

Annex III

Overview of the working methods of the Committee on the Elimination of Discrimination against Women in relation to the reporting process

I. Introduction

1. The present overview updates that contained in CEDAW/C/2007/I/4/Add.1. It is designed to provide States parties and others interested in the implementation of the Convention, including United Nations programmes and funds, specialized agencies and civil society organizations with information on the current working methods of the Committee in relation to the reporting procedure under article 18 of the Convention. It will be updated regularly as the Committee's working methods evolve. Although not covering the Committee's activities under the Optional Protocol, which entered into force on 10 December 2000, it should be noted that a five-member Working Group on communications examines communications, and submits its recommendations on these to the Committee as a whole, which considers issues arising in closed meetings. Since the entry into force of the Protocol, 20 communications have been registered, with 6 being declared inadmissible and 5 decided on the merits. Three communications have been discontinued and six are pending. Since its forty-second session, the Committee has implemented a procedure to follow up its views on individual communications, and three cases are currently pending under this procedure. The inquiry procedure established under article 8 of the Optional Protocol is dealt with by the Committee as a whole. One inquiry has been conducted since the entry into force of the Protocol.

II. Guidelines for reporting by States parties

2. At its fortieth session in January 2008, the Committee adopted its Convention-specific guidelines which should be applied in conjunction with the harmonized reporting guidelines on a common core document.^a Together they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. Reports of States parties 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. The Convention-specific reporting guidelines provide guidance on the information to be contained in, and the starting point for, initial and subsequent Convention-specific documents (paras. 13-22).

3. Information on the form of reports is contained in paragraphs 19 to 23 of the harmonized guidelines for the common core document. If possible, common core documents should not exceed 60 to 80 pages, initial Convention-specific reports

^a *Official Records of the General Assembly, Sixty-third Session, Supplement No. 38 (A/63/38)*, Part one, annex I. They are also available in the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.5, chap. V) and on the website of the Office of the High Commissioner for Human Rights <http://www.ohchr.org>. The guidelines on a common core document are also contained in the compilation and are available on the website.

should not exceed 60 pages and subsequent periodic documents should be limited to 40 pages. Reports should be submitted in electronic form, accompanied by a printed paper copy. 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 consideration of the report. The Committee recommends that States parties involve national non-governmental organizations in the preparation of their reports. Paragraph 45 of the harmonized guidelines for the common core document also request States parties to provide information on the process by which both parts of their reports are prepared, including on the participation of entities outside government or relevant independent bodies at the various stages of the report preparation or follow-up to the previous Committee's concluding observations.

III. Consideration of reports of States parties by the Committee

4. The Committee usually invites eight States parties to present their reports at each three-week session. In making the selection, the Committee gives preference to reports that have been pending for the longest time, prioritizes remaining initial reports and considers a balance of reports in terms of geographic and other factors. The Committee usually selects the reports at least two sessions in advance of consideration and, in general, considers a mix of initial and periodic reports at each session.

5. In order to enhance the effectiveness of the consideration of reports of States parties and to continuously improve the quality of the constructive dialogue with reporting States, the Committee designates from among its members a country rapporteur for the report(s) of each State party. The Committee has adopted guidelines on the role and function of the country rapporteur. The country rapporteur's responsibilities pertain to the following three phases of the consideration of reports: the preparation of a draft list of issues and questions for the pre-session working group; consideration of the report(s) of the State party, in particular the identification of issues and priorities to be raised during the constructive dialogue; and the preparation of draft concluding observations. All experts participate in the three stages of the consideration of a report, while the country rapporteur facilitates and coordinates the process. While not precluding the participation of all members in the dialogue with the State party, the Committee may designate task forces of up to six members to take the lead in the dialogue with the State party.

A. Pre-session working group

6. On the basis of drafts prepared by the country rapporteurs, with the support of the secretariat, a pre-session working group of the Committee, also supported by the secretariat, draws up short lists of issues and questions with regard to reports which the Committee will consider at upcoming sessions. In general, each list contains no more than 30 clear and direct questions that focus on major areas of concern with regard to the implementation of the Convention by the State party concerned. In preparing the lists of issues and questions for periodic reports, the pre-session working group pays particular attention to the State party's follow-up to the Committee's previous concluding observations. The lists of issues and questions are

intended to facilitate the preparations by the State party for the constructive dialogue with the Committee, to provide a focus for the dialogue with representatives of the reporting State and to improve the efficiency of the reporting system.

7. In order to provide the States parties with the lists of issues and questions well in advance, the pre-session working group meets for five days (in closed meetings) in advance of the session at which the reports will be considered. The pre-session working group is normally composed of five members of the Committee, taking account of the desirability of a balanced geographical distribution and other relevant factors. To the extent possible, the country rapporteurs are members of the pertinent pre-session working group.

8. The lists of issues and questions are promptly sent to the States parties concerned, usually within one week after the pre-session working group concludes its work. States parties are invited to provide their responses within six weeks thereafter. The lists of issues and questions, together with the responses from States parties, which are United Nations official documents, are translated in the languages of the United Nations and made available on the website of the Office of the High Commissioner for Human Rights (OHCHR).

9. The State party's reply to the list of issues and questions should be short, precise and to the point and should not exceed the limit of 25 to 30 pages (Times New Roman type, 12 point font, single-spaced) and should be submitted to the secretariat electronically. States parties may attach a limited number of additional pages of statistical data only. Annexes are made available to the Committee in the language in which they are received.

B. Constructive dialogue

10. The Committee intends its consideration of a report, in accordance with its mandate under article 18 of the Convention, to take the form of a constructive dialogue with representatives of the reporting State, the aim of this dialogue being to improve the situation pertaining to Convention rights in that State. Therefore, not only are representatives of the reporting States entitled to be present, but indeed their presence and participation are necessary at the meetings of the Committee when their countries' reports are examined.

11. The Committee devotes two open meetings (of three hours each) to the consideration of initial reports. Representatives of the State party are invited to make introductory comments for a maximum of 30 minutes. Consideration of initial reports proceeds on an article-by-article basis, with the exception of articles 1 and 2, 7 and 8, and 15 and 16, which are considered as clusters. A group of questions posed by experts is followed by the State party's responses, followed by another group of questions and responses until all articles have been covered. Experts may include any general observations in their questions on articles 1 and 2. The method for consideration of initial reports is also used in cases where an initial report is combined with one or more subsequent periodic reports.

12. The Committee devotes two open meetings (of three hours each) to its consideration of periodic reports. Representatives of States parties presenting periodic reports are invited to make introductory comments for a maximum of 30 minutes. In the consideration of periodic reports, questions by experts are

clustered in accordance with the four substantive parts of the Convention, namely part I: articles 1 to 6; part II: articles 7 to 9; part III: articles 10 to 14; and part IV: articles 15 to 16. After several experts pose questions under a cluster, the State party is given an opportunity to respond; the next round of questions and answers follows until all clusters have been covered. Experts seek to avoid duplicating questions and to limit the number of their interventions, in general, to no more than two per State party, or no more than three when the Committee meets in parallel chambers. They also seek to focus on issues identified by the pre-session working group. Experts may pose follow-up questions, as time permits.

13. During the constructive dialogue, the Committee appreciates careful time management on the part of the State party and precise, short and direct responses to questions asked. It expects the State party to clearly indicate when a response to a question cannot be provided. Lack of, or inadequate replies, to questions raised may result in follow-up questions at the end of the dialogue and may be reflected in the concluding observations.

14. Interventions by experts during the constructive dialogue are limited to three minutes, or up to five minutes when the Committee meets in parallel chambers. The time limit is monitored by a speech timer but is enforced flexibly. The Committee routinely asks States parties about the steps taken to follow up on the concluding observations adopted following consideration of the State party's previous report.

15. The Committee does not, at this stage, consider a report in the absence of representatives of a State party. It will, however, consider implementation of the Convention by a State party, in the absence of a report, but only as a measure of last resort, in the presence of a delegation, and on a case-by-case basis. Before deciding to proceed to consideration in the absence of a report, the Committee will notify the State party concerned of its intention to take up implementation of the Convention at a designated future session and invite that State party to submit the requested report before the designated session.

16. The Committee sometimes requests exceptional reports from States parties under paragraph 1 (b) of article 18 of the Convention. Standards and guidelines relating to exceptional reports were adopted by the Committee in its decision 21/I. These require that there should be reliable and adequate information indicating grave or systematic violations of women's human rights; such violations are those that are gender-based or directed at women because of their sex; and reports should focus on a particular issue or issues identified by the Committee.^b

17. In accordance with the Committee's decision 18/III, individual members of the Committee refrain from participating in any aspect of the consideration of the reports of the States of which they are nationals in order to maintain the highest standards of impartiality, both in substance and appearance.^c

C. Concluding observations

18. The Committee adopts concluding observations on the reports of States parties that it considers. For this purpose, the Committee holds a closed meeting after the constructive dialogue with each State party to consider the main issues to be

^b *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38 (A/54/38/Rev.1), Part one.*

^c *Ibid., Fifty-third Session, Supplement No. 38 (A/53/38/Rev.1), Part one.*

reflected in the concluding observations for that State, based on the proposals of the country rapporteur of the positive aspects as well as principal areas of concern and recommendations. The country rapporteur prepares the first draft of the concluding observations, with the support of the secretariat, and coordinates further comments and inputs by Committee experts before finalizing the draft. The Committee discusses and finalizes the draft concluding observations in closed meetings. Concluding observations reflect the issues agreed by the Committee and do not reflect the views of the individual country rapporteur. Only issues and concerns raised during the constructive dialogue are included in the concluding observations.

19. Concluding observations usually follow a standard format under the headings referred to below. The introduction usually indicates, *inter alia*, whether the report complied with the Committee's reporting guidelines; refers to any reservations to the Convention entered by the State party; and notes the level of the delegation and the quality of the dialogue. A section on positive aspects is generally organized in accordance with the order of the articles of the Convention. The last section of the concluding observations, on principal areas of concern and recommendations, is presented in the order of importance of the particular issues to the country under review and provides concrete proposals from the Committee on the concerns identified.

20. All concluding observations include a recommendation requesting the wide dissemination of the concluding observations in the State party concerned, and also a paragraph requesting that information be included in the State party's next periodic report on the utilization of the Beijing Declaration and Platform for Action in the implementation of the Convention. The observations call for the integration of a gender perspective and reflection of the provisions of the Convention in efforts to achieve the Millennium Development Goals and request information thereon in the State party's next periodic report. They also note that the State party's adherence to the nine major international human rights instruments enhances women's enjoyment of their human rights in all spheres of life, and encourage the State to consider ratifying those to which they are not yet party. Reference is also made to ratification of the Optional Protocol to the Convention if the State is not yet a party thereto, and to acceptance of the amendment to article 20, paragraph 1, of the Convention if the State party has not yet accepted it. The concluding observations set out the date when the State party's next periodic report is due and may invite the State party to combine the next two reports in cases where the due date of the next report has already passed or will occur in the next two years.

21. At its forty-first session, in 2008, the Committee reviewed its practices in relation to concluding observations. It concluded that in order to assist States parties to accelerate implementation, it would strive to formulate detailed concluding observations, with concrete, achievable, but non-prescriptive recommendations. It also included subject headings, which would be used flexibly and as appropriate for the State party concerned; the subject headings were agreed by the Committee and included in an annex to its report.^d

22. The concluding observations are transmitted to the State party concerned promptly after the close of the session. They are made available on the website of OHCHR and distributed through the list serve on treaty body recommendations administered by OHCHR.

^d *Ibid.*, *Sixty-third Session, Supplement No. 38*, Part two, decision 41/II; para. 418; and annex X.

IV. Follow-up procedure

23. At its forty-first session, in 2008, the Committee decided to introduce a follow-up procedure whereby it would include a request to individual States parties in the concluding observations on their reports for information on steps taken to implement specific recommendations contained in those concluding observations. The request would call upon States parties to provide such information to the Committee within two years.

24. The first follow-up reports fall due in 2009, and the Committee will assess its experience with the procedure in 2011.^e

V. Strategies to encourage reporting by States parties

25. The Committee has adopted a number of measures to address the challenges posed to the treaty monitoring process by the significant number of outstanding and overdue reports. On an exceptional basis and as a temporary measure in order to encourage States parties to fulfil their reporting obligations under article 18 of the Convention as well as to address the backlog of reports awaiting consideration, States parties are invited to combine all their outstanding reporting obligations into a single document. United Nations and other entities are encouraged to provide technical assistance in order to support States parties, at their request, in the implementation of their reporting obligations under the Convention. The Committee keeps these measures under review and modifies them as appropriate.

VI. Documentation

26. The Committee is provided with documentation on the reporting State party, including the official report of the State party, the list of issues and questions prepared by the pre-session working group of the Committee and the reply by the State party, and other relevant documents.

27. In order to highlight information on each reporting State party, the following documentation is available on the website of OHCHR: the report(s) of the State party; the list of issues and questions; the reply by the State party; any annexes submitted by the State party, where available; the introductory statement of the State party to the Committee, where available; the summary records pertaining to the consideration of the report(s) by the Committee, where available; the composition of the delegation, where available; and the concluding observations of the Committee.

VII. Interaction with specialized agencies and bodies of the United Nations

28. Since its second session, the Committee has invited specialized agencies of the United Nations system to cooperate in its work. The Committee underlines that the contributions of specialized agencies and United Nations funds, programmes and other entities are critical to the full implementation of the Convention at the national

^e Ibid., Part two, decision 41/III.

level. The Committee and the pre-session working group invite specialized agencies and United Nations bodies to provide country-specific information on States parties whose reports are before them, as well as information on the work of those entities in contributing to the implementation of the Convention. Representatives of those entities are invited to address the Committee in a closed meeting at the beginning of each of its sessions. They are also invited to address the pre-session working group. The Committee finds it most beneficial to be given written reports, the contents of which are highlighted by the representatives of the specialized agency or United Nations body concerned during the closed meetings with the Committee or working group. The Committee has issued guidelines for the submission of reports by specialized agencies and United Nations bodies in order to clarify the content of those reports and their format and presentation to the Committee so as to enhance the Committee's cooperation with those entities.^f

29. The Committee requests specialized agencies and United Nations bodies to contribute to the efforts of Governments and non-governmental organizations at the national level towards implementation of the Convention and encourages entities that so far have not, or only sporadically, contributed to the Committee's work to increase their involvement.

VIII. Participation of non-governmental organizations and national human rights institutions in the activities of the Committee

30. Since its early sessions, the Committee has encouraged non-governmental organizations to follow its work. In order to ensure that it is as well informed as possible, the Committee encourages representatives of national and international non-governmental organizations to provide country-specific information on States parties whose reports are before it. National and international non-governmental organizations are also invited to provide country-specific information to the pre-session working group on those States parties whose reports are before the group. Such information should be submitted in electronic form to OHCHR prior to or at the relevant session or working group. In addition, the Committee sets aside time at each of its sessions, usually at the beginning of the first and second weeks of the session, to enable representatives of non-governmental organizations to provide oral information. The pre-session working group also provides an opportunity for non-governmental organizations to provide oral information, usually on the first day of the pre-session working group. The Committee encourages international non-governmental organizations and United Nations organizations, funds and programmes to facilitate attendance at Committee sessions by representatives of national non-governmental organizations.

31. An information note for non-governmental organizations is available on the website of OHCHR. It gives an overview of procedures for submission of information and attendance at the Committee's sessions and those of the pre-session working group.

^f The Committee adopted revised guidelines for submission of reports by specialized agencies and United Nations bodies at its thirty-fourth session in January-February 2006 (see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 38 (A/61/38)*).

32. The Committee also sets aside time for representatives of national human rights institutions to present information to the Committee. At its fortieth session in January 2008, the Committee adopted a statement on its relationship with national human rights institutions in which, inter alia, it encouraged them to publicize and disseminate the Convention and its Optional Protocol, and the output of the Committee and welcomed the provision by them of country-specific information on States parties before the pre-session working group or the Committee.^g

IX. General recommendations

33. Article 21 of the Convention provides that the Committee may make suggestions and general recommendations based on the examination of reports and information received from States parties. General recommendations are normally directed at States parties and usually elaborate the Committee's view of the content of the obligations assumed by States as parties to the Convention.^h The Committee elaborates general recommendations on articles or themes/issues of the Convention. Most of them outline matters which the Committee wishes to see addressed in the reports of States parties and seek to provide detailed guidance to States parties on their obligations under the Convention and the steps that are required for compliance.

34. The Committee has so far adopted 26 general recommendations.ⁱ Those adopted during the Committee's first 10 years were short, addressing such issues as the content of reports, reservations to the Convention and resources for the Committee. At its tenth session, in 1991, the Committee decided to adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention articles and themes/issues. Following that decision, the Committee issued more detailed and comprehensive general recommendations which offer States parties clear guidance on the application of the Convention in particular situations. Comprehensive general recommendations have been adopted on violence against women (No. 19), equality in marriage and family relations (No. 21), women in public life (No. 23), access to health care (No. 24) and temporary special measures (No. 25).

35. In 1997, the Committee adopted a three-stage process for the formulation of general recommendations. The first stage consists of an open dialogue between the Committee, non-governmental organizations and others on the topic of the general recommendation. Specialized agencies and other bodies of the United Nations system as well as non-governmental organizations are encouraged to participate in this discussion and to submit informal background papers. A Committee member is then asked to draft the general recommendation, which is discussed at the next or a subsequent session of the Committee. Resource persons may be invited to participate in the discussion. At a following session, the revised draft is adopted by the Committee.

^g *Official Records of the General Assembly, Sixty-third Session, Supplement No. 38 (A/63/38), Part one, annex II, decision 40/II.*

^h Suggestions are usually addressed to United Nations entities.

ⁱ The texts of the general recommendations are available on the website of the Office of the High Commissioner for Human Rights and contained in volume II of the compilation of general comments and general recommendations adopted by the human rights treaty bodies (HRI/GEN/Rev.9 (vol. II)).

X. Statements adopted by the Committee

36. With a view to assisting States parties to the Convention, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues that bear upon the implementation of the Convention. Those statements have dealt with issues such as reservations (1998); gender and racial discrimination (2001); solidarity with Afghan women (2002); gender and sustainable development (2002); discrimination against older women (2002); the situation of women in Iraq (2004); the occasion of the 10-year review and appraisal of the Beijing Declaration and Platform for Action (2005); and gender aspects of the tsunami disaster that took place in South-East Asia in December 2004 (2005); international financial crisis (2009) and Gaza (2009). The Committee has also presented its views on the proposals for reform of the human rights treaty bodies system in a statement entitled “Towards a harmonized and integrated human rights treaty bodies system” (2006).

XI. Other matters

37. The Committee continues to interact and coordinate activities with other human rights treaty bodies and mechanisms. It seeks the comments of other treaty bodies on its draft general recommendations and provides comments on their draft general recommendations/comments when invited to do so. Members of the Committee participate, whenever possible, in relevant general discussion days held by other treaty bodies. The Committee holds discussions and exchanges views with other human rights mechanisms. The Committee also actively participates in the current discussions on reform of the human rights treaty body system.

38. The Chairperson of the Committee participates, on behalf of the Committee, in a number of meetings, including the annual sessions of the General Assembly and the Commission on the Status of Women as well as meetings of persons chairing human rights treaty bodies. The Chairperson and other members of the Committee also participate in the inter-committee meetings of treaty bodies.

39. In the past, the Committee has held discussions with a number of special rapporteurs of the Human Rights Council. The Committee looks forward to coordinating with the other treaty bodies in establishing proposals for institutionalizing the relationship between the treaty bodies and the Human Rights Council.

40. In addition to its annual sessions at United Nations Headquarters, informal meetings of the members of the Committee, funded through extrabudgetary resources, are held from time to time. During such meetings, Committee members have focused mainly on enhancing the working methods of the Committee, including revision of reporting guidelines, preparation of the Committee’s rules of procedure under the Optional Protocol and the working methods of the Committee in regard to parallel chambers. As at 30 May 2009, six such meetings have been convened.

41. As part of the many efforts to encourage and support the implementation of the Convention, members of the Committee participate in technical assistance activities, at the request of States, organized by the Division for the Advancement of Women, OHCHR and other United Nations entities, including those at the regional level.

Those activities focus on enhancing implementation of the Convention at the national level and use of the Optional Protocol, including reporting under the Convention and follow-up to the Committee's concluding observations.
