women.<sup>3</sup>

A.2. States parties' reports on the implementation of the Convention thus constitute two parts: a common core document and a document that specifically relates to the implementation of the Convention.

#### A.3. Common core document

A.3.1. The common core document constitutes the first part of any report prepared for the Committee in accordance with the harmonized reporting guidelines.<sup>4</sup> The common core document contains information of a general and factual nature.

A.3.2. In general, information that is contained in the common core document need not be repeated in the Convention-specific document submitted to the Committee. The Committee underlines that, should a State party not have submitted a common core document, or if the information in the common core document has not been updated, all relevant information must be included in the Convention-specific document. In addition, the Committee encourages States to review information given by them in the common core document as to its sex and gender dimensions. If that is found to be insufficient, States are encouraged to include relevant information in the Convention-specific document and in the next update of the common core document.

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<sup>1</sup> Technical assistance may be sought from the Office of the United Nations High Commissioner for Human Rights or other United Nations entities for reporting and for the creation of mechanisms to collect data.

<sup>2</sup> The harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.4, chap. I).

<sup>3</sup> HRI/GEN/2/Rev.4, chap. V.

<sup>4</sup> See, in particular, sect. III, and the general and first parts of reports.

#### **A.4. Convention-specific document**

A.4.1. The present guidelines pertain to the preparation of the second part of reports and apply to the initial as well as all subsequent periodic reports to the Committee. The Convention-specific document should contain all information relating to the implementation of the Convention.

A.4.2. While general factual information on the general framework for the protection and promotion of human rights disaggregated according to sex, where applicable, and on non-discrimination and equality and effective remedies should be included in the common core document,<sup>5</sup> additional information specific to the implementation of the Convention and the relevant general recommendations of the Committee, as well as information of a more analytical nature on the impact of laws, the interaction of plural legal systems, policies, programmes on women, should be provided in the Convention-specific document. Analytical information should also be provided on the progress made in ensuring enjoyment of the provisions of the Convention by all groups of women throughout their lifecycle within the territory or jurisdiction of the State party.

### **B. Reporting obligation**

B.1. Every State party, upon ratifying or acceding to the Convention, undertakes, under article 18, to submit, within one year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

### **C. General guidance for the contents of the reports**

#### **C.1. General**

C.1. The report should follow paragraphs 24 to 26 and 29 of the harmonized reporting guidelines.<sup>6</sup>

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<sup>5</sup> See paras. 40-59 of the harmonized reporting guidelines (HRI/GEN/2/Rev.4, chap. I). This includes general information on customary or religious law affecting women's equality in and before the law; inclusion of the prohibition of sex discrimination in the constitution; the existence of specific anti-discrimination legislation, equal opportunities legislation, legislation prohibiting violence against women; whether the legal system allows for or mandates special measures; the number of court cases on allegations of sex discrimination; the institution(s) serving as the national machinery for women; the gender dimension of national human rights institutions; the existence of gender budgeting and its results; specifically women-targeted human rights education.

<sup>6</sup> HRI/GEN/2/Rev.4, chap. I.

C.2. The Committee's general recommendations.

C.2. General recommendations, adopted by the Committee, should be taken into account in preparing the Convention-specific document.

C.3. Reservations and declarations.

C.3. General information on reservations and declarations should be included in the common core document in accordance with paragraph 40 (b) of the harmonized reporting guidelines. In addition, specific information in respect of reservations and declarations to the Convention should be included in the Convention-specific document submitted to the Committee in accordance with the present guidelines, the Committee's statements on reservations<sup>7</sup> and, where applicable, the Committee's concluding observations. Any reservation to or declaration relating to any article of the Convention by the State party should be explained and its continued maintenance clarified. States parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 2 and/or 7, 9 and 16 should report on the interpretation and the effect of those reservations. States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

C.4. Factors and difficulties.

C.4. Information on factors and difficulties of particular relevance to the implementation of the provisions of the Convention and not covered in the common core document, in accordance with paragraph 44 of the harmonized reporting guidelines, should be provided in the Convention-specific document, including details of the steps being taken to overcome them.

C.5. Data and statistics.

C.5. While general factual and statistical information should be included in the common core document,<sup>8</sup> the Convention-specific document should include specific data and statistics disaggregated by sex<sup>9</sup> which are relevant to the implementation of each article of the Convention and the general recommendations of the Committee in order to enable the Committee to assess progress in the implementation of the Convention.

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<sup>7</sup> *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38 (A/53/38/Rev.1)*, part two, chap. I, sect. A.

<sup>8</sup> See para. 32 of the harmonized reporting guidelines (HRI/GEN/2/Rev.4, chap. I).

<sup>9</sup> Using appropriate indicators as stated in appendix 3 of the harmonized reporting guidelines (HRI/GEN/2/Rev.4, chap. I).

#### **D. The initial report**

D.1. The initial Convention-specific document, together with the common core document, constitutes the State party's initial report and is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention.

D.2. A State party should deal specifically with every article in parts I to IV of the Convention; in addition to information contained in the common core document, a detailed analysis of the impact of legal norms on women's factual situation and the practical availability, implementation and effect of remedies for violations of provisions of the Convention should be provided and explained in the Convention-specific document.

D.3. The initial Convention-specific document should, to the extent that such information is not already contained in the common core document, outline any distinctions, exclusions or restrictions made on the basis of sex and gender, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on women's enjoyment of each provision of the Convention.

D.4. The initial Convention-specific document should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative, judicial and other texts which guarantee and provide remedies in relation to the rights and provisions of the Convention, in particular when those are not attached to the report or are not available in one of the working languages of the United Nations.

#### **E. Periodic reports**

E.1. The subsequent Convention-specific document, which, together with the common core document, forms a subsequent periodic report, should focus on the period between the consideration of the State party's previous report and the presentation of the current report.

E.2. Periodic Convention-specific documents should be structured so as to follow the main clusters (parts I-IV) of the Convention. If there is nothing new to report under any article, it should be so stated.

E.3. There should be at least three starting points for such subsequent Convention-specific documents:

(a) Information on the implementation of concluding observations (particularly "Concerns" and "Recommendations") to the previous report and explanations for the non-implementation or difficulties encountered;<sup>10</sup>

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<sup>10</sup> States parties may decide to present such information at the beginning of the report or to integrate it, with specific reference to the particular concluding observation, under the relevant parts of the report.

(b) An analytical and result-oriented examination by the State party of additional legal and other appropriate steps and measures undertaken towards the implementation of the Convention;

(c) Information on any remaining or emerging obstacles to the exercise and enjoyment by women of their human rights and fundamental freedoms in the civil, political, economic, social, cultural or any other field on the basis of equality with men, as well as information on measures envisaged to overcome these obstacles.

E.4. Periodic Convention-specific documents should in particular address the impact of measures taken, and should analyse trends over time in eliminating discrimination against women and ensuring women's full enjoyment of their human rights.

E.5. Periodic Convention-specific documents should also address the implementation of the Convention with respect to different groups of women, in particular those subject to multiple forms of discrimination.

E.6. Where a fundamental change has occurred in the State party's political and legal approach affecting the implementation of the Convention or new legal or administrative measures have been introduced by the State party which require the annexure of texts, and judicial or other decisions, such information should be provided in the Convention-specific document.

#### **F. Exceptional reports**

F.1. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports that may be requested and are governed by rule 48.5 of the Committee's rules of procedure and its decisions 21/I and 31/III (h) on exceptional reports.

#### **G. Annexes to reports**

G.1. If needed, the report should be accompanied by a sufficient number of copies, in one of the working languages of the United Nations, of the principal legislative, judicial, administrative and other supplementary documentation that the reporting States may wish to have distributed to all members of the Committee to facilitate the consideration of their report. These texts may be submitted in accordance with paragraph 20 of the harmonized guidelines on reporting.

#### **H. Optional Protocol**

H.1. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, the Convention-specific document should include further information about the remedial steps taken as well as other steps taken to ensure that any circumstance giving rise to the communication does not recur.

H.2. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, the Convention-specific document should include details of any further measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

## **I. Measures to implement outcomes of United Nations conferences, summits and reviews**

I.1. There is a significant synergy between the substantive content of the Convention and the Beijing Platform for Action and they are therefore mutually reinforcing. The Convention comprises legally binding obligations and sets out women's right to equality in civil, political, economic, social, cultural or any other field. The Platform, through its 12 critical areas of concern, provides a policy and programmatic agenda that can be used for the implementation of the Convention. The Convention-specific document should also contain information on how the implementation of the 12 critical areas of the Platform, as they relate to specific articles of the Convention, is integrated into the State party's implementation of the Convention's substantive equality framework.

I.2. The Convention-specific document should also include information on the implementation of the gender elements of the Millennium Development Goals and on the outcomes of other relevant United Nations conferences, summits and reviews.

I.3. Where applicable, the Convention-specific document should include information on the implementation of Security Council resolution 1325 (2000) and its outcomes.

## **J. Format of the Convention-specific document**

J.1. The format of the Convention-specific document should be in accordance with paragraphs 19 to 23 of the harmonized reporting guidelines. The initial report should not exceed 60 pages, and subsequent Convention-specific documents should be limited to 40 pages. Paragraphs should be numbered sequentially.

## **K. The Committee's consideration of reports**

K.1. General.

K.1. The Committee intends its consideration of a report to the Committee to take the form of a constructive dialogue with the delegation, the aim of which is to improve the implementation of the Convention by the State party.

K.2. List of issues and questions with respect to initial and periodic reports.

K.2. On the basis of all information at its disposal, the Committee will supply in advance a list of issues and questions intended to clarify and complete information provided in the common core document and the Convention-specific document. Written answers to the list will be required from the State party at least three months in advance of the session at which the report will be considered. The delegation should come prepared to respond to additional questions by Committee experts.

K.3. The State party's delegation.

K.3. The State party's delegation should include persons who, through their knowledge and competence and their position of authority or accountability, are able to explain all aspects of women's human rights in the reporting State and are able to respond to the Committee's questions and comments concerning the implementation of the Convention.

K.4. Concluding observations.

K.4. After its consideration of the report, the Committee will adopt and publish its concluding observations on the report and the constructive dialogue with the delegation. The concluding observations will be included in the annual report of the Committee to the General Assembly. The Committee expects the State party to disseminate the concluding observations widely, in all appropriate languages, with a view to public information and discussion for implementation.

## Chapter VI

### COMMITTEE AGAINST TORTURE

#### A. Initial reports\*

1. Under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment each State party undertakes to submit a report on the measures taken to give effect to its undertakings under the Convention. The initial report is due within one year after the entry into force of the Convention for that State party and thereafter every four years unless the Committee requests other reports.
2. In order to assist States parties in fulfilling their obligations under article 19, the Committee has adopted the following general guidelines as to the form and content of initial reports. The present Guidelines replace the earlier version adopted by the Committee at its 82nd meeting (sixth session) in April 1991.

### PART I. GENERAL INFORMATION

#### A. Introduction

3. In the introductory part of the report, cross-references to the expanded core document should be made regarding information of a general nature, such as the general political structure, general legal framework within which human rights are protected, etc. It is not necessary to repeat that information in the initial report.
4. Information on the process of preparing the report should be included in this section. The Committee considers that drafting of reports would benefit from broad-based consultations. It therefore welcomes information on any such consultations within Government, with national institutions for the promotion and protection of human rights, non-governmental organizations and other organizations that might have taken place.

#### B. General Legal Framework under which torture and other cruel, inhuman or degrading treatment or punishment is prohibited

5. In this section the Committee envisages receiving specific information related to the implementation of the Convention to the extent that it is not covered by the core document, in particular the following:
  - A brief reference to constitutional, criminal and administrative provisions regarding the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

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\* Contained in CAT/C/4/Rev.3 entitled *Guidelines on the form and content of initial reports under article 19 to be submitted by States parties*. The guidelines were adopted by the Committee at its thirty-fourth session on 2-21 May 2005.



- International treaties dealing with torture and other cruel, inhuman or degrading treatment or punishment to which the reporting State is a party.
- The status of the Convention in the domestic legal order, i.e. with respect to the Constitution and the ordinary legislation.
- How domestic laws ensure the non-derogability of the prohibition of any cruel, inhuman or degrading treatment or punishment.
- Whether the provisions of the Convention can be invoked before and are directly enforced by the courts or administrative authorities or whether they have to be transformed into internal laws or administrative regulations to be enforced by the authorities concerned. Should the latter be a requirement, the report should provide information on the legislative act incorporating the Convention into the domestic legal order.
- Judicial, administrative or other competent authorities with jurisdiction/a mandate covering matters dealt with in the Convention, such as the Constitutional Court, the Supreme Court, the ordinary and military courts, the public prosecutors, disciplinary bodies, administrative authorities in charge of police and prison administration, national institutions for the promotion and protection of human rights, etc. Provide an overview of the practical implementation of the Convention at the federal, central, regional and local levels of the State, and indicate any factors and difficulties that may affect the fulfilment of the obligations of the reporting State under the Convention. The report should include specific information related to the implementation of the Convention in such circumstances. Relevant documentation collected by the authorities or other private or public institutions is welcome.

## **II. INFORMATION IN RELATION TO EACH SUBSTANTIVE ARTICLE OF THE CONVENTION**

6. As a general rule the report should include, in connection with each article, the following information:

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

### **Article 1**

7. This article contains the definition of torture for the purposes of the Convention. Under this provision the report should include:

- Information on the definition of torture in domestic law, including indications as to whether such a definition is in full conformity with the definition of the Convention
- In the absence of a definition of torture in domestic law in conformity with the Convention, information on criminal or legislative provisions that cover all cases of torture
- Information on any international instruments or national legislation that contains or may contain provisions of wider application

### **Article 2, paragraph 1**

8. This provision introduces the obligation of the States parties to take effective measures to prevent acts of torture. The report should contain information on:

- Pertinent information on effective measures taken to prevent all acts of torture, inter alia with respect to: duration of police custody; incommunicado detention; rules governing the rights of arrested persons to a lawyer, a medical examination, contact with their family, etc.; emergency or anti-terrorist legislation that could restrict the guarantees of the detained person

9. The Committee would welcome an assessment by the reporting State of the effectiveness of the measures taken to prevent torture, including measures to ensure that those responsible are brought to justice.

### **Article 2, paragraph 2**

10. The report should contain information on effective measures to ensure that no exceptional circumstances are invoked, in particular:

- Whether legal and administrative measures exist to guarantee that the right not to be tortured is not subject to derogation during a state of war, a threat of war, internal political instability or any other public emergency

### **Article 2, paragraph 3**

11. The report should indicate:

- Whether legislation and jurisprudence exist with regard to the prohibition on invoking superior orders, including orders from military authorities, as a justification of torture; if these exist, information should be provided on their practical implementation

- Whether there are any circumstances in which a subordinate is permitted lawfully to oppose an order to commit acts of torture, the recourse procedures available to him/her and information on any such cases that may have occurred
- Whether the position of public authorities with respect to the concept of “due obedience” as a criminal law defence has any impact on the effective implementation of this prohibition

### **Article 3**

12. This article prohibits the expulsion, return or extradition of a person to a State where he/she might be tortured. The report should contain information on:

- Domestic legislation with regard to such prohibition
- Whether legislation and practices concerning terrorism, emergency situations, national security or other grounds that the State may have adopted have had any impact on the effective implementation of this prohibition
- Which authority determines the extradition, expulsion, removal or refoulement of a person and on the basis of what criteria
- Whether a decision on the subject can be reviewed and, if so, before which authority, what are the applicable procedures and whether such procedures have suspensive effects
- Decisions taken on cases relevant to article 3 and the criteria used in those decisions, the information on which the decisions are based and the source of this information
- The kind of training provided to officials dealing with the expulsion, return or extradition of foreigners

### **Article 4**

13. It is implicit in the reporting obligations imposed by this article that each State shall enact legislation criminalizing torture in terms that are consistent with the definition in article 1. The Committee has consistently expressed the view that the crime of torture is qualitatively distinguishable from the various forms of homicide and assault that exist and therefore should be separately defined as a crime. The report should contain information on:

- Civil and military criminal provisions regarding these offences and the penalties related to them
- Whether statutes of limitations apply to such offences
- The number and the nature of the cases in which those legal provisions were applied and the outcome of such cases, in particular, the penalties imposed upon conviction and the reasons for acquittal

- Examples of judgements relevant to the implementation of article 4
- Existing legislation on disciplinary measures during the investigation of an alleged case of torture to be taken against law enforcement personnel responsible for acts of torture (e.g. suspension)
- Information on how established penalties take into account the grave nature of torture

#### **Article 5**

14. Article 5 deals with the States parties' legal duty to establish jurisdiction over the crimes mentioned in article 4. The report should include information on:

- Measures taken to establish jurisdiction in the cases covered under (a), (b) and (c) of paragraph 1. Examples of cases where (b) and (c) were applied should also be included
- Measures taken to establish jurisdiction in cases where the alleged offender is present in the territory of the reporting State and the latter does not extradite him/her to a State with jurisdiction over the offence in question. Examples of cases where (a) extradition was granted and (b) extradition was denied should be provided

#### **Article 6**

15. Article 6 deals with the exercise of jurisdiction by the State party, particularly the issues concerning the investigation of a person who is in the territory and is alleged to have committed any offence referred to in article 4. The report should provide information on:

- The domestic legal provisions concerning, in particular, the custody of that person or other measures to ensure his/her presence; his/her right to consular assistance; the obligation of the reporting State to notify other States that might also have jurisdiction that such a person is in custody; the circumstances of the detention and whether the State party intends to exercise jurisdiction
- The authorities in charge of the implementation of the various aspects of article 6
- Any cases in which the above domestic provisions were applied

#### **Article 7**

16. This article contains the obligation of the State to initiate prosecutions relating to acts of torture whenever it has jurisdiction, unless it extradites the alleged offender. The report should provide information on:

- Measures to ensure the fair treatment of the alleged offender at all stages of the proceedings, including the right to legal counsel, the right to be presumed innocent until proved guilty, the right to equality before courts, etc

- Measures to ensure that the standards of evidence required for prosecution and conviction apply equally in cases where the alleged offender is a foreigner who committed acts of torture abroad
- Examples of practical implementation of the measures referred to above

### **Article 8**

17. By virtue of article 8 of the Convention, the States parties undertake to recognize torture as an extraditable offence for purposes of facilitating the extradition of persons suspected of having committed acts of torture and/or the related crimes of attempting to commit and complicity and participation in torture. The report should include information on:

- Whether torture and related crimes are considered by the reporting State as extraditable offences
- Whether the reporting State makes extradition conditional on the existence of a treaty
- Whether the reporting State considers the Convention as the legal basis for extradition in respect of the offences referred to above
- Extradition treaties between the reporting State and other States parties to the Convention that include torture as an extraditable offence
- Cases where the reporting State granted the extradition of persons alleged to have committed any of the offences referred to above

### **Article 9**

18. By virtue of this article the States parties undertake to provide mutual judicial assistance in all matters of criminal procedure regarding the offence of torture and related crimes of attempting to commit, complicity and participation in torture. Reports shall include information on:

- Legal provisions, including any treaties, concerning mutual judicial assistance that apply in the case of the above-mentioned offences
- Cases involving the offence of torture in which mutual assistance was requested by or from the reporting State, including the result of the request

### **Article 10**

19. By virtue of this article and related article 16, States are obliged to train, inter alia, medical and law enforcement personnel, judicial officials and other persons involved with custody,

interrogation or treatment of persons under State or official control on matters related to the prohibition of torture and cruel, inhuman or degrading treatment or punishment. The report should include information on:

- Training programmes on the above-mentioned subject for persons charged with the various functions enumerated in article 10 of the Convention
- Information on the training of medical personnel dealing with detainees or asylum-seekers to detect physical and psychological marks of torture and training of judicial and other officers
- The nature and frequency of the instruction and training
- Information on any training that ensures appropriate and respectful treatment of women, juveniles, and ethnic, religious or other diverse groups, particularly regarding forms of torture that disproportionately affect these groups
- The effectiveness of the various programmes

#### **Article 11**

20. By virtue of this article and related article 16, States are obliged to keep under review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment. The report should include information on:

- Laws, regulations and instructions concerning the treatment of persons deprived of their liberty
- Information on measures requiring prompt notification of and access to lawyers, doctors, family members and, in the case of foreign nationals, consular notification
- The degree to which the following rules and principles are reflected in the domestic law and practice of the State: the Standard Minimum Rules for the Treatment of Prisoners; the Basic Principles for the Treatment of Prisoners; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Code of Conduct for Law Enforcement Officials
- Any independent bodies or mechanisms established to inspect prisons and other places of detention and to monitor all forms of violence against men and women, including all forms of sexual violence against both men and women and all forms of inter-prisoner violence, including authorization for international monitoring or NGO inspections

- Information on measures to ensure that all such places are officially recognized and that no incommunicado detention is permitted
- Mechanisms of review of the conduct of law enforcement personnel in charge of the interrogation and custody of persons held in detention and imprisonment and results of such reviews, along with any qualification or re-qualification procedures
- Information on any safeguards for the protection of individuals especially at risk

### **Article 12**

21. On the basis of this article and related article 16, the State must ensure that its competent authorities proceed to a prompt and impartial investigation when there is reason to believe that under its jurisdiction an act of torture or cruel, inhuman or degrading treatment or punishment has been committed. The report should identify:

- The authorities competent to initiate and carry out the investigation, both at the criminal and disciplinary levels
- Applicable procedures, including whether there is access to immediate medical examinations and forensic expertise
- Whether the alleged perpetrator is suspended from his/her functions while the investigation is being conducted and/or prohibited from further contact with the alleged victim
- Information on the results of cases of prosecution and punishment

### **Article 13**

22. By virtue of this article and related article 16, States parties must guarantee the right of any individual who alleges that he/she has been subjected to torture or cruel, inhuman or degrading treatment or punishment to complain and to have his/her case promptly and impartially investigated, as well as the protection of the complainant and witnesses against ill-treatment or intimidation. The report should include information on:

- Remedies available to individuals who claim to have been victims of acts of torture or other cruel, inhuman or degrading treatment or punishment
- Remedies available to the complainant in case the competent authorities refuse to investigate his/her case
- Mechanisms for the protection of the complainants and the witnesses against any kind of intimidation or ill-treatment
- Statistical data disaggregated, inter alia, by sex, age, crime and geographical location on the number of complaints of torture and cruel, inhuman or degrading treatment or

punishment submitted to the domestic authorities and the results of the investigations. An indication should also be provided of the services to which the persons accused of having committed torture and/or other forms of ill-treatment belong

- Information on the access of any complainant to independent and impartial judicial remedy, including information on any discriminatory barriers to the equal status of all persons before the law, and any rules or practices preventing harassment or retraumatization of victims
- Information on any officers within police forces and prosecutorial or other relevant offices specifically trained to handle cases of alleged torture or cruel, inhuman and degrading treatment or violence against women and ethnic, religious or other minorities
- Information on the effectiveness of any such measures

#### **Article 14**

23. This article deals with the right of victims of torture to redress, fair and adequate compensation and rehabilitation. The report should contain information on:

- The procedures in place for obtaining compensation for victims of torture and their families and whether these procedures are codified or in any way formalized
- Whether the State is legally responsible for the offender's conduct and, therefore, obliged to compensate the victim
- Statistical data or, at least, examples of decisions by the competent authorities ordering compensation and indications as to whether such decisions were implemented, including any information about the nature of the torture, the status and identification of the victim and the amount of compensation or other redress provided
- The rehabilitation programmes that exist in the country for victims of torture
- Information on any measures other than compensation to restore respect for the dignity of the victim, his/her right to security and the protection of his/her health, to prevent repetitions and to assist in the victim's rehabilitation and reintegration into the community

#### **Article 15**

24. Under this provision the State must ensure that statements made as a result of torture will not be used as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made. The report should contain information on:

- Legal provisions concerning the prohibition of using a statement obtained under torture as an element of proof
- Examples of cases in which such provisions were applied



- Information on whether derivative evidence is admissible, if applicable in the State party's legal system

### **Article 16**

25. This article imposes upon States the obligation to prohibit acts of cruel, inhuman or degrading treatment or punishment. The report should contain information on:

- The extent to which acts of cruel, inhuman or degrading treatment or punishment have been outlawed by the State party; information on whether these acts are defined or otherwise dealt with in domestic law.
- Measures which may have been taken by the State party to prevent such acts.
- Living conditions in police detention centres and prisons, including those for women and minors, including whether they are kept separate from the rest of the male/adult population. Issues related to overcrowding, inter-prisoner violence, disciplinary measures against inmates, medical and sanitary conditions, most common illnesses and their treatment in prison, access to food and conditions of detention of minors should, in particular, be addressed.

### **B. Periodic reports\***

Periodic reports by States parties should be presented in three parts, as follows:

#### **PART II. INFORMATION ON NEW MEASURES AND NEW DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE CONVENTION FOLLOWING THE ORDER OF ARTICLES 1 TO 16, AS APPROPRIATE**

- (a) This part should describe in detail:
- (i) Any new measures taken by the State party to implement the Convention during the period extending from the date of submission of its previous report to the date of submission of the periodic report to be considered by the Committee;
  - (ii) Any new developments which have occurred during the same period and are relevant to implementation of the Convention;

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\* Contained in CAT/C/14/Rev.1 entitled *General guidelines regarding the form and content of periodic reports to be submitted by States parties under article 19, paragraph 1, of the Convention*, which were adopted by the Committee against Torture at its 85th meeting (sixth session) on 30 April 1991 and revised at its 318th meeting (twentieth session) on 18 May 1998.

- (b) The State party should provide, in particular, information concerning:
- (i) Any change in the legislation and in institutions that affect the implementation of the Convention on any territory under its jurisdiction in particular on places of detention and on training given to law enforcement and medical personnel;
  - (ii) Any new case law of relevance for the implementation of the Convention;
  - (iii) Complaints, inquiries, indictments, proceedings, sentences, reparation and compensation for acts of torture and other cruel, inhuman or degrading treatment or punishment;
  - (iv) Any difficulty which would prevent the State party from fully discharging the obligations it has assumed under the Convention.

**PART III. ADDITIONAL INFORMATION REQUESTED  
BY THE COMMITTEE**

This part should contain any information requested by the Committee and not provided by the State party, during the Committee's consideration of the State party's preceding report. If the information has been provided by the State party, either in a subsequent communication or in an additional report submitted in accordance with rule 67, paragraph 2, of the Committee's rules of procedure, the State party does not need to repeat it.

**PART IV. COMPLIANCE WITH THE COMMITTEE'S  
CONCLUSIONS AND RECOMMENDATIONS**

This part should provide information on measures taken by the State party to comply with the conclusions and recommendations addressed to it by the Committee at the end of its consideration of the State party's initial and periodic reports.

## Chapter VII

### COMMITTEE ON THE RIGHTS OF THE CHILD

#### A. Initial reports\*

##### Introduction

1. Article 44, paragraph 1, of the Convention on the Rights of the Child provides that “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 therein and on the progress made in 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. Article 44 of the Convention further provides, in paragraph 2, that reports submitted to the Committee on the Rights of the Child shall indicate factors and difficulties, if any, affecting the fulfilment of the obligations under the Convention and shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. The Committee believes that the process of preparing a report for submission to the Committee offers an important occasion for conducting a comprehensive review of the various measures undertaken to harmonize national law and policy with the Convention and to monitor progress made in the enjoyment of the rights set forth in the Convention. Additionally, the process should be one that encourages and facilitates popular participation and public scrutiny of government policies.

4. The Committee considers that the reporting process entails an ongoing reaffirmation by States parties of their commitment to respect and ensure observance of the rights set forth in the Convention and serves as the essential vehicle for the establishment of a meaningful dialogue between the States parties and the Committee.

5. The general part of States parties’ reports, relating to matters that are of interest to monitoring bodies under various international human rights instruments, should be prepared in accordance with the “Consolidated guidelines for the initial part of the reports of States parties”. The present guidelines should be followed in the preparation of the initial reports of States parties relating to the implementation of the Convention on the Rights of the Child.

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\* Contained in CRC/C/5 entitled *General guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention*, which were adopted by the Committee on the Rights of the Child at its 22nd meeting (first session) on 15 October 1991.

6. The Committee intends to formulate guidelines for the preparation of periodic reports that are to be submitted pursuant to article 44, paragraph 1 (b), of the Convention in due course.

7. Reports should be accompanied by copies of the principal legislative and other texts as well as detailed statistical information and indicators referred to therein, which will be made available to members of the Committee. It should be noted, however, that for reasons of economy they will not be translated or reproduced for general distribution. It is desirable, therefore, that when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be understood without reference to those texts.

8. The provisions of the Convention have been grouped under different sections, equal importance being attached to all the rights recognized by the Convention.

### **General measures of implementation**

9. Under this section, States parties are requested to provide relevant information pursuant to article 4 of the Convention, including information on:

(a) The measures taken to harmonize national law and policy with the provisions of the Convention; and

(b) Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention.

10. In addition, States parties are requested to describe the measures that have been taken or are foreseen, pursuant to article 42 of the Convention, to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

11. States parties are also requested to describe those measures undertaken or foreseen, pursuant to article 44, paragraph 6, of the Convention, to make their reports widely available to the public at large in their own countries.

### **Definition of the child**

12. Under this section, States parties are requested to provide relevant information, pursuant to article 1 of the Convention, concerning the definition of a child under their laws and regulations. In particular, States parties are requested to provide information on the age of attainment of majority and on the legal minimum ages established for various purposes, including, inter alia, legal or medical counselling without parental consent, end of compulsory education, part-time employment, full-time employment, hazardous employment, sexual consent, marriage, voluntary enlistment into the armed forces, conscription into the armed forces, voluntarily giving testimony in court, criminal liability, deprivation of liberty, imprisonment and consumption of alcohol or other controlled substances.

### **General principles**

13. Relevant information, including the principal legislative, judicial, administrative or other measures in force or foreseen, factors and difficulties encountered and progress achieved in implementing the provisions of the Convention, and implementation priorities and specific goals for the future should be provided in respect of:

- (a) Non-discrimination (art. 2);
- (b) Best interests of the child (art. 3);
- (c) The right to life, survival and development (art. 6);
- (d) Respect for the views of the child (art. 12).

14. In addition, States parties are encouraged to provide relevant information on the application of these principles in the implementation of articles listed elsewhere in these guidelines.

### **Civil rights and freedoms**

15. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention; and implementation priorities and specific goals for the future in respect of:

- (a) Name and nationality (art. 7);
- (b) Preservation of identity (art. 8);
- (c) Freedom of expression (art. 13);
- (d) Access to appropriate information (art. 17);
- (e) Freedom of thought, conscience and religion (art. 14);
- (f) Freedom of association and of peaceful assembly (art. 15);
- (g) Protection of privacy (art. 16);
- (h) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a)).

### **Family environment and alternative care**

16. Under this section, States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force, particularly how the principles of the “best interests of the child” and “respect for the views of the child” are reflected

therein; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention; and implementation of priorities and specific goals for the future in respect of:

- (a) Parental guidance (art. 5);
- (b) Parental responsibilities (art. 18, paras. 1-2);
- (c) Separation from parents (art. 9);
- (d) Family reunification (art. 10);
- (e) Recovery of maintenance for the child (art. 27, para. 4);
- (f) Children deprived of a family environment (art. 20);
- (g) Adoption (art. 21);
- (h) Illicit transfer and non-return (art. 11);
- (i) Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39);
- (j) Periodic review of placement (art. 25).

17. In addition, States parties are requested to provide information on the numbers of children per year within the reporting period in each of the following groups, disaggregated by age group, sex, ethnic or national background and rural or urban environment: homeless children, abused or neglected children taken into protective custody, children placed in foster care, children placed in institutional care, children placed through domestic adoption, children entering the country through intercountry adoption procedures and children leaving the country through intercountry adoption procedures.

18. States parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section.

### **Basic health and welfare**

19. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; the institutional infrastructure for implementing policy in this area, particularly monitoring strategies and mechanisms; and factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention, in respect of:

- (a) Survival and development (art. 6, para. 2);
- (b) Disabled children (art. 23);
- (c) Health and health services (art. 24);

- (d) Social security and child care services and facilities (arts. 26 and 18, para. 3);
- (e) Standard of living (art. 27, paras. 1-3).

20. In addition to information provided under paragraph 9 (b) of these guidelines, States parties are requested to specify the nature and extent of cooperation with local and national organizations of a governmental or non-governmental nature, such as institutions of social workers, concerning the implementation of this area of the Convention. States parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section.

### **Education, leisure and cultural activities**

21. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; the institutional infrastructure for implementing policy in this area, particularly monitoring strategies and mechanisms; and factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention, in respect of:

- (a) Education, including vocational training and guidance (art. 28);
- (b) Aims of education (art. 29);
- (c) Leisure, recreation and cultural activities (art. 31).

22. In addition to information provided under paragraph 9 (b) of these guidelines, States parties are requested to specify the nature and extent of cooperation with local and national organizations of a governmental or non-governmental nature, such as institutions of social workers, concerning the implementation of this area of the Convention. States parties are encouraged to provide additional relevant statistical information and indicators relating to children covered in this section.

### **Special protection measures**

23. Under this section States parties are requested to provide relevant information, including the principal legislative, judicial, administrative or other measures in force; factors and difficulties encountered and progress achieved in implementing the relevant provisions of the Convention; and implementation priorities and specific goals for the future in respect of:

- (a) Children in situations of emergency:
  - (i) Refugee children (art. 22);
  - (ii) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39);
- (b) Children in conflict with the law:
  - (i) The administration of juvenile justice (art. 40);

- (ii) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d));
  - (iii) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a));
  - (iv) Physical and psychological recovery and social reintegration (art. 39);
- (c) Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39):
- (i) Economic exploitation, including child labour (art. 32);
  - (ii) Drug abuse (art. 33);
  - (iii) Sexual exploitation and sexual abuse (art. 34);
  - (iv) Other forms of exploitation (art. 36);
  - (v) Sale, trafficking and abduction (art. 35);
- (d) Children belonging to a minority or an indigenous group (art. 30).

24. Additionally, States parties are encouraged to provide specific statistical information and indicators relevant to the children covered by paragraph 23.

## **B. Periodic reports\***

### **Introduction and purpose of reporting**

1. These guidelines for periodic reports replace those adopted by the Committee at its thirteenth session on 11 October 1996 (CRC/C/58). The present guidelines do not affect any request the Committee may make under article 44, paragraph 4, of the Convention on the Rights of the Child for States parties to provide further information relevant to the implementation of the Convention.

2. These guidelines will cover all periodic reports submitted after 31 December 2005. The present guidelines include an overview of the purpose and organization of the report and the substantive information required under the Convention. Finally the annex provides more detail on the type of statistical data required by the Committee in accordance with the substantive provisions of the Convention.

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\* Contained in CRC/C/58/Rev.1 entitled *General guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention*, which were adopted by the Committee at its thirty-ninth session on 3 June 2005.



3. The present guidelines group the articles of the Convention in clusters with a view to assisting States parties in the preparation of their reports. This approach reflects the holistic perspective on children's rights taken by the Convention: i.e. that they are indivisible and interrelated, and that equal importance should be attached to each and every right recognized therein.

4. The periodic report should provide the Committee with a basis for constructive dialogue with the State party about the implementation of the Convention and the enjoyment of human rights by children in the State party. Consequently, reports must strike a balance in describing the formal legal situation and the situation in practice. Therefore the Committee requests that for each cluster the State party provide information with regard to: follow-up, monitoring, resource allocation, statistical data and challenges to implementation, as stated in paragraph 5, below.

### **Section I: Organization of the report**

5. According to article 44, paragraph 3, of the Convention, when a State party has submitted a comprehensive initial report to the Committee or has previously provided detailed information to the Committee, it need not repeat such information in its subsequent reports. It should, however, clearly make reference to the information previously transmitted and indicate any changes that have occurred during the reporting period.

6. Information provided in States parties' reports on each cluster identified by the Committee should follow the present guidelines and in particular the annex, with regard to form and content. In this regard States parties should provide information for each cluster, or where appropriate for individual articles where relevant, on:

(a) *Follow-up*: The first paragraph on each cluster should systematically include information on concrete measures taken with regard to the concluding observations adopted by the Committee in relation to the previous report;

(b) *Comprehensive national programmes - monitoring*: The subsequent paragraphs should contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned as well as the mechanisms established within the Government to monitor progress. States parties shall provide relevant information, including on the principal legislative, judicial, administrative or other measures in force or foreseen. This section should not be confined to merely listing measures adopted in the country in recent years, but should provide clear information on the goals and timetables of those measures and how they have had an impact on the actual economic, political and social realities and general conditions existing in the country;

(c) *Allocation of budgetary and other resources*: States parties shall provide information on the amount and percentage of the national budget (at central and local levels) devoted annually to children, including, where appropriate, the percentage of external financing (through donors, international financial institutions and private banking) of the national budget, with respect to relevant programmes under each cluster. In this regard, where appropriate, States parties should provide information on poverty reduction strategies and programmes and other factors which impact or may impact on the implementation of the Convention;

(d) *Statistical data*: States parties should provide, where appropriate, annual statistical data disaggregated by age/age group, gender, urban/rural area, membership of a minority and/or indigenous group, ethnicity, disability, religion, or other category as appropriate;

(e) *Factors and difficulties*: The last paragraph should describe any factors and difficulties, if any, affecting the fulfilment of the obligations of States parties' obligations for the cluster concerned, as well as information on the targets set for the future.

7. Reports should be accompanied by copies of the principal legislative texts and judicial decisions, as well as detailed disaggregated data, statistical information, indicators referred to therein and relevant research. The data should be disaggregated as described above and changes that have occurred since the previous report should be indicated. This material will be made available to the members of the Committee. It should be noted, however, that for reasons of economy, these documents will not be translated or reproduced for general distribution. It is therefore desirable that when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be clearly understood without reference to those texts.

8. The Committee requests that the report include a table of contents and numbered sequentially through to the end and that it be printed on A4-sized paper, in order to facilitate distribution of the report and thus its availability for consideration by the Committee.

## **Section II: Substantive information to be contained in the report**

### **I. GENERAL MEASURES OF IMPLEMENTATION (arts. 4, 42 and 44, para. 6, of the Convention)**

9. Under this cluster, States parties are requested to follow the provisions in paragraphs 5 and 6 above, general comment No. 2 (2002) on the role of independent national human rights institutions and general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.

10. States parties that have entered reservations to the Convention should indicate whether they consider it necessary to maintain them. They should also indicate whether they have plans to limit the effects of reservations and ultimately to withdraw them, and, whenever possible, specify the timetable for doing so.

11. States parties are requested to provide relevant information pursuant to article 4 of the Convention, including information on the measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention.

12. (a) States parties that provide international assistance or development aid should provide information on human and financial resources allocated to programmes for children, in particular within bilateral assistance programmes;

(b) States parties receiving international assistance or development aid should provide information on the total resources received and the percentage allocated to programmes for children.

13. Recognizing that the Convention represents a minimum standard for children's rights, and in the light of article 41, States parties should describe any provisions of the domestic legislation that are more conducive to the realization of the rights of the child as enshrined in the Convention.

14. States parties should provide information on remedies available and their accessibility to children, in cases of violation of the rights recognized by the Convention, as well as information on existing mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention.

15. States parties should indicate whether there is an independent national human rights institution and describe the process of appointing its members and explain its mandate and role with regard to the promotion and protection of children's rights as outlined in the Committee's general comment No. 2 (2002). Also indicate how this national human rights institution is financed.

16. States parties should describe the measures that have been taken or are foreseen, pursuant to article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike.

17. States parties should also describe the measures undertaken or foreseen, pursuant to article 44, paragraph 6, to make their reports widely available to the public at large in their own countries. These measures should also include, when appropriate, the translation of the concluding observations of the Committee adopted after the consideration of the previous report into official and minority languages and their wide dissemination, including through the print and electronic media.

18. States parties should provide information on cooperation with civil society organizations, including non-governmental organizations and children's and youth groups, with regard to implementation of all aspects of the Convention. In addition, please describe the manner in which the present report was prepared and the extent to which non-governmental organizations (NGOs), youth groups and others were consulted.

## **II. DEFINITION OF THE CHILD**

### **(art. 1)**

19. States parties are also requested to provide updated information with respect to article 1 of the Convention, concerning the definition of a child under their domestic laws and regulations, specifying any differences between girls and boys.

## **III. GENERAL PRINCIPLES**

### **(arts. 2, 3, 6 and 12)**

20. Under this cluster, States parties are requested to follow the provisions in paragraphs 5 and 6, above.

21. States parties should provide relevant information in respect of:
  - (a) Non-discrimination (art. 2);
  - (b) Best interests of the child (art. 3);
  - (c) The right to life, survival and development (art. 6);
  - (d) Respect for the views of the child (art. 12).
22. Reference should also be made to the implementation of these rights in relation to children belonging to the most disadvantaged groups.
23. With regard to article 2, information should also be provided on the measures taken to protect children from xenophobia and other related forms of intolerance. With regard to article 6, information should also be provided on the measures taken to ensure that persons under 18 are not subject to the death penalty; that the deaths of children are registered, and, where appropriate, investigated and reported, as well as on the measures adopted to prevent suicide among children and to monitor its incidence; and to ensure the survival of children at all ages, in particular adolescents, and that maximum efforts are made to ensure the minimization of risks to which that group may be exposed particularly (for example, sexually transmitted diseases or street violence).

#### **IV. CIVIL RIGHTS AND FREEDOMS** **(arts. 7, 8, 13-17 and 37 (a))**

24. Under this cluster, States parties are requested to follow the provisions in paragraphs 5 and 6, above.
25. States parties should provide relevant information in respect of:
  - (a) Name and nationality (art. 7);
  - (b) Preservation of identity (art. 8);
  - (c) Freedom of expression (art. 13);
  - (d) Freedom of thought, conscience and religion (art. 14);
  - (e) Freedom of association and of peaceful assembly (art. 15);
  - (f) Protection of privacy (art. 16);
  - (g) Access to appropriate information (art. 17);
  - (h) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (art. 37 (a)).

26. States parties should refer, inter alia, to children with disabilities, children living in poverty, children born out of wedlock, asylum-seeking and refugee children and children belonging to indigenous and/or minority groups.

**V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**  
**(arts. 5, 9-11, 18, paras. 1 and 2; 19-21, 25, 27, para. 4 and 39)**

27. Under this cluster, States parties are requested to follow the provisions in paragraphs 5 and 6, above.

28. States parties should provide relevant information, including the principal legislative, judicial, administrative or other measures in force, particularly on how the principles of the “best interests of the child” (art. 3) and “respect for the views of the child” (art. 12) are reflected in addressing the questions of:

- (a) Parental guidance (art. 5);
- (b) Parental responsibilities (art. 18, paras. 1 and 2);
- (c) Separation from parents (art. 9);
- (d) Family reunification (art. 10);
- (e) Recovery of maintenance for the child (art. 27, para. 4);
- (f) Children deprived of a family environment (art. 20);
- (g) Adoption (art. 21);
- (h) Illicit transfer and non-return (art. 11);
- (i) Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39);
- (j) Periodic review of placement (art. 25).

29. The report should also provide information on any relevant bilateral or multilateral agreements, treaties or conventions concluded by the State party or to which it may have acceded, particularly with regard to articles 11, 18 or 21, and their impact.

**VI. BASIC HEALTH AND WELFARE**  
**(arts. 6, 18, para. 3, 23, 24, 26, and 27, paras. 1-3)**

30. Under this cluster, States parties are requested to follow the provisions in paragraphs 5 and 6 above, and general comment No. 3 (2003) on HIV/AIDS and the rights of the child and general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child.

31. States parties should provide relevant information in respect of:

- (a) Survival and development (art. 6, para. 2);
- (b) Children with disabilities (art. 23);
- (c) Health and health services (art. 24);
- (d) Social security and childcare services and facilities (arts. 26 and 18, para. 3);
- (e) Standard of living (art. 27, paras. 1-3).

32. With regard to article 24, the report should contain information on measures and policies for the implementation of the right to health, including efforts to combat diseases such as HIV/AIDS (see general comment No. 3 (2003)), malaria and tuberculosis particularly among special groups of children at high risk. In the light of general comment No. 4 (2003), information on the measures undertaken to promote and protect the rights of young people in the context of adolescent health should also be included. Further, the report should also indicate the legal measures promulgated to prohibit all forms of harmful traditional practices, including female genital mutilation, and to promote awareness-raising activities to sensitize all concerned parties, including community and religious leaders, on the harmful aspects of these practices.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES** **(arts. 28, 29 and 31)**

33. Under this cluster, States parties are requested to follow the provisions in paragraphs 5 and 6 above, and general comment No. 1 (2001) on the aims of education.

34. States parties should provide relevant information in respect of:

- (a) Education, including vocational training and guidance (art. 28);
- (b) Aims of education (art. 29) with reference also to quality of education;
- (c) Rest, leisure, recreation and cultural and artistic activities (art. 31).

35. With regard to article 28, reports should also provide information on any category or group of children who do not enjoy the right to education (either due to lack of access or because they have left or been excluded from school) and the circumstances in which children may be excluded from school temporarily or permanently (for example, disability, deprivation of liberty, pregnancy, or HIV/AIDS infection), including any arrangements made to address such situations and to provide alternative education.

36. States parties should specify the nature and extent of cooperation with local and national organizations of a governmental or non-governmental nature, such as teachers' associations, concerning the implementation of this part of the Convention.

**VIII. SPECIAL PROTECTION MEASURES**  
**(arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40)**

37. Under this cluster, States parties are requested to follow the provisions in paragraphs 5 and 6 above, and general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.
38. States parties are requested to provide relevant information on measures taken to protect:
- (a) Children in situations of emergency:
    - (i) Refugee children (art. 22);
    - (ii) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39);
  - (b) Children in conflict with the law:
    - (i) The administration of juvenile justice (art. 40);
    - (ii) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d));
    - (iii) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a));
    - (iv) Physical and psychological recovery and social reintegration (art. 39);
  - (c) Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39):
    - (i) Economic exploitation, including child labour (art. 32);
    - (ii) Drug abuse (art. 33);
    - (iii) Sexual exploitation and sexual abuse (art. 34);
    - (iv) Other forms of exploitation (art. 36);
    - (v) Sale, trafficking and abduction (art. 35);
  - (d) Children belonging to a minority or an indigenous group (art. 30);
  - (e) Children living or working on the street.
39. In relation to article 22, reports should also provide information on the international conventions and other relevant instruments to which the State is party, including those relating to international refugee law, as well as relevant indicators identified and used; relevant programmes of technical cooperation and international assistance, as well as information on infringements that have been observed by inspectors and sanctions applied.

40. Reports should further describe the training activities developed for all professionals involved with the system of juvenile justice, including judges and magistrates, prosecutors, lawyers, law enforcement officials, immigration officers and social workers, on the provisions of the Convention and other relevant international instruments in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113).

41. With regard to article 32, reports should also provide information on the international conventions and other relevant instruments to which the State is party, including in the framework of the International Labour Organization, as well as relevant indicators identified and used; relevant programmes of technical cooperation and international assistance developed, as well as information on infringements that have been observed by inspectors and sanctions applied.

#### **IX. OPTIONAL PROTOCOLS TO THE CONVENTION ON THE RIGHTS OF THE CHILD**

42. States parties that have ratified one or both Optional Protocols to the Convention on the Rights of the Child - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography - should, after they have submitted their initial report for each of the two Optional Protocols (see respective guidelines, CRC/OP/AC/1 and CRC/OP/SA/1), provide detailed information about measures taken with regard to the recommendations made by the Committee in its concluding observations on the last report submitted to the Committee.



## **Annex**

# **ANNEX TO THE GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF PERIODIC REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 44, PARAGRAPH 1 (b), OF THE CONVENTION**

## **Introduction**

1. In preparing their periodic reports States parties should follow the General Guidelines regarding the form and content and include, as requested by the present annex, where appropriate, information and disaggregated statistical data and other indicators. In the present annex, references to disaggregated data include indicators such as age and/or age group, gender, location in rural/urban area, membership of minority and/or indigenous group, ethnicity, religion, disability or any other category considered appropriate.
2. Information and disaggregated data provided by States parties should cover the reporting period since the consideration of their last report. They should also explain or comment on significant changes that have taken place over the reporting period.

## **I. GENERAL MEASURES OF IMPLEMENTATION (arts. 4, 42 and 44, para. 6)**

3. States parties should provide statistical data on training provided on the Convention for professionals working with and for children, including, but not limited to:
  - (a) Judicial personnel, including judges and magistrates;
  - (b) Law enforcement personnel;
  - (c) Teachers;
  - (d) Health-care personnel;
  - (e) Social workers.

## **II. DEFINITION OF THE CHILD (art. 1)**

4. States parties should provide disaggregated data as described in paragraph 1 above, on the number and proportion of children under 18 living in the State party.

## **III. GENERAL PRINCIPLES (arts. 2, 3, 6 and 12)**

### **Right to life, survival and development (art. 6)**

5. It is recommended that States parties provide data disaggregated as described in paragraph 1 above, on the death of those under 18:

- (a) As a result of extrajudicial, summary or arbitrary executions;
- (b) As a result of capital punishment;
- (c) Due to illnesses, including HIV/AIDS, malaria, tuberculosis, polio, hepatitis and acute respiratory infections;
- (d) As a result of traffic or other accidents;
- (e) As the result of crime and other forms of violence;
- (f) Due to suicide.

**Respect for the views of the child (art. 12)**

- 6. States parties should provide data on the number of child and youth organizations or associations and the number of members that they represent.
- 7. States parties should provide data on the number of schools with independent student councils.

**IV. CIVIL RIGHTS AND FREEDOMS**  
**(arts. 7, 8, 13-17 and 37 (a))**

**Birth registration (art. 7)**

- 8. Information should be provided on the number and percentage of children who are registered after birth, and when such registration takes place.

**Access to appropriate information (art. 17)**

- 9. The report should contain statistics on the number of libraries accessible to children, including mobile libraries.

**The right not to be subjected to torture or other cruel inhuman or degrading treatment or punishment (art. 37 (a))**

- 10. States parties should provide data disaggregated as described in paragraph 1 above, and type of violation, on the:
  - (a) Number of children reported as victims of torture;
  - (b) Number of children reported as victims of other cruel, inhuman or degrading treatment or other forms of punishment, including forced marriage and female genital mutilation;
  - (c) Number and percentage of reported violations under both (a) and (b) which have resulted in either a court decision or other types of follow-up;

(d) Number and percentage of children who received special care in terms of recovery and social reintegration;

(e) Number of programmes implemented for the prevention of institutional violence and amount of training provided to staff of institutions on this issue.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **Family support (arts. 5 and 18, paras. 1 and 2)**

11. States parties should provide data disaggregated as described in paragraph 1, above, on the:

(a) Number of services and programmes aimed at rendering appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and the number and percentage of children and families that benefit from these services and programmes;

(b) Number of available childcare services and facilities and the percentage of children and families that have access to these services.

### **Children without parental care (arts. 9, paras. 1-4, 21 and 25)**

12. With reference to children separated from parents, States parties should provide data disaggregated as described in paragraph 1, above, on the:

(a) Number of children without parental care disaggregated by causes (i.e. due to armed conflict, poverty, abandonment as a result of discrimination, etc.);

(b) Number of children separated from their parents as a result of court decisions (inter alia, in relation to situations of detention, imprisonment, exile or deportation);

(c) Number of institutions for these children disaggregated by region, number of places available in these institutions, ratio of caregivers to children and number of foster homes;

(d) Number and percentage of children separated from their parents who are living in institutions or with foster families as well as the duration of placement and frequency of its review;

(e) Number and percentage of children reunited with their parents after a placement;

(f) Number of children in domestic (formal and informal) and intercountry adoption programmes disaggregated by age and with information on the country of origin and of adoption for the children concerned.

### **Family reunification (art. 10)**

13. States parties should provide data disaggregated by gender, age, national and ethnic origin on the number of children who entered or left the country for the purpose of family reunification, including the number of unaccompanied refugee and asylum-seeking children.

**Illicit transfer and non-return (art. 11)**

14. States parties should provide data disaggregated as described in paragraph 1, above, as well as by national origin, place of residence, family status on the:

- (a) Number of children abducted from and to the State party;
- (b) Number of perpetrators arrested and percentage of those that were sanctioned in (criminal) courts.

Information on the relationship between the child and the perpetrator of the illicit transfer should also be included.

**Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

15. States parties should provide data disaggregated as described in paragraph 1, above, on the:

- (a) Number and percentage of children reported as victims of abuse and/or neglect by parents or other relatives/caregivers;
- (b) Number and percentage of those cases reported that resulted in sanctions or other forms of follow-up for perpetrators;
- (c) Number and percentage of children who received special care in terms of recovery and social reintegration.

**VI. BASIC HEALTH AND WELFARE**

**Children with disabilities (art. 23)**

16. States parties should specify the number and percentage of children with disabilities disaggregated as described in paragraph 1, above, as well as by nature of disability:

- (a) Whose parents receive special material or other assistance;
- (b) Who are living in institutions, including institutions for mental illnesses, or outside their families, such as in foster care;
- (c) Who are attending regular schools;
- (d) Who are attending special schools.

**Health and health services (art. 24)**

17. States parties should provide data disaggregated as described in paragraph 1, above, on the:

- (a) Rates of infant and under-five child mortality;

- (b) Proportion of children with low birth weight;
  - (c) Proportion of children with moderate and severe underweight, wasting and stunting;
  - (d) Percentage of households without access to hygienic sanitation facilities and access to safe drinking water;
  - (e) Percentage of one-year-olds fully immunized for tuberculosis, diphtheria, pertussis, tetanus, polio and measles;
  - (f) Rates of maternal mortality, including its main causes;
  - (g) Proportion of pregnant women who have access to, and benefit from, prenatal and post-natal health care;
  - (h) Proportion of children born in hospitals;
  - (i) Proportion of personnel trained in hospital care and delivery;
  - (j) Proportion of mothers who practice exclusive breastfeeding and for how long.
18. States parties should provide data disaggregated as described in paragraph 1, above, on the:
- (a) Number/percentage of children infected by HIV/AIDS;
  - (b) Number/percentage of children who receive assistance including medical treatment, counselling, care and support;
  - (c) Number/percentage of these children living with relatives, in foster care, in institutions, or on the streets;
  - (d) Number of child-headed households as a result of HIV/AIDS.
19. Data should be provided with regard to adolescent health on:
- (a) The number of adolescents affected by early pregnancy, sexually transmitted infections, mental health problems, drug and alcohol abuse, disaggregated as described in paragraph 1, above;
  - (b) Number of programmes and services aimed at the prevention and treatment of adolescent health concerns.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **Education, including vocational training (art. 28)**

20. Data disaggregated as described in paragraph 1, above, should be provided in respect of:
- (a) Literacy rates of children and adults;

- (b) Enrolment and attendance rates for primary and secondary schools and vocational training centres;
- (c) Retention rates and percentage of dropout for primary and secondary schools and vocational training centres;
- (d) Average teacher:pupil ratio, with an indication of any significant regional or rural/urban disparities;
- (e) Percentage of children in the non-formal education system;
- (f) Percentage of children who attend preschool education.

### **VIII. SPECIAL PROTECTION MEASURES**

#### **Refugee children (art. 22)**

21. States parties should provide data disaggregated as described in paragraph 1, above, as well as country of origin, nationality and accompanied or unaccompanied status on the:

- (a) Number of internally displaced, asylum-seeking, unaccompanied and refugee children;
- (b) Number and percentage of such children attending school and covered by health services.

#### **Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

22. States parties should provide data disaggregated as described in paragraph 1, above, on the:

- (a) Number and percentage of persons under 18 who are recruited or enlist voluntarily in the armed forces and proportion of those who participate in hostilities;
- (b) Number and percentage of children who have been demobilized and reintegrated into their communities; with the proportion of those who have returned to school and been reunified with their families;
- (c) Number and percentage of child casualties due to armed conflict;
- (d) Number of children who receive humanitarian assistance;
- (e) Number of children who receive medical and/or psychological treatment as a consequence of armed conflict.

**The administration of juvenile justice (art. 40)**

23. States parties should provide appropriate disaggregated data (as described in paragraph 1, above, including by type of crime) on the:

- (a) Number of persons under 18 who have been arrested by the police due to an alleged conflict with the law;
- (b) Percentage of cases where legal or other assistance has been provided;
- (c) Number and percentage of persons under 18 who have been found guilty of an offence by a court and have received suspended sentences or have received punishment other than deprivation of liberty;
- (d) Number of persons under 18 participating in probation programmes of special rehabilitation;
- (e) Percentage of recidivism cases.

**Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))**

24. States parties should provide appropriate disaggregated data (as described in paragraph 1, above, including by social status, origin and type of crime) on children in conflict with the law in respect of the:

- (a) Number of persons under 18 held in police stations or pretrial detention after having been accused of committing a crime reported to the police, and the average length of their detention;
- (b) Number of institutions specifically for persons under 18 alleged as, accused of, or recognized as having infringed the penal law;
- (c) Number of persons under 18 in these institutions and average length of stay;
- (d) Number of persons under 18 detained in institutions that are not specifically for children;
- (e) Number and percentage of persons under 18 who have been found guilty of an offence by a court and have been sentenced to detention and the average length of their detention;
- (f) Number of reported cases of abuse and maltreatment of persons under 18 occurring during their arrest and detention/imprisonment.

**Economic exploitation of children, including child labour (art. 32)**

25. With reference to special protection measures, States parties should provide statistical disaggregated data as described in paragraph 1, above, on the:

(a) Number and percentage of children below the minimum age of employment who are involved in child labour as defined by the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization disaggregated by type of employment;

(b) Number and percentage of those children with access to recovery and reintegration assistance, including free basic education and/or vocational training.

**Drug and substance abuse (art. 33)**

26. Information is to be provided on:

(a) The number of child victims of substance abuse;

(b) The number that are receiving treatment, assistance and recovery services.

**Sexual exploitation, abuse and trafficking (art. 34)**

27. States parties should provide data disaggregated as described in paragraph 1, above, as well as by types of violation reported on the:

(a) Number of children involved in sexual exploitation, including prostitution, pornography and trafficking;

(b) Number of children involved in sexual exploitation, including prostitution, pornography and trafficking, who were provided access to rehabilitation programmes;

(c) Number of cases of commercial sexual exploitation, sexual abuse, sale of children, abduction of children and violence against children reported during the reporting period;

(d) Number and percentage of those that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed;

(e) Number of children trafficked for other purposes, including labour;

(f) Number of border and law enforcement officials who have received training, with a view to preventing trafficking of children and to respect their dignity.



## **Chapter VIII**

### **OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT\***

#### **Introduction**

1. Pursuant to article 8, paragraph 1, of the Optional Protocol, States parties shall, within two years following the entry into force of the Protocol for the State party concerned, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Optional Protocol. Thereafter, pursuant to article 8, paragraph 2, of the Optional Protocol, States parties shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44, paragraph 1 (b), of the Convention any further information with respect to the implementation of the Optional Protocol. States parties to the Optional Protocol who are not parties to the Convention shall submit a report every five years after the submission of the comprehensive report.
2. The Committee may, in the light of article 8, paragraph 3, of the Optional Protocol, request from States parties further information relevant to the implementation of the Optional Protocol.
3. Reports should provide information on the measures adopted by the State party to give effect to the rights set forth in the Optional Protocol and on the progress made in the enjoyment of those rights and should indicate the factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Optional Protocol.
4. Copies of the principal legislative texts and judicial decisions, administrative and other relevant instructions to the armed forces, both of a civil and a military character, as well as detailed statistical information, indicators referred to therein and relevant research should accompany reports. In reporting to the Committee, States parties should indicate how the implementation of the Optional Protocol is in line with the general principles of the Convention on the Rights of the Child, namely non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child. Moreover, the process of preparation of the report should be described to the Committee, including the involvement of governmental and non-governmental organizations/bodies in its drafting and dissemination. Finally, reports should indicate the date of reference used when determining whether or not a person is within an age limit (for instance, the date of birth of the person concerned or the first day of the year during which the person concerned reaches that age).

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\* Adopted by the Committee at its 736th meeting (twenty-eighth session) on 3 October 2001.

### **Article 1**

5. Please provide information on all measures taken, including of a legislative, administrative or other nature, to ensure that members of the armed forces who have not attained the age of 18 years do not take a direct part in hostilities. In this respect, please provide information notably on:

(a) The meaning of “direct participation” in the legislation and practice of the State concerned;

(b) The measures taken to avoid a member of the armed forces who has not attained the age of 18 years being deployed or maintained in an area where hostilities are taking place and the obstacles encountered in applying these measures;

(c) When relevant, disaggregated data on members of the armed forces below the age of 18 years who were taken prisoner, despite not having participated directly in hostilities.

### **Article 2**

6. Please indicate all the measures taken, including of a legislative, administrative or other nature, to ensure that persons who have not attained the age 18 years are not compulsorily recruited into the armed forces. In this regard, reports should provide, information on, inter alia:

(a) The process of compulsory recruitment (i.e. from registration up to the physical integration into the armed forces), indicating the minimum age linked to each step and at what point in that process recruits become members of the armed forces;

(b) The documents considered reliable which are required to verify age prior to acceptance into compulsory military service (birth certificate, affidavit, etc.);

(c) Any legal provision enabling the age of conscription to be lowered in exceptional circumstances (e.g. state of emergency). In this respect, please provide information on the age it can be lowered to and the process for and conditions of that change;

(d) For States parties where compulsory military service has been suspended but not abolished, the minimum age of recruitment set for compulsory military service and how, and under what conditions, compulsory service can be reactivated.

### **Article 3**

#### **Paragraph 1**

7. Reports should contain the following:

(a) The minimum age set for voluntary recruitment into the armed forces, in accordance with the declaration submitted upon ratification or accession or any change thereafter;

(b) When relevant, disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin, and military ranks) on children below the age of 18 years voluntarily recruited into the national armed forces;

(c) When relevant, the measures taken pursuant to article 38, paragraph 3, of the Convention on the Rights of the Child to ensure that in recruiting those persons who have attained the minimum age set for voluntary recruitment but who have not attained the age of 18 years, priority is given to those who are oldest. In this respect, provide information on the measures of special protection adopted for the recruits under 18 years old.

#### **Paragraphs 2 and 4**

8. Reports should provide information on:

(a) The debate which has taken place in the State party prior to the adoption of the binding declaration and the people involved in that debate;

(b) When relevant, the national (or regional, local, etc.) debates, initiatives, or any campaign aimed at strengthening the declaration if it set a minimum age lower than 18 years.

#### **Paragraph 3**

9. With regard to the minimum safeguards that States parties shall maintain concerning voluntary recruitment, reports should provide information on the implementation of these safeguards and indicate, among other things:

(a) A detailed description of the procedure used for such recruitment, from the expression of intention to volunteer through to the physical integration into the armed forces;

(b) Medical examinations foreseen before volunteers can be recruited;

(c) The documentation required to verify the age of the volunteers (birth certificate, affidavit, etc.);

(d) Information that is made available to the volunteers, and to their parents or legal guardians, allowing them to formulate their own opinion and to make them aware of the duties involved in the military service. A copy of any materials used for this purpose should be annexed to the report;

(e) The effective minimum service time and the conditions for early discharge; the application of military justice or discipline to recruits under 18 and disaggregated data on the number of such recruits being tried or in detention; the minimum and maximum sanctions foreseen in case of desertion;

(f) The incentives used by the national armed forces for encouraging volunteers (scholarships, advertising, meetings at schools, games, etc.).

## **Paragraph 5**

10. Reports should provide information on:

(a) The minimum age of entry into schools operated by or under the control of the armed forces;

(b) Disaggregated data on schools operated by or under the control of the armed forces, including their number, the type of education provided and the proportions of academic education and military training in the curricula; length of the education; academic/military personnel involved, educational facilities, etc.;

(c) The inclusion in the school curricula of human rights and humanitarian principles, including in areas relevant to the realization of the rights of the child;

(d) Disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin) on the students attending these schools; their status (members or not of the armed forces); their military status in the case of a mobilization or of an armed conflict, a genuine military need or any other emergency situation; their right to leave such schools at any time and not to pursue a military career;

(e) The measures taken to ensure that school discipline is administered in a manner consistent with the child's human dignity, and any complaint mechanisms available in this regard.

## **Article 4**

11. Please provide information on, inter alia:

(a) The armed groups operating on/from the territory of the State party or with sanctuary on its territory;

(b) The status of any negotiations between the State party and armed groups;

(c) Disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin, time spent in the armed groups, and time spent participating in hostilities) on children who have been recruited and used in hostilities by armed groups and on those who have been arrested by the State party;

(d) Any written or oral commitment made by armed groups not to recruit and use children below the age of 18 in hostilities;

(e) Measures adopted by the State party aimed at raising awareness amongst armed groups and within communities of the need to prevent the recruitment of children below the age of 18 and of their legal obligations with regard to the minimum age set in the Optional Protocol for recruitment and participation in hostilities;

(f) The adoption of legal measures which aim at prohibiting and criminalizing the recruitment and use in hostilities of children under the age of 18 by armed groups and relevant judicial decisions;

(g) The programmes (e.g. birth registration campaigns) to prevent children who are at highest risk of recruitment or use by armed groups, such as refugee and internally displaced children, street children, orphans, from being so recruited or used.

### **Article 5**

12. Please indicate those provisions of the national legislation or of international instruments and international humanitarian law applicable in the State party, which are more conducive to the realization of the rights of the child. Reports should also provide information on the status of ratification by the State party of the main international instruments concerning children in armed conflict and on other commitments undertaken by the State party concerning this issue.

### **Article 6**

#### **Paragraphs 1 and 2**

13. Indicate the measures adopted to ensure the effective implementation and enforcement of the provisions of the Optional Protocol within the jurisdiction of the State party, including information on:

(a) Any review of domestic legislation and amendments introduced;

(b) The legal status of the Optional Protocol in national law and its applicability before domestic jurisdictions, as well as, when relevant, the intention of the State party to withdraw existing reservations made to the Optional Protocol;

(c) The governmental departments or bodies responsible for the implementation of the Optional Protocol and their coordination with regional and local authorities, as well as with civil society;

(d) The mechanisms and means used for monitoring and periodically evaluating the implementation of the Optional Protocol;

(e) Measures adopted to ensure the training of peacekeeping personnel on the rights of the child, including the provisions of the Optional Protocol;

(f) The dissemination in all relevant languages of the Optional Protocol to all children and adults, notably those responsible for military recruitment, and the training offered to all professional groups working with and for children.

### **Paragraph 3**

14. When relevant, please describe all measures adopted with regard to disarmament, demobilization (or release from service), and the provision of appropriate assistance for the physical and psychological recovery and social reintegration of children, taking due account of the specific situation of girls, including information on:

(a) The children involved in that procedure, on their participation in such programmes, and on their status with regard to the armed forces and armed groups (e.g. when do they stop being members of the armed forces or groups?); the data should be disaggregated by, e.g. age and sex;

(b) The budget allocated to these programmes, the personnel involved and their training, the organizations concerned, cooperation among them, and participation of civil society, local communities, families, etc.;

(c) The various measures adopted to ensure the social reintegration of children, e.g. interim care, access to education and vocational training, reintegration in the family and community and relevant judicial measures, taking into account the specific needs of the children concerned, depending notably on their age and sex;

(d) The measures adopted to ensure confidentiality and protection of children involved in such programmes from media exposure and exploitation;

(e) The legal provisions adopted to criminalize the recruitment of children and whether that crime comes within the competence of any specific justice-seeking mechanisms established in the context of conflict (e.g. war crimes tribunal, truth and reconciliation bodies); the safeguards adopted to ensure that the rights of the child as a victim and as a witness are respected in these mechanisms in light of the Convention on the Rights of the Child;

(f) The criminal liability of children for crimes they may have committed during their stay with armed forces or groups and the judicial procedure applicable, as well as safeguards to ensure that the rights of the child are respected;

(g) When relevant, the provisions of peace agreements dealing with the disarmament, demobilization, and/or physical and psychological recovery and social reintegration of child combatants.

### **Article 7**

15. Reports should provide information on cooperation in the implementation of the Optional Protocol, including through technical cooperation and financial assistance. In this regard, reports should provide information, inter alia, on the extent of the technical cooperation or financial assistance which the State party has requested or offered. Please indicate if the State party is in a position to provide financial assistance and describe the multilateral, bilateral or other programmes that have been undertaken with that assistance.

## Chapter IX

### OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY\*

#### Introduction

Pursuant to article 12, paragraph 1, of the Optional Protocol, each State party shall, within two years following the entry into force of the Protocol for that State party, submit a report to the Committee on the Rights of the Child (“the Committee”) containing comprehensive information on the measures it has taken to implement the provisions of the Protocol. Thereafter, pursuant to article 12, paragraph 2, of the Protocol, States parties having submitted their initial report under this Protocol shall include in the reports they submit to the Committee in accordance with article 44, paragraph 1 (b), of the Convention any further information with respect to the implementation of the Optional Protocol. States parties to the Optional Protocol that are not parties to the Convention shall submit a report within two years following the entry into force of the Protocol and then every five years.

Guidelines regarding initial reports to be submitted by States parties under article 12, paragraph 1, of the Optional Protocol were adopted by the Committee at its 777th meeting, on 1 February 2002. The process of reviewing the reports received has led the Committee to adopt revised guidelines, in order to assist the States parties that have not yet reported to better understand the kind of information and data it considers necessary to understand and evaluate the progress made by States parties in implementing their obligations and to enable it to provide them with appropriate observations and recommendations.

The revised guidelines are divided into eight sections. Section I contains general guidelines about the reporting process, section II concerns data and section III concerns general measures of implementation relevant to this Protocol. Sections IV to VIII concern the substantive obligations recognized by the Protocol: section IV concerns the prevention of the sale of children, child prostitution and child pornography; section V concerns the criminalization of these practices and related matters; section VI concerns protection of the rights of child victims; section VII concerns international assistance and cooperation; and section VIII concerns other relevant provisions of national or international law.

The Committee particularly wants to draw attention of the States parties to the annex to these guidelines, which provides additional guidance on some issues and further indications as to the information needed for a comprehensive report of the States parties on the implementation of this Protocol.

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\* Contained in CRC/C/OPSC/2 entitled *Guidelines regarding initial reports to be submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, which were adopted by the Committee on the Rights of the Child at its forty-third session, on 29 September 2006.

## I. GENERAL GUIDELINES

1. Reports submitted pursuant to article 12, paragraph 1, of the Protocol should contain a description of the process of preparation of the report, including the contributions made by governmental and non-governmental organizations/bodies in its drafting and dissemination. Reports of federal States and States having dependent territories or autonomous regional governments, should contain summarized and analytical information on how they contributed to the report.
2. Reports should indicate how the general principles of the Convention, namely non-discrimination, the primacy of best interests of the child, the rights to life, survival and development, and respect for the views of the child, have been taken into account in the design and implementation of the measures adopted by the State party under the Protocol (see annex).
3. Since the Protocol is intended to further implementation of the Convention on the Rights of the Child, in particular articles 1, 11, 21, 32, 34, 35 and 36, reports submitted pursuant to article 12 of the Protocol should indicate how and to what extent the measures taken in order to implement the Protocol have contributed to the implementation of the Convention, in particular the articles listed above.
4. Reports should contain information on the legal status of the Protocol in the internal law of the State party, and its applicability in all relevant domestic jurisdictions.
5. States parties also are invited to include in the reports, when relevant, information about the intention of the State party to withdraw any reservation(s) it has made to the Protocol.
6. Reports should include, in addition to information on the measures taken to implement the Protocol:
  - (a) Information, including relevant quantifiable data where available, on the progress made in eliminating the sale of children, child prostitution and child pornography and in ensuring the protection and enjoyment of the rights set forth in the Protocol;
  - (b) An analysis of the factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Protocol; and
  - (c) Information from all autonomous regions or territories in the State party in a summarized version (full texts of the information concerning such entities may be annexed to the report).
7. Reports should accurately describe the implementation of the Protocol with regard to all territories and persons over which the State party exercises jurisdiction, including all parts of federal States, dependent or autonomous territories, all military forces of the State party and all locations where such forces exercise de facto effective control.
8. States parties are invited to submit, together with their reports under article 12, copies of the principal legislative, administrative and other relevant texts, judicial decisions and relevant studies or reports.



## II. DATA

9. Data included in the reports submitted pursuant to article 12 of the Protocol should be disaggregated, to the extent possible, by sex, region, age and by nationality and ethnicity, if relevant, and any other criteria that the State party considers relevant and that would help the Committee come to a more accurate understanding of the progress made in implementing the Protocol and any remaining gaps or challenges. The report should also contain information on the mechanisms and procedures used to collect these data.

10. Reports should summarize available data on the incidence of sale of children in the State party, including:

(a) The sale or transfer of children for purposes of sexual exploitation;

(b) The transfer of the organs of children for profit;

(c) The engagement of children in forced labour (see annex);

(d) The number of children adopted through the efforts of intermediaries using methods incompatible with article 21 of the Convention or other applicable international standards;

(e) Any other form of sale of children that occurs within the State party, including any traditional practices that involve the transfer of a child by any person or group of persons to another for any form of consideration, and any available indicators of the number of children affected by such practices;

(f) The number of child victims of trafficking - whether within the territory of the State party, from the territory of the State party to other States or from other States to the territory of the State party - including information as to the type of exploitation for which such children are trafficked (see annex); and

(g) The data provided should also show increase or decrease in these practices over time, when possible.

11. Reports should summarize available data concerning child prostitution, including:

(a) The number of persons under the age of 18 engaged in prostitution in the State party;

(b) The increase or decrease of child prostitution or any specific forms of child prostitution over time (see annex); and

(c) The extent to which child prostitution is linked to sex tourism within the territory of the State party, or the State party has detected within its territory efforts to promote sex tourism involving child prostitution in other countries.

12. Reports should summarize available information concerning the extent to which pornography featuring persons actually or apparently under the age of 18, is produced, imported,

distributed or consumed within the territory of the State party and any increases or decreases in the production, importation, distribution or consumption of child pornography that have been measured or detected, including:

- (a) Photographs and other printed materials;
- (b) Videos, motion pictures and electronically recorded materials;
- (c) Internet sites containing photographs, videos, motion pictures or animated productions (e.g. cartoons) depicting, offering or advertising child pornography; and
- (d) Live performances.

The report should contain any available data concerning the number of prosecutions and convictions for such offences, disaggregated by nature of offence (sale of children, child prostitution or child pornography).

### **III. GENERAL MEASURES OF IMPLEMENTATION**

13. Reports submitted should contain information on:

- (a) All laws, decrees and regulations adopted by the national, State or regional legislatures or other competent bodies of the State party in order to give effect to the Protocol (see annex);
- (b) Any significant jurisprudence adopted by the courts of the State party with regard to the sale of children, child prostitution and child pornography, in particular jurisprudence that applies the Convention, the Protocol or related international instruments referred to by these guidelines;
- (c) The governmental departments or bodies having primary responsibility for the implementation of this Protocol and the mechanism(s) that have been established or are used to ensure coordination between them and the relevant regional and local authorities, as well as with civil society, including the business sector, the media and academia;
- (d) The dissemination of the Protocol and the appropriate training offered to all relevant professional and para-professional groups, including immigration and law enforcement officers, judges, social workers, teachers and legislators;
- (e) The mechanisms and procedures used to collect and evaluate data and other information concerning implementation of this Protocol on a periodic or continuing basis;
- (f) The budget allocated to the various activities of the State party related to implementation of the present Protocol;
- (g) The overall strategy of the State party for the elimination of the sale of children, child prostitution and child pornography and the protection of victims, and any national or regional plans, or particularly significant local ones, that have been adopted in order to

strengthen efforts to implement this Protocol, or any components of plans for advancing the rights of the child, the rights of women or human rights that contain components aimed at the elimination of these practices or protection of victims;

(h) The contributions made by civil society to efforts to eliminate the sale of children, child prostitution and child pornography; and

(i) The role played by statutory ombudspersons for children or similar autonomous public institutions for the rights of children, if any, in implementing this Protocol or in monitoring its implementation (see annex).

#### **IV. PREVENTION (art. 9, paras. 1 and 2)**

14. Bearing in mind that article 9, paragraph 1, of the Protocol requires States parties to pay “particular attention” to the protection of children who are “especially vulnerable” to the sale of children, child prostitution or pornography, reports should describe the methods used to identify children who are especially vulnerable to such practices, such as street children, girls, children living in remote areas and those living in poverty. In addition, they should describe the social programmes and policies that have been adopted or strengthened to protect children, in particular especially vulnerable children, from such practices (e.g. in the areas of health and education), as well as any administrative or legal measures (other than those described in response to the guidelines contained in section V) that have been taken to protect children from these practices, including civil registry practices aimed at preventing abuse. Reports also should summarize any available data as to the impact of such social and other measures.

15. Reports should describe any campaigns or other measures that have been taken to promote public awareness of the harmful consequences of the sale of children and child prostitution and pornography, as required by article 9, paragraph 2, of the Protocol, including:

(a) Measures specifically aimed at making children aware of the harmful consequences of such practices, and of resources and sources of assistance intended to prevent children from falling victim to them;

(b) Programmes targeting any specific groups other than children and the general public (e.g. tourists, transportation and hotel workers, adult sex workers, members of the armed forces, correctional personnel);

(c) The role played by NGOs, the media, the private sector and the community, in particular children, in the design and implementation of the awareness measures described above; and

(d) Any steps taken to measure and evaluate the effectiveness of the measures described above, and the results obtained.

**V. PROHIBITION AND RELATED MATTERS**  
**(arts. 3; 4, paras. 2 and 3; 5; 6 and 7)**

16. Reports should provide information on all criminal or penal laws in force covering and defining the acts and activities enumerated in article 3, paragraph 1, of the Protocol, including:

(a) The material elements of all such offences, including any reference to the age of the victim and the sex of the victim or perpetrator;

(b) The maximum and minimum penalties that can be imposed for each of these offences (see annex);

(c) Any defences and aggravating or attenuating circumstances applicable specifically to these offences;

(d) The statute of limitations for each of these offences;

(e) Any other offences recognized by the laws of the State party that it considers relevant to implementation of the present Protocol (see annex); and

(f) The sentences applicable under the law(s) of the State party for attempts to commit and complicity or participation in the offences described in response to this guideline.

17. Reports also should indicate any provisions of the law in force that the State party considers an obstacle to implementation of the present Protocol, and any plans it has to review them.

18. Reports should describe any law concerning the criminal liability of legal persons for the acts and activities enumerated in article 3, paragraph 1, of the Protocol, and comment on the effectiveness of such laws as a deterrent to the sale of children, child prostitution and child pornography; if the law of the State party does not recognize the criminal liability of legal persons for such offences, the report should explain why this is so and the position of the State party on the feasibility and desirability of modifying it (see annex).

19. Reports of States parties whose law permits adoption should indicate the bilateral and multilateral agreements, if any, that are applicable and the measures it has taken to ensure that all persons involved in the adoption of children act in conformity with such agreements and with the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children (General Assembly resolution 41/85 of 3 December 1986), including:

(a) The legal and other measures taken to prevent illegal adoptions, e.g. those that have not been authorized by the authorities competent for dealing with domestic and intercountry adoptions;

(b) The legal and other measures taken to prevent intermediaries from attempting to persuade mothers or pregnant women to give their children for adoption, and to prevent unauthorized persons or agencies from advertising services concerning adoption;

(c) The regulations and licensing of agencies and individuals acting as intermediaries in adoptions, as well as legal practices identified so far;

(d) The legal and administrative measures taken to prevent the theft of young children and to prevent fraudulent birth registration, including applicable criminal sanctions;

(e) The circumstances in which the consent of a parent for adoption can be waived and any safeguards in place that are designed to ensure that consent is informed and freely given; and

(f) Measures to regulate and limit the fees charged by agencies, services or individuals in connection with adoption and the sanctions applicable for non-compliance with them.

20. States parties to this Protocol that recognize adoption and that are not parties to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption are invited to indicate whether they have considered becoming parties to it and the reasons they have not yet done so.

21. Reports should indicate:

(a) The laws in force prohibiting the production and dissemination of material advertising any of the offences described in the Protocol;

(b) The applicable sanctions;

(c) Any available data or information concerning the number of prosecutions and convictions for such offences, disaggregated by nature of the offence (sale of children, child prostitution or child pornography); and

(d) Whether such laws are effective in preventing advertising for the sale of children, child prostitution and child pornography and, if not, the reasons why and any plans the State has for strengthening such laws and/or their enforcement.

22. Reports should indicate the legal provisions that establish jurisdiction over the offences referred to in article 3 of the Protocol, including information about the grounds for this jurisdiction (see article 4, paragraphs 1 and 3).

23. Reports also should indicate the legal provisions that establish extraterritorial jurisdiction over such offences on the grounds mentioned in article 4, paragraph 2, and/or on any other grounds of jurisdiction recognized by the law of the State party.

24. Reports should describe the law, policy and practice of the State party concerning the extradition of persons accused of having committed one or more of the offences referred to by article 3 of the Protocol, including:

(a) Whether extradition requires the existence of an extradition treaty with the requesting State and, if not, any conditions applied in considering requests for extradition (e.g. reciprocity);

(b) If extradition is conditional on the existence of an extradition treaty in force for the State party and a requesting State, whether the competent authorities of the State party recognize

article 5, paragraph 2, as sufficient basis for granting an extradition request made by another party to this Protocol, including in cases in which the extradition request concerns a national of the State receiving the request;

(c) Whether the State party has entered into any extradition treaties since becoming a party to this Protocol or is negotiating any extradition treaties and, if so, whether such treaties recognize the offences corresponding to those referred to in the Protocol as extraditable offences;

(d) Whether the State party, since the entry into force of the Protocol, has refused any request(s) for the extradition of a person subject to its jurisdiction who was accused by another State of any of the offences referred to in the present Protocol and, if so, the reason for the refusal(s) to extradite, and whether the person(s) concerned was referred to the competent authorities of the State party for prosecution;

(e) The number of requests for extradition for any of the offences referred to the Protocol that have been granted by the State party since the entry into force of the Protocol or since its most recent report on implementation of the Protocol, disaggregated by the nature of the offences;

(f) Whether the State party has, since the entry into force of the Protocol, requested the extradition of any person accused of any of the offences referred to in this Protocol and, if so, whether such request(s) have been honoured by the requested State(s); and

(g) Whether any new legislation, regulations or judicial rules concerning extradition have been proposed, drafted or adopted and, if so, their consequences, if any, for the extradition of persons accused of offences corresponding to the conduct described in article 3 of this Protocol.

25. Reports should describe the legal basis, including international agreements, for cooperation with other States parties with regard to investigations and criminal and extradition proceedings brought with regard to the offences referred to by the Protocol, and the policy and practice of the State party with regard to such cooperation, including examples of cases in which it has cooperated with other States parties and any significant difficulties it has experienced in obtaining the cooperation of other States parties.

26. Reports should describe the law, policy and practice of the State party with regard to:

(a) The seizure and confiscation of materials, assets and or other goods used to commit or facilitate any of the offences set forth in the Protocol;

(b) The seizure and confiscation of proceeds derived from the commission of such offences; and

(c) The closure of premises used to commit such offences, including the execution of requests made by other States parties for the seizure and confiscation of any materials, assets, instrumentalities or proceeds described in article 7 (a) of the Protocol; the State party's experience concerning the response of other parties to its requests for the seizure and

confiscation of goods and proceeds; any legislation concerning these matters that has been proposed, drafted or enacted since the entry into force of the Protocol, and any judicial decisions concerning these matters of particular significance.

## **VI. PROTECTION OF THE RIGHTS OF VICTIMS** **(arts. 8 and 9, paras. 3 and 4)**

27. Reports should contain information on the measures adopted by the State party to implement article 8 of the Protocol with a view to ensure that the rights and best interests of children who have been the victims of the practices prohibited under the present Protocol are fully recognized, respected and protected at all stages of criminal investigations and proceedings which concern them. States also may wish to describe any efforts made to implement the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime adopted by the Economic and Social Council in 2005 (see annex).

28. Reports should describe the law, policy and practice throughout the territory of the State party regarding the investigation of the offences referred to by the Protocol, in cases in which the victim appears to be below the age of 18 but his or her actual age is unknown (see annex).

29. Reports should describe any rules, regulations, guidelines or instructions that have been adopted by relevant authorities in order to ensure that the best interests of the child are a primary consideration in the treatment afforded by the criminal justice system to children who are victims of any of the offences described in the present Protocol (see annex).

30. Reports also should indicate which provisions of the existing laws, procedures and policies are meant to ensure that the best interests of child victims of such offences are adequately identified and taken into account in criminal investigations and proceedings and, if not, what steps it considers necessary or plans to take to improve compliance with article 8, paragraph 3, of the Protocol (see annex).

31. Reports should indicate what measures are taken to ensure legal, psychological or other training for those who work with victims of the offences prohibited in this Protocol (see annex).

32. Reports should indicate the measures in place that provide the agencies, organizations, networks and individuals with the conditions necessary to carry out their work without fear of interference or reprisals and, if not, what measures are planned or considered necessary to ensure compliance with article 8, paragraph 5, of the Protocol (see annex).

33. Reports should describe any special safeguards or compensatory measures that have been introduced or strengthened in order to ensure that measures designed to protect the rights of child victims of the offences referred to by this Protocol do not have any undue impact on the rights of accused persons to a fair and impartial trial (see annex).

34. Reports should describe existing public and private programmes that provide child victims of sale, prostitution and pornography with assistance in social reintegration, paying special attention to family reunification, and physical and psychological recovery (see annex).

35. Reports should also describe the measures taken by the State party to help the child recover his or her identity, when the exploitation to which the child has been exposed has adversely affected any elements of his or her identity, such as name, nationality and family ties (see annex).

36. Information contained in reports concerning assistance in social reintegration, physical and psychological recovery and the recovery of identity should indicate any differences between the assistance provided to children who are nationals or presumed to be nationals of the State party and those who are not nationals, or whose nationality is unknown (see annex).

37. Reports should contain information on existing remedies and procedures that may be used by child victims of sale, prostitution or pornography to seek compensation for damages from those legally responsible (see annex).

## **VII. INTERNATIONAL ASSISTANCE AND COOPERATION** **(art. 10)**

38. Reports should describe:

(a) Any multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for any of the offences referred to by this Protocol that the State party has helped draft, or has negotiated, signed or become a party to;

(b) The steps that have been taken to put in place procedures and mechanisms to coordinate the implementation of such arrangements; and

(c) The results obtained through such arrangements, any significant difficulties encountered in implementing them and any efforts made or considered necessary to improve the implementation of such arrangements.

39. Reports also should describe any other steps taken by the State party to promote international cooperation and coordination concerning the prevention, detection, investigation, prosecution and punishment of the offences referred to by the Protocol between their authorities and relevant regional or international organizations, as well as between the authorities and national and international non-governmental organizations.

40. Reports should describe any steps taken by the State party to support international cooperation to assist the physical and psychological recovery, social reintegration and repatriation of the victims of the offences referred to by this Protocol, including bilateral aid and technical assistance, and support for the activities of international agencies or organizations, international conferences and international research or training programmes, including support for the relevant activities and programmes of national or international non-governmental organizations.

41. Reports should describe the contributions of the State party to international cooperation designed to address root causes that contribute to children's vulnerability to sale, prostitution, pornography and sex tourism, in particular poverty and underdevelopment.



**VIII. OTHER LEGAL PROVISIONS**  
**(art. 11)**

42. Reports should describe:

(a) Any provisions of domestic legislation in force in the State party that it considers more conducive to the realization of the rights of the child than the provisions of this Protocol;

(b) Any provisions of international law binding on the State party that it considers more conducive to the realization of the rights of the child than the provisions of this Protocol, or that it takes into account in applying the present Protocol; and

(c) The status of ratification by the State party of the main international instruments concerning sale of children, child prostitution, child pornography, trafficking of children and sex tourism, as well as any other international or regional commitments undertaken by that State concerning these issues, and any influence their implementation has had on implementation of the Protocol.

## Annex

The link between the Optional Protocol and the implementation of the Convention referred to in **Guideline 2\*** is recognized by the first paragraph of the preamble to the Protocol.

The term forced labour, referred to in **Guideline 10 (c)**, includes any substantial work or services that a person is obliged to perform, by a public official, authority or institution under threat of penalty; work or services performed for private parties under coercion (e.g. the deprivation of liberty, withholding of wages, confiscation of identity documents or threat of punishment) and slavery-like practices such as debt bondage and the marriage or betrothal of a child in exchange for consideration (see International Labour Organization Convention No. 29 (1930) on Forced Labour (arts. 2 and 11), and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (art. 1).

Trafficking of children, as referred to in **Guideline 10 (f)**, means the recruitment, transportation, transfer, harbouring or receipt of persons under the age of 18 for the purpose of any form of exploitation, including sexual exploitation, the exploitation of child labour or adoption in violation of the relevant international standards, regardless of whether the children or their parents or guardian have expressed consent thereto (see the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (art. 3 (a), (b) and (c)).

Forms of prostitution that, according to **Guideline 11 (b)**, should be distinguished, if possible, include heterosexual and homosexual prostitution, and commercial or other forms of prostitution, such as the delivery of children to temples or religious leaders for the purpose of providing sexual services, sexual slavery, the solicitation by teachers of sexual favours from students and sexual exploitation of child domestic workers.

States may wish to present the information referred to in **Guideline 13 (a)** in the form of a table of relevant laws and their most relevant provisions.

The important role of children's ombudsmen and similar institutions, mentioned in **Guideline 13 (i)**, is described by the Committee in general comment No. 2 on "The role of independent national human rights institutions in the promotion and protection of the rights of the child", adopted at its thirty-first session in 2002.

Information provided in response to the guidelines contained in section IV above, in particular in reports made by federal States, States having dependent territories and/or autonomous regions, and States whose legal order recognizes religious, tribal or indigenous law, should include information about the relevant law of all jurisdictions having competence over these matters, including the law applicable to the armed forces.

The reply to **Guideline 16**, especially its subparagraph (b), should distinguish between the penalties applicable to adults convicted of such offences and juveniles who have committed

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\* See paragraph 2 above; guidelines correspond to paragraph numbers.

them. Article 3, paragraph 1, of the Protocol provides that States parties shall “as a minimum” ensure that the acts listed are covered by its criminal or penal law; the broader, generic obligation set forth in article 1 is to “prohibit the sale of children, child prostitution and child pornography”. Hence **Guideline 16 (e)** indicates that reports should indicate any other forms of sale, or any other acts or omissions concerning child prostitution or child pornography, that are covered by its criminal or penal law. In addition, in some countries certain crimes may be used to prosecute the sale of children, child prostitution or child pornography even though they do not expressly prohibit those offences as such. Reports also should describe such offences and explain their application to the sale of children, child prostitution and/or child pornography.

Legal persons, referred to in **Guideline 18**, are entities other than physical persons that have legal personality, such as corporations and other businesses, local or regional governments and legally recognized foundations, organizations and associations.

The applicable international legal instruments in **Guideline 19** include articles 20 and 21 of the Convention, read together with the general principles recognized by articles 2, 3, 6 and 12 of the Convention; the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, which the Committee considers an appropriate instrument for meeting the obligation contained in article 21 (e), of the Convention; the 1967 European Convention on the Adoption of Children (CETS No. 58); the 1990 African Charter on the Rights and Welfare of the Child; the Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, adopted by the General Assembly in 1986; and bilateral treaties on adoption. The Declaration on Social and Legal Principles, which is mentioned in the Preamble to the Convention on the Rights of the Child, is applicable to all States, including those that are not party to any of the treaties mentioned above.

The information referred to in **Guideline 27** should include, in particular:

- (a) Any laws and other legal standards providing that the best interests of the child victim or child witness shall be a primary consideration in criminal justice matters concerning the sale of children, child prostitution and child pornography;
- (b) Any laws or other legal standards, procedures and practices concerning the placement of children considered to be victims of sale, child prostitution or child pornography in protective custody in police or correctional facilities, or public child welfare facilities, during the duration of investigations or legal proceedings against the perpetrators of such acts, and information on the number of children placed in such custody for the duration of such investigations or proceedings, disaggregated if possible according to the age, sex and place of origin of the child, the nature of the facility and the average duration of placement;
- (c) The principle that children shall not be deprived of liberty except as a last resort (see article 37 (b) of the Convention) means that child victims or witnesses should not be kept in police or correctional facilities nor, except in extreme circumstances, closed child welfare facilities, in order to ensure their protection and availability in criminal proceedings;

(d) Any laws, procedures and practices allowing the placement of children considered to be victims of sale, child prostitution or child pornography in the temporary care of relatives, foster parents, temporary guardians or community-based organizations during the investigations or legal proceedings against the perpetrators of such acts, and information on the number of children so placed, disaggregated if possible according to the age, sex and place of origin of the child, the type of care provider and the average duration of placement;

(e) Any legal standards that have been adopted recognizing the right of child victims of sale, child prostitution or child pornography to be informed about their legal rights and their potential role in criminal proceedings concerning such exploitation and the scope, timing and progress and outcome of such proceedings, and the practices and procedures that have been established in order to provide children with such information;

(f) Any legal standards that have been adopted that recognize the right of child victims of sale, child prostitution or child pornography to express or convey their views, needs and concerns about criminal proceedings concerning their exploitation and the duty of investigators, prosecutors and other relevant authorities to take their views and concerns into account; the methods and procedures used to ascertain the views, needs and concerns of child victims of different ages and backgrounds and to communicate them to the relevant authorities; and information regarding the progress made and difficulties encountered, if any, in implementation of such standards and procedures;

(g) Any programmes and services that provide support to child victims during criminal proceedings against those responsible for their exploitation, the geographical location and nature of the agencies or organizations responsible (public, subsidized or non-governmental), the nature of the support services provided and the coverage; any available data concerning the age, sex, place of origin and other relevant characteristics of the beneficiaries; the results of any evaluations of the support provided; and the views of the State party as to the adequacy of the coverage, scope and quality of the services available and any plans to expand them;

(h) Any laws or regulations designed to protect the right to privacy and prevent the disclosure of the identity of victims of any of the offences referred to in the Protocol, and any other measures taken by the State party to protect their privacy and prevent the disclosure of their identity, as well as the views of the State party on whether such laws, regulations and other measures are effective and, if not, the reasons why they are not and any plans it has to enhance the protection of their right to privacy and prevent the disclosure of their identity;

(i) The policies, procedures, programmes, protocols or other measures that have been put in place in order to ensure the safety of child victims of sale, prostitution or pornography who may be at risk of retaliation or intimidation and to ensure the safety of their families and of witnesses vulnerable to such risks, as well as the views of the State party on whether such measures have been effective and, if not, the reasons why they have not been and any plans it has to reinforce them, modify them or to adopt new safeguards; and

(j) Any laws, rules, regulations, guidelines or policies that have been adopted by the competent legislative, administrative or judicial authorities in order to avoid unnecessary delay in the disposition of cases involving the offences referred to by this Protocol and in the execution

of orders or decrees granting compensation to child victims, as well as any jurisprudence that may have been adopted by the courts of the State party concerning the timely resolution of such matters.

The information referred to in **Guideline 28** should include, in particular:

- (a) The measures used to estimate the age of the victim when documentary proof is not available;
- (b) The standard of proof for the age of the victim and the legal presumptions, if any, that apply; and
- (c) The agency or bodies that are responsible for carrying out investigations with a view to determining the age of the child and the methods used to this end.

The information provided in response to Guideline 28 also should indicate whether difficulties in determining the age of presumed victims of the offences referred to by the Protocol to be a substantial obstacle to law enforcement and effective protection of children against such practices and, if so, why it does, and what plans, if any, the State party has to overcome them or what action it considers necessary to address such difficulties. Information provided also should differentiate, when relevant, between offences that have been committed within the territory of a State party against a child who is a national, and offences in which the victim may not be a national of the State party or the act may have taken place in the territory of another State.

The information provided in response to **Guidelines 29 and 30** should:

- (a) Indicate whether the legislation of all relevant jurisdictions of the State party recognizes the requirement that the best interests of the child shall be a primary consideration in the treatment afforded by the criminal justice system to children who are victims of any of the offences described in the Protocol and, if not, what steps, if any, the State party has taken or plans to take to incorporate this principle into the relevant legislation;
- (b) Describe any rules, guidelines, policies or jurisprudence concerning how the best interests of children are defined in this context and the methods that are used to determine the best interests of individual child victims;
- (c) Describe, in particular, any rules, regulations, guidelines, policies or jurisprudence concerning the methods used to determine the child's views and the weight given to such views in establishing what the best interests of the child are in this context;
- (d) Describe, in addition, what steps have been taken and what mechanisms and procedures have been established to provide child victims with objective information, in language adapted to their age and background, about criminal investigations and proceedings regarding offences affecting them, their rights with regard to such investigations and proceedings, and any options or alternative courses of action they may have;
- (e) Describe any legislation, regulations, procedures, policies and jurisprudence regarding the legal standing of children with regard to decisions that must be made regarding criminal proceedings concerning offences against them, including any age limit concerning the

child's decision whether to testify or otherwise participate in proceedings; the authority of parents or guardians to take such decisions for the child, and the appointment of temporary guardians to ensure that the best interests of the child are identified and respected in the absence of any parent or guardian or in the event of a possible conflict of interest between the child victim and her or his parent(s) or legal guardian; and

(f) Describe the role, if any, of child protection agencies or child rights bodies in criminal proceedings concerning the offences referred to by the Protocol, in particular any role they may play in defending the best interests of the child victim or child witness in such proceedings.

Information requested under **Guideline 31** should provide details as to the agency or agencies that are competent to investigate and/or prosecute the offences referred to by the Protocol and the courts competent over these offences throughout the territory or territories of the State party, and whether contact with child victims and witnesses by the staff of such agencies is limited to officials assigned especially to cases concerning children; any specific requirements regarding education on the rights of children and child psychology or development applicable to the recruitment or appointment of staff having contact with children; any entry-level or in-service training programmes that provide staff having contact with children and their supervisors with legal, psychological and other relevant training designed to ensure that child victims receive treatment that is sensitive to their age, sex, background and experiences and respectful of their rights, and a brief description of the content and methodology of such training programmes; and the agencies or organizations, public or private, that provide care, shelter and psychosocial services to the victims of the offences referred to by this Protocol, and any applicable regulations concerning the qualifications and training of private service providers.

The information provided in response to **Guideline 32** should indicate the public or private agencies, organizations and networks most involved in efforts to prevent the sale of children, child prostitution and pornography and related practices, as well as those most involved in providing protection, rehabilitation and similar services to the victims of such practices; and describe any significant attacks or threats to the safety, security and integrity of the above-mentioned bodies and their members or staff, as well as the types of measures the State party has adopted to protect the persons or bodies that have been the target of attacks and threats of the kind mentioned above, and the measures or policies that have been adopted as a precaution against such threats or attacks.

For purposes of **Guideline 33**, the rights of accused persons to a fair and impartial trial should be considered to be the rights set forth in articles 14 and 15 of the International Covenant on Civil and Political Rights, in particular the right to be presumed innocent until proved guilty according to law, to have adequate facilities for the preparation of a defence and to examine, or have examined, the witnesses against him.

Information provided in response to **Guideline 34** should include: identification of programmes or services and the agencies or organizations that operate them, their geographical location and a description of the type of services provided; data on the number of children who receive such assistance, disaggregated according to the age and sex of the beneficiaries, the type of abuse suffered and whether the assistance is provided in a residential or non-residential setting; the results of any evaluation(s) that have been made of the assistance provided by existing programmes and information regarding the unmet demand for such services, if any; and any plans the State party has for increasing the capacity of existing programmes or expanding the type of services provided, as well as any other information that it considers relevant.

The right to assistance in social reintegration and psychological recovery referred to by **Guideline 35** and article 9, paragraph 3, of the Protocol includes the right of children deprived of any element of their identity to assistance in speedily re-establishing their identity, a right also recognized by article 8, paragraph 2, of the Convention on the Rights of the Child.

Information provided in response to **Guideline 36** should include:

(a) The number of children who are not nationals or whose nationality is unknown who are identified annually as victims of sale, child prostitution and child pornography, disaggregated to the extent possible by age, sex, type of exploitation and country of origin;

(b) The policy of the State party regarding the repatriation of child victims and reintegration with their families and community, including the way such policies address issues such as the best interests of the child, the right of the child to have his or her views taken into account, the child's participation in criminal proceedings against those responsible for his or her exploitation and the right of the child to protection against the risk of reprisals and to assistance in physical and psychological rehabilitation;

(c) Any existing legal or administrative agreements with other countries concerning the repatriation of children who have been victims of these forms of exploitation, mutual assistance in re-establishing their identity or relocating their families and for evaluating the appropriateness of return of the child to his or her family or community, as opposed to other forms of social reintegration; and

(d) Information on the progress made and difficulties encountered in safeguarding the right to social reintegration, identity and physical and psychological recovery of children who have been victims of these forms of exploitation and who are not nationals, or whose nationality is unknown, as well as any plans it may have for overcoming the difficulties encountered, if any.

The information provided in response to **Guideline 37** should include:

(a) Whether the child's right to compensation is subordinated to or conditioned by a prior finding of criminal responsibility on the part of those responsible for his or her exploitation;

(b) Procedures and standards regarding the appointment of a guardian or representative for the child for purposes of legal procedures of this kind, when there is an actual, possible or potential conflict between the interests of the child and those of his or her parents;

(c) Standards and procedures concerning the voluntary settlement of cases or complaints involving the sale of children, child prostitution or pornography;

(d) Whether there are any differences between the procedures applicable to cases involving children and those involving adults, insofar as the admissibility of evidence or the way evidence concerning the child victim is presented;

(e) Whether rules and guidelines concerning the management of cases recognize the importance of the need to avoid undue delay in the resolution of cases involving children, in accordance with article 8, paragraph 1 (g), of the Protocol;

(f) Whether there is any difference in the statute of limitations applicable to claims of compensation for these forms of exploitation, when the victim is a child;

(g) Any special features of the law that concern the use, disposition and safeguarding of damages awarded to children until such time as they reach the age of majority;

(h) Any other special features of existing procedures that may be used by children to seek compensation in the type of cases referred to above that are designed to make them more sensitive to the special needs, rights and vulnerabilities of children;

(i) Whether the information given in reply to the preceding paragraphs of this guideline is applicable to victims who may not be nationals of the State party, and any special measure that may exist to ensure that victims who are not or may not be nationals have equal access to remedies designed to obtain compensation for damages due to the forms of exploitation referred to above;

(j) Any information concerning the number and amount of awards made to children for abuses of this kind, as a result of legal or administrative proceedings or settlements supervised by official bodies, that would help the Committee understand how existing remedies and procedures work in practice;

(k) Whether the State party considers that existing remedies and procedures provide adequate protection to the right of children who have been victims of the above forms of exploitation to obtain adequate compensation for damages and, if not, what improvements or changes it considers would enhance effective protection of this right.

Damages include physical or mental injury, emotional suffering, prejudice to moral interests (e.g. honour, reputation, family ties, moral integrity), denial of one's rights, loss of property, income or other economic loss and expenses incurred in treating any injury and making whole any damage to the victim's rights (see principles 19 and 20 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law).



## **Chapter X**

### **COMMITTEE ON MIGRANT WORKERS**

#### **GUIDELINES FOR INITIAL REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION**

##### **Introduction**

1. Article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides that States parties undertake to submit to the Secretary-General of the United Nations for consideration by the Committee a report on the measures they have taken to give effect to the provisions of the Convention. The Committee has agreed to the following guidelines in order to give indications to States parties on the form and contents of their initial reports.

2. Those States parties whose initial reports are already in preparation at the time of transmittal of these guidelines can complete and submit their report to the Committee even if the report has not been prepared in conformity with the present guidelines.

##### **A. Part I. Information of a general nature**

3. This part should:

(a) Describe the constitutional, legislative, judicial and administrative framework governing the implementation of the Convention, and any bilateral, regional or multilateral agreements in the field of migration entered into by the reporting State party;

(b) Provide quantitative and qualitative information, as disaggregated as possible, on the characteristics and nature of the migration flows (immigration, transit and emigration) in which the State party concerned is involved;

(c) Describe the actual situation as regards the practical implementation of the Convention in the reporting State and indicate the circumstances affecting the fulfilment of the obligations of the reporting State under the Convention;

(d) Include information on the measures taken by the State party for the dissemination and promotion of the Convention and on the cooperation with civil society in order to promote and respect the rights contained in the Convention.

##### **B. Part II. Information in relation to each of the articles of the Convention**

4. This part should provide specific information relating to the implementation by the reporting State of the Convention, in accordance with the sequences of the articles and their respective provisions. In order to facilitate the reporting procedure for the States parties, the information may be provided per clusters of articles as follows:

**(a) General principles:**

- Articles 1 (1), 7: Non-discrimination
- Article 83: Right to an effective remedy
- Article 84: Duty to implement the Convention

**(b) Part III of the Convention:** Human rights of all migrant workers and members of their families:

- Article 8:  
Right to leave any country including own and to return
- Articles 9, 10:  
Right to life; prohibition of torture; prohibition of inhuman or degrading treatment
- Article 11:  
Prohibition of slavery and forced labour
- Articles 12, 13 and 26:  
Freedom of opinion and expression; freedom of thought conscience and religion; right to join a trade union
- Articles 14, 15:  
Prohibition of arbitrary or unlawful interference with privacy, home, correspondence and other communications; prohibition of arbitrary deprivation of property
- Article 16 (§ 1-4), 17 and 24:  
Right to liberty and security of persons; safeguards against arbitrary arrest and detention; recognition as a person before the law
- Articles 16 (§ 5-9), 18, 19:  
Right to procedural guarantees
- Article 20:  
Prohibition of imprisonment, deprivation of authorization of residence and/or work permit and expulsion merely on the ground of failure to fulfil a contractual obligation
- Articles 21, 22, 23:  
Protection from confiscation and/or destruction of ID and other documents; protection against collective expulsion; right to recourse to consular or diplomatic protection
- Articles 25, 27, 28:  
Principle of equality of treatment in respect of: remuneration and other conditions of work and terms of employment; social security; and right to receive urgent medical care

- Articles 29, 30, 31:  
Right of a child of a migrant worker to a name, registration of birth and nationality; access to education on the basis of equality of treatment; respect for the cultural identity of migrant workers and members of their families
- Articles 32, 33:  
Right to transfer in the State of origin their earnings, savings and personal belongings; right to be informed on the rights arising from the Convention and dissemination of information
- (c) **Part IV of the Convention:** Other rights of migrant workers and their families who are documented or in a regular situation:
  - Article 37:  
Right to be informed before departure of the conditions of admission to the State of employment and of their remunerated activity
  - Articles 38, 39:  
Right to be temporarily absent without effect upon authorization to stay or work; right to liberty of movement and to choose the residence in the territory of the State of employment
  - Articles 40, 41, 42:  
Right to form associations and trade unions; right to participate in public affairs of their State of origin and to vote and be elected at election of that State; procedure and institutions taking care of the needs of migrant workers and possible enjoyment of political rights in the State of employment
  - Articles 43, 54, 55:  
Principle of equality of treatment with nationals of the State of employment in relation to the issues indicated; equality of treatment as to protection against dismissal, unemployment benefits and access to public work schemes and alternative employment; equality of treatment in the exercise of a remunerated activity
  - Articles 44 and 50:  
Protection of the unity of the families of migrant workers and reunification of migrant workers; consequences of death or dissolution of marriage
  - Articles 45 and 53:  
Enjoyment of equality of treatment for members of the families of migrant workers in the indicated aspects and measures taken to guarantee integration of children of migrant workers in the local school system; right to freely choose a remunerated activity for members of a migrant worker's family
  - Articles 46, 47, 48:  
Exemption from import and export duties and taxes in respect of particular belongings; right to transfer earnings and savings from the State of employment to the State of origin or any other State; imposition of taxes and avoidance of double taxation principle

- Articles 51, 52:  
Right to seek alternative employment in case of termination of the remunerated activity for migrant workers not authorized to freely choose their remunerated activity;  
conditions and restrictions for migrant workers who can freely choose their remunerated activity
- Articles 49 and 56:  
Authorization of residence and authorization to engage in a remunerated activity;  
general prohibition and conditions of expulsion

**(d) Part V of the Convention:** Provisions applicable to particular categories of migrant workers and members of their families.

The State party should indicate the provisions or measures adopted for the particular categories of migrants indicated in articles 57 to 63 of the Convention, if any.

**(e) Part VI of the Convention:** Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families.

The State party should indicate the measures taken to ensure promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families. In particular:

- Article 65:  
Establishment of appropriate services to deal with questions concerning international migration of workers and members of their families
- Article 66:  
Authorized operations and bodies for the recruitment of workers for employment in another State
- Article 67:  
Measures regarding the orderly return of migrant workers and members of their families to the State of origin, their resettlement and cultural reintegration
- Article 68:  
Measures aimed at the prevention and elimination of illegal or clandestine movements and employment of migrant workers in an irregular situation
- Article 69:  
Measures taken to ensure that migrant workers in an irregular situation do not persist in this condition within the territory of a State party and circumstances to take into account in case of regularization procedures

- Article 70:  
Measures taken to ensure that living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity
- Article 71:  
Repatriation of the bodies of deceased migrant workers or members of their families and compensation matters relating to the death

### **Presentation of the report**

5. The report should be accompanied by sufficient copies (if possible in English, French or Spanish) of the principal legislative and other texts referred to in the report. These will be made available to members of the Committee. It should be noted, however, that they will not be reproduced for general distribution with the report. It is desirable therefore that, when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be understood without reference to it.

6. States parties may wish to present their initial report under article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in conjunction with the Common Core Document referred to in document HRI/MC/2004/3 which contains draft guidelines for its preparation. This option has been encouraged by the third inter-committee meeting held in Geneva on 21-22 June 2004 (see document A/59/254, Report of the Sixteenth Meeting of the Chairpersons of the Human Rights Treaty Bodies).

7. Initial reports under article 73 of the Convention should be submitted in electronic form (on diskette, CD-rom or by electronic mail), accompanied by a printed paper copy. The report should not exceed 120 pages (A4-size paper, with 1.5 line spacing; and text of 12 points in the font Times New Roman).

## **GUIDELINES FOR THE PERIODIC REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION**

### **Introduction**

1. Article 73 (1) (a) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families provides that States parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the measures they have taken to give effect to the provisions of the Convention. Thereafter, the States parties shall submit periodic reports every five years and whenever the Committee so requests, according to article 73 (1) (b). The Committee has agreed to the following guidelines in addition to its guidelines for initial reports, in order to give indications to States parties on the form and contents of their periodic reports.

2. State reports under the reporting system will consist of two parts: the common core document and the treaty-specific document. The common core document should include general information about the reporting State, the general framework for the protection and promotion of human rights as well as general information on non-discrimination and equality and effective remedies in accordance with the harmonized guidelines (HRI/GEN/2/Rev.4).

#### **A. The CMW-specific document**

3. Under the CMW-specific document, States parties should provide information relating to:

(a) The implementation of the Convention taking into account the issues raised by the Committee in its concluding observations on the State party's previous report;

(b) Recent developments in law and practice affecting the enjoyment of the rights of migrant workers. The CMW-specific document should not merely list or describe the legislation of the State party but elaborate on its practical implementation;

(c) The measures taken by the State party for the dissemination and promotion of the Convention and on the cooperation with civil society in order to promote and respect the rights contained in the Convention and in the preparation of the State party's CMW-specific document.

4. The CMW-specific document should be divided in two sections, a general information part and a specific provisions part, according to the following indications.

#### **B. General information**

5. In this part of the periodic report, the State party should provide updated information related to the current reporting period in accordance with the following categories; if there is nothing new to report under a category, it should be so stated:

(a) Disaggregated data on the characteristics and nature of migratory flows (immigration, transit and emigration) affecting the State party. If no exact data are available, please provide estimated figures on the dynamics of migration flows in the State party;

- (b) Data and statistics on the number of unaccompanied or separated migrant children within the territory of the State party;
- (c) Steps that have been taken to harmonize the national migration laws with the Convention, including whether the State party has plans to withdraw its reservations to the Convention, if any;
- (d) Any signature, accession or ratification of human rights treaties or international instruments relevant for the implementation of the present Convention; in particular, any steps taken towards ratification of ILO Conventions Nos. 97 (1949) on Migration for Employment and No. 143 (1975) on Migrant Workers;
- (e) Any court decisions related to the enjoyment by migrants and members of their families of the rights contained in the Convention;
- (f) Any change in the legislation affecting the implementation of the Convention;
- (g) Specific procedures that have been put in place in order to deal with mixed migratory flows, in particular to establish the special protection needs of asylum-seekers and victims of trafficking; in this context, please indicate whether national legislation provides for the application of the Convention to refugees and/or stateless persons, according to article 3 (d) of the Convention;
- (h) Steps taken to ensure that migrant children who are detained including for violations of provisions relating to migration, are held separately from other adults and whether specific procedures are in place to determine the age of juvenile migrants; data on the number of migrant children detained;
- (i) Special programmes to address the special interests of migrant children, including unaccompanied and separated children;
- (j) Legislation and practice providing for mechanisms to monitor the situation of migrant women, including those employed as domestic workers, and safeguards and guarantees to protect them from exploitation and violence;
- (k) Procedures assisting victims of trafficking, especially women and children;
- (l) Measures taken to provide assistance given by the State party to its migrants abroad;
- (m) Measures taken to facilitate migrants' reintegration in case of return to the State party;
- (n) Multilateral or bilateral agreements relating to migration the State party has entered into, including regional agreements;
- (o) Efforts made, also in cooperation with other States, in order to prevent migrants' loss of life at the land and maritime border areas;

(p) Measures to prevent clandestine movements and employment of migrants in an irregular situation.

### **C. Specific provisions**

6. The information provided in this part should be per cluster of articles as indicated in the initial report guidelines (HRI/GEN/2/Rev.2/Add.1) and should clearly make reference to any progress made towards the enjoyment of the Convention rights by migrant workers and members of their families during the reporting period. If there is nothing new to report under any article, it should be so stated.

7. On each cluster of articles, the State party should also include information on concrete measures taken with regard to the concluding observations adopted by the Committee in relation to the previous report.

### **D. References to other treaty-specific documents and ILO Convention reports**

8. If a State party refers in its CMW-specific document to information contained either in the common core document, or in any other treaty-specific documents, it should indicate precisely the relevant paragraphs in which such information is contained.

9. Similarly, if a State party is party to any of the ILO Conventions listed in appendix 2 of the harmonized guidelines and has already submitted reports to the supervisory committee concerned that are relevant to any of the rights recognized in the Convention, it may wish to refer and to attach the respective parts of those reports rather than repeat the information.

### **E. Format of the CMW-specific document**

10. As required in paragraph 19 of the harmonized guidelines, subsequent periodic 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. Reports should be submitted in electronic form (on diskette, CD-ROM or by electronic mail), accompanied by a printed paper copy.

11. The report should be accompanied by sufficient copies (if possible in English, French or Spanish) of the principal legislative and other texts referred to in the report. These will be made available to members of the Committee. It should be noted, however, that they will not be reproduced for general distribution with the report. Reports should also 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.

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