

妇女事务委员会

香港特别行政区根据《消除对妇女一切形式歧视公约》 提交的第四次报告的草拟大纲

目的

本文件旨在就香港特别行政区(香港特区)根据《消除对妇女一切形式歧视公约》(《公约》)所提交的第四次报告的草拟大纲征询委员的意见。

背景

2. 《公约》在一九七九年获联合国大会通过，并于一九八一年生效。《公约》载有一篇序言和三十项条文，除界定何谓对妇女的歧视外，亦订下方向，让各国采取行动消除有关歧视。《公约》于一九九六年十月十四日引入香港，其后一直生效。

3. 香港特区就实施《公约》所撰写的第一次报告，于一九九八年八月纳入国家提交联合国的第三和第四次定期报告内。联合国消除对妇女歧视委员会(委员会)于一九九九年二月召开会议审议该份报告。

4. 香港特区撰写的第二次定期报告被纳入国家的第五和第

六次定期报告内提交，委员会于二〇〇六年八月召开会议审议有关报告。

5. 香港特区撰写的第三次定期报告被纳入国家的第七和第八次定期报告内提交，委员会于二〇一四年十月召开会议审议有关报告。委员会在所发出的结论意见中，表示欣赏香港特区代表团就委员会的议题和问题清单所提供的书面回复、以及代表团于审议会上作口头申述并就委员会的口头提问作出进一步澄清。另一方面，委员会亦就香港特区报告内的某些范畴表示关注及作出建议，包括：

- (a) 促进妇女发展的机构；
- (b) 对妇女的暴力；
- (c) 贩运妇女和剥削性工作者；
- (d) 妇女参与政治和公共事务；
- (e) 教育；
- (f) 就业；
- (g) 女性家庭佣工；
- (h) 婚姻和家庭关系；及
- (i) 多重形式的歧视。

6. 该结论意见文本已分别上载于劳工及福利局及妇女事务委员会的网页，供市民查阅。政府将在第四次《公约》报告内详细回应委员会的结论意见。

第四次《公约》报告的准备工作

7. 根据《公约》第十八条的规定，缔约国在提交第一次报告后，应最少每四年提交定期报告，阐述为实行《公约》各项规定而所采取的法律、司法、行政或其他措施，以及所取得的进展。香港特区的第四次《公约》报告需于二〇一八年九月提交，就此，我们正着手准备报告撰写工作，以便纳入国家的第九次定期报告内。

8. 政府拟备了第四次《公约》报告大纲的初稿，列出报告内将涵盖的主要提纲和个别课题（见附件 A），征询委员的意见。在草拟第四次《公约》报告大纲过程中，我们参考了委员会发出的报告指引，有关指引见附件 B¹。

9. 在征询委员对报告大纲的意见后，政府将会进行为期七星期的公众咨询，包括咨询立法会的意见。在咨询期内，公众可根据大纲所列的项目，就《公约》在香港特区的实施情况给予意见，并建议其他应列入报告的新增项目。

10. 按照既定做法，妇委会将协助政府于咨询期内举办一节公众咨询会，邀请妇女团体就报告大纲提出意见。我们将根据妇委会、立法会及公众对大纲的建议开始草拟报告，并于稍后时间就整份报告的初稿向委员征询意见。

¹只有英文版本。

征询意见

11. 请委员备悉第四次《公约》的报告大纲（附件 A）及就公众咨询工作提出意见。

劳工及福利局

二〇一八年二月七日

根据《消除对妇女一切形式歧视公约》
提交香港特区第四次报告的大纲

序言

我们会在序言重点阐述自委员会审议中华人民共和国政府于 2012 年提交的香港特别行政区(香港特区)第三次报告以来的重大发展。

主要报告

2. 这部分根据委员会发出的现行报告编写准则，载述《公约》第一至十六条在香港特区实施情况的具体资料。

第一条

对歧视的定义

3. 我们会告知委员会《性别歧视条例》中「对妇女的歧视」的定义维持不变。

4. 我们会就《公约》所加载的七项保留条文和声明的最新进展及载入的理据作出阐述。

第二条

缔约国须履行的义务

5. 我们会就审议结论第 50 至 51 段有关妇女事务委员会的事宜作出响应。我们会就《基本法》和《香港人权法案》的相关条文、四条反歧视条例及有关保护妇女的其他法律范畴的改变、平等机会委员会(平机会)的工作以及妇女事务委员会(妇委会)的工作(包括缔造有利的环境和增强妇女能力)等范畴告知委员会任何重要发展。

第三条

适当措施

6. 我们会告知委员会自上一次报告后有关保护人权和基本自由的基础、性别观点主流化、与妇女有关的研究、调查和数据收集工作(包括搜集按性别划分的统计数据)及妇委会进行的统计和调查的任何最新发展。

第四条

暂行特别措施

7. 我们会告知委员会本条有关根据《性别歧视条例》及保护母性等所作的特别措施等情况维持不变。

第五条

定型及偏見

8. 我们会告知委员会自上一次报告后的有关发展。我们亦会就审议結論第 54 及 55 段有关法律改革委员会就性罪行进行的全面检讨作出响应；同时也会就审议結論第 68 至 69 段有关歧视女同性恋者、变性和跨性别妇女的事宜作出回应。这部分涵盖以下项目：有关公众教育的工作，包括推广《公约》及妇委会和平机会的公众教育工作；管制传媒发放色情作品和带性别歧视的讯息；以及保障妇女免受暴力对待的措施，例如立法及实施国际公约、防止和处理家庭暴力的措施、为性暴力受害人提供的服务、跨界别合作打击暴力及为专业人员提供的培训等。

第六条

对妇女进行剥削的行为

9. 我们会告知委员会自上一次报告提及本条与妇女卖淫和贩卖妇女有关的事项以来的最新发展，包括禁止贩卖妇女和女童卖淫的措施、保护性工作者及为她们提供的援助。我们亦会就审议結論第 56 及 57 段有关《巴勒莫议定书》的事宜、政府在打击贩运妇女和女童方面的工作及以卖淫为目的的剥削妇女的事宜作出回应。

第七条

本国政治和公共生活的平等权利

10. 我们会告知委员会自上一次报告后的任何重要发展。我们亦会就审议结论第 58 及 59 段有关妇女在政治上的代表性及参与作出响应。这部分会就妇女参与立法会、区议会、香港特区行政长官选举委员会、行政会议、乡村选举和咨询及法定组织、担任公职以及有关培育妇女领袖方面的事宜作出汇报。

第八条

国际政治和公共生活的平等权利

11. 我们会告知委员会在国际上代表政府的官员的最新情况。我们亦会提供女性官员出任国际组织重要职位的资料。

第九条

国籍法例中的平等权利

12. 我们会告知委员会有关取得和转移国籍方面的权利及《入境条例》(第 115 章)的情况与上一次报告所述的相同。

第十条

教育的平等权利

13. 我们会告知委员会在教育制度下有关推动男女平等方面的重要发展。我们亦会就审议结论第 60 及 61 段有关残疾妇女及女童获得教育的机会作出响应。

14. 这部分将包括多个项目，例如香港妇女的教育情况、幼儿园教育、中小学教育、专上教育、职业和持续教育(包括持续进修基金和资历架构等)、为残疾女童提供的特殊教育、为特定组群提供的教育、性教育、为学生提供的经济援助、为教师提供的性别意识教育及女性参与教学专业的情况。

第十一条

就业和劳工的平等权利

15. 我们会向委员会汇报自上一次报告后的任何重要发展。我们亦会就审议结论第 62 及 63 段有关分娩假期和侍产假的事宜作出回应；同时也会就审议结论第 64 及 65 段有关女性外籍家庭佣工的事宜作出回应。

16. 这部分将包括多个项目，例如就第十一(二)条所载入的保留条文及就维持该保留条文提出的理据、妇女参与经济活动和在经济活动中的地位、禁止雇佣歧视的法例、消除雇佣歧视的行政措施、退休保障、妇女与贫穷、为妇女提

供的就业服务、为青少年提供的培训及就业计划、再培训计划、社会企业、输入勞工和外籍家庭佣工、幼儿照顾服务及设施、推广家庭友善雇佣措施，以及同值同酬。

第十二条

平等享用健康护理设施

17. 在这部分内，我们会告知委员会自上一次报告后香港特区医疗系统关乎女性方面所取得的任何重大发展，包括香港特区妇女的健康状况，例如死亡率和死亡主因、发病率及患病率等；获得医疗护理的机会，包括预防及推广服务、日间护理及住院服务等；医疗护理资源；有关妇女以母乳喂养婴孩的事宜；以及为有特别需要的妇女(包括残疾妇女、年长妇女、吸毒者、性工作者、少数族裔、输入勞工和外籍家庭佣工)提供的服务。

第十三条

妇女在经济、社会和文化生活方面的参与

18. 我们会向委员会汇报自上一次报告后任何重大的新发展。这部分将包括多个项目，例如社会保障、免税额、小区投资共享基金、新來港定居的妇女、单亲家长、残疾妇女、少数族裔妇女、年长妇女、贷款、抵押和信贷，以及康樂、体育及文化生活。

第十四条

农村妇女

19. 由于香港面积细小，要将农村妇女和城市妇女区别并不切实可行。因此，这部分会主要聚焦于香港特区原居民政策的任何重大发展，包括多个项目，例如就男性原居民所载入的保留条文及其继续适用的理据、「原居民」在香港特区的定义、新界土地物业的继承和土地政策检讨，以及乡村选举。

第十五条

在法律和公民事务上享有平等

20. 我们会向委员会汇报自上一次报告后在法律和公民事务上的最新发展。这部分将包括多个项目，例如就第十五(三)条所作出的声明和就入境法例加载的保留条文及它们继续适用的理据、妇女的法律地位和公民权利(包括妇女以个人名义订立合约和管理财产的权利)、妇女在法院获得的待遇和法律援助、委任参与司法机构的工作，以及狱中的女在囚人士。

第十六条

在家庭法律方面享有平等

21. 我们会就审议结论第 66 及 67 段有关最低结婚年龄的事宜作出回应。我们会向委员会汇报在家庭法律方面保

障男女平等的措施，包括有关结婚及家庭的权利、婚姻诉讼，以及有关监护权、监护和领养儿童的法例。

勞工及福利局

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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.

* 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,¹ and population groups, which may be presented together in tables annexed to the report. Such information

¹ 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,² 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:

² 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;³

(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.

³ 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 Intercountry

Adoption, 1993

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

Convention on the International Protection of Adults, 2002

F. Geneva Conventions and other treaties on international humanitarian law

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

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

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

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

* 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

(pages 26 – 64 omitted)

Chapter V

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN¹

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.² 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.³

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.⁴ 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

¹ 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.

² 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).

³ HRI/GEN/2/Rev.4, chap. V.

⁴ See, in particular, sect. III, and the general and first parts of reports.

information in the Convention-specific document and in the next update of the common core document.

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,⁵ 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.⁶

⁵ 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.

⁶ 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 reservations⁷ 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,⁸ the Convention-specific document should include specific data and statistics disaggregated by sex⁹ 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.

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

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

⁹ 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;¹⁰

¹⁰ 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.
