

**UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

EXECUTIVE BOARD

Hundred and sixty-fifth Session

**COMMITTEE
ON CONVENTIONS AND RECOMMENDATIONS**

Item 6.2 of the provisional agenda

**Proposals by the Committee on Conventions and Recommendations
on the conditions and procedures applicable to the examination of questions
relating to the implementation of UNESCO's standard-setting instruments**

INFORMATION DOCUMENT

SUMMARY

At the 164th session of the Executive Board, the Committee thought that it should bear in mind similar mechanisms existing in the United Nations system in order to find ways of reactivating the procedures applicable to the examination of questions relating to the implementation of UNESCO's standard-setting instruments.

In order to facilitate the Committee's work on the question, the Secretariat has decided to present in this document two examples in this field:

Part I: Supervising implementation of existing standards in the International Labour Organization (ILO);

Part II: Reporting procedures under United Nations international human rights instruments.

PART I - SUPERVISING IMPLEMENTATION OF EXISTING STANDARDS IN THE INTERNATIONAL LABOUR ORGANIZATION (ILO)

A. Provisions of the ILO Constitution in respect of reports by Members on Conventions and Recommendations

“Obligations of Members in respect of Conventions (Article 19)

(...) 5. In the case of a Convention

- (a) the Convention will be communicated to all Members for ratification;
- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;
- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention. (...)

Obligations of Members in respect of Recommendations (Article 19)

(...) 6. In the case of a Recommendation:

- (a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;
- (b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;
- (c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said

competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

Annual reports on ratified Conventions (Article 22)

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

Examination and communication of reports (Article 23)

1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of articles 19 and 22.
2. Each Member shall communicate to the representative organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22.

Representations of non-observance of Conventions (Article 24)

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

Publication of representation (Article 25)

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Complaints of non-observance (Article 26)

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing articles.
2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the government in question in the manner described in article 24.
3. If the Governing Body does not think it necessary to communicate the complaint to the government in question, or if, when it has made such communication, no statement in reply has

been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of article 25 or 26 is being considered by the Governing Body, the government in question shall if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government in question.

Cooperation with Commission of Inquiry (Article 27)

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

Report of Commission of Inquiry (Article 28)

When the Commission of Inquiry has fully considered the complaint it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Action on report of Commission of Inquiry (Article 29)

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Inquiry to the Governing Body and to each of the governments concerned in the complaint, and shall cause it to be published.

2. Each of these governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

Failure to submit Conventions or Recommendations to competent authorities (Article 30)

In the event of any Member failing to take the action required by paragraphs 5(b), 6(b) or 7(b)(i) of article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

Decisions of International Court of Justice (Article 31)

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of article 29 shall be final.

Article 32

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any.

Failure to carry out recommendations of Commission of Inquiry or ICJ (Article 33)

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Compliance with recommendations of Commission of Inquiry or ICJ (Article 34)

The defaulting government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice, as the case may be and may request it to constitute a Commission of Inquiry to verify its contention. In this case the provisions of articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of article 33.”

B. The regular machinery for supervising the observance of obligations arising under or relating to Conventions and Recommendations¹

On the basis of a resolution adopted by the Eighth Session of the International Labour Conference in 1926, the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards were given responsibility for regular supervision of the observance by Member States of their standards-related obligations.

(a) The Committee of Experts

The Members of this Committee are appointed by the Governing Body on the proposal of the Director-General for renewable periods of three years. Appointments are made in a personal capacity among completely impartial persons of technical competence and independent standing. They are drawn from all parts of the world, in order that the Committee may enjoy first-hand experience of different legal, economic and social systems.

The Committee is called on to examine:

- (i) the annual reports under article 22 of the Constitution on the measures taken by Members to give effect to the provisions of Conventions to which they are parties, and the information furnished by Members concerning the results of inspection;
- (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;

¹ Information source: Handbook of procedures relating to international labour Conventions and Recommendations, International Labour Standards Department, International Labour Office, Geneva, Rev. 2/1998; available on the Internet at the following address: <http://ilolex.ilo.ch:1567/english/manualq.htm>.

- (iii) information and reports on the measures taken by Members in accordance with article 35 of the Constitution.

The Committee of Experts meets in private on dates determined by the Governing Body. Its documents and deliberations are confidential.

Documentation available to the Committee includes the information supplied by governments in their reports or in the Conference Committee on the Application of Standards; relevant legislation, collective agreements and court decisions; information supplied by States on the results of inspections; comments of employers' and workers' organizations; reports of other ILO bodies (such as commissions of inquiry or the Governing Body Committee on Freedom of Association) and reports of technical cooperation activities.

The Committee assigns to each of its Members initial responsibility for groups of Conventions or subjects.

The report of the Committee of Experts is in the first place submitted to the Governing Body. The final findings take the form of:

Part One: a general report (giving an overview of the Committee's work and drawing the Governing Body's, the Conference's and Member States' attention to matters of general interest or special concern);

Part Two: individual observations as to (i) the application of ratified Conventions in Member States; (ii) the application of Conventions in non-metropolitan territories for whose international relations member States are responsible; and (iii) the submission of Conventions and Recommendations to the national competent authorities;

Part Three: a general survey of national law and practice in regard to the instruments on which reports have been supplied on unratified Conventions and on Recommendations under article 19 of the Constitution.

The Committee of Experts' report is published in March and immediately sent to governments.

(b) The Conference Committee on the Application of Standards

This Committee is set up under article 7 of the Standing Orders. It is tripartite, consisting of representatives of governments, employers and workers.

The Committee on Application has to consider:

- (i) the measures taken by Members to give effect to the provisions of Conventions to which they are parties and the information furnished by Members concerning the results of inspections;
- (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- (iii) the measures taken by Members in accordance with article 35 of the Constitution.

Following the independent, technical examination of documentation carried out by the Committee of Experts, the proceedings of the Conference Committee present an opportunity for

representatives of governments, employers and workers to meet and review the manner in which States are discharging their obligations under and relating to Conventions and Recommendations. Governments are able to amplify information previously supplied; indicate further measures proposed; draw attention to difficulties met with in the discharge of obligations; and seek guidance as to how to overcome such difficulties.

The Committee on Application has to consider the report of the Committee of Experts, and also takes notice of documents containing the substance of written replies to observations of the Committee of Experts and supplementary information received by the Office since the meeting of the Committee of Experts.

The report of the Committee on Application is presented to the Conference and discussed in plenary, which gives delegates a further opportunity to draw attention to particular aspects of the Committee's work. The report is published in the Record of Proceedings of the Conference and separately for circulation to governments.

PART II - REPORTING PROCEDURES UNDER UNITED NATIONS INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

A. International Covenant on Economic, Social and Cultural Rights

(a) Provisions of the Covenant

“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;
- (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

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.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.”

(b) Provisions of the Rules of Procedure of the Committee on Economic, Social and Cultural Rights

“XV. Reports from States parties under articles 16 and 17 of the Covenant

Submission of reports (Rule 58)

1. In accordance with article 16 of the Covenant, the States parties shall submit to the Council for consideration by the Committee reports on the measures which they have adopted and progress made in achieving the observance of the rights recognized in the Covenant.
2. In accordance with article 17 of the Covenant and Council resolution 1988/4, the States parties shall submit their initial reports within two years of the entry into force of the Covenant for the State party concerned and thereafter periodic reports at five-year intervals.

Non-submission of reports (Rule 59)

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rule 58 of these rules. In such cases the Committee may recommend to the Council to transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such reports.
2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rule 58 of these rules, the Committee shall so state in the annual report which it submits to the Council.

Form and content of reports (Rule 60)

1. Upon approval of the Council, the Committee may inform the States parties, through the Secretary-General, of its wishes regarding the form and contents of the reports to be submitted under article 16 of the Covenant and the programme established by Council resolution 1988/4.
2. The general guidelines for reports by the States parties may, when necessary, be considered by the Committee with a view to making suggestions for their improvement.

Consideration of reports (Rule 61)

1. The Committee shall consider the reports submitted by States parties to the Covenant in accordance with the programme established by Council resolution 1988/4.
2. The Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General.

3. Reports of the States parties scheduled for consideration by the Committee shall be made available to the members of the Committee at least six weeks before the opening of the session of the Committee. Any reports by States parties received by the Secretary-General for processing less than 12 weeks before the opening of the session shall be made available to the Committee at its session in the following year.

Attendance by States parties at examination of reports (Rule 62)

1. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined. Such representatives should be able to make statements on the reports submitted by their States and reply to questions which may be put to them by the members of the Committee.

2. The Secretary-General shall notify the States parties as early as possible of the opening date and duration of the session of the Committee at which their respective reports are scheduled for consideration. For the meetings referred to in the preceding paragraph, representatives of the States parties concerned shall be specially invited to attend.

3. Once a State party has agreed to the scheduling of its report for consideration by the Committee, the Committee will proceed with the examination of that report at the time scheduled, even in the absence of a representative of the State party.

Request for additional information (Rule 63)

1. When considering a report submitted by a State party under article 16 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under existing guidelines.

2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request the State concerned to furnish the additional information which is required, indicating the manner as well as the time within which the said information should be submitted.

Suggestions and recommendations (Rule 64)

The Committee shall make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and of the reports submitted by the specialized agencies in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may also make suggestions for the consideration by the Council with reference to articles 19 and 23 of the Covenant.

General comments (Rule 65)

The Committee may prepare general comments based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations.

XVI. Reports from specialized agencies under article 18 of the Covenant

Submission of reports (Rule 66)

In accordance with the provisions of article 18 of the Covenant and the arrangements made by the Council thereunder, the specialized agencies are called upon to submit reports on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their

activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Consideration of reports (Rule 67)

The Committee is entrusted with the task of considering the reports of the specialized agencies, submitted to the Council in accordance with article 18 of the Covenant and the programme established under Council resolution 1988 (LX).

Participation of specialized agencies (Rule 68)

The specialized agencies concerned shall be invited to designate representatives to participate at the meetings of the Committee. Such representatives may make statements on matters falling within the scope of the activities of their respective organizations in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies.

XVII. Other sources of information

Submission of information, documentation and written statements (Rule 69)

1. Non-governmental organizations in consultative status with the Council may submit to the Committee written statements that might contribute to full and universal recognition and realization of the rights contained in the Covenant.
2. In addition to the receipt of written information, a short period of time will be made available at the beginning of each session of the Committee's pre-sessional working group to provide NGOs with an opportunity to submit relevant oral information to the members of the working group.
3. Furthermore, the Committee will set aside part of the first afternoon at each of its sessions to enable it to receive oral information provided by NGOs. Such information should: (a) focus specifically on the provisions of the Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable, and (d) not be abusive. The relevant meeting will be open and will be provided with interpretation services, but will not be covered by summary records.
4. The Committee may recommend to the Council to invite United Nations bodies concerned and regional intergovernmental organizations to submit to it information, documentation and written statements, as appropriate, relevant to its activities under the Covenant."

B. International Covenant on Civil and Political Rights

(a) Provisions of the Covenant

"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.”

(b) Provisions of the Rules of Procedure of the Human Rights Committee

“XV. Reports from States parties under article 40 of the Covenant

Submission of reports (Rule 66)

1. The States parties to the Covenant shall submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

2. Requests for submission of a report under article 40, paragraph 1 (b), of the Covenant may be made in accordance with the periodicity decided by the Committee or at any other time the Committee may deem appropriate. In the case of an exceptional situation when the Committee is not in session, a request may be made through the Chairperson, acting in consultation with the members of the Committee.

3. Whenever the Committee requests States parties to submit reports under article 40, paragraph 1 (b), of the Covenant, it shall determine the dates by which such reports shall be submitted.

4. The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and content of the reports to be submitted under article 40 of the Covenant.

Exchange of information with specialized agencies (Rule 67)

1. The Secretary-General may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports from States members of those agencies as may fall within their field of competence.

2. The Committee may invite the specialized agencies to which the Secretary-General has transmitted parts of the reports to submit comments on those parts within such time-limits as it may specify.

Attendance by a State party on examination of its report (Rule 68)

1. The Committee shall, through the Secretary-General, notify the States parties as early as possible of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties may be present at the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to that representative by the Committee and make statements on reports already submitted by the State party concerned, and may also submit additional information from that State party.
2. If a State party has submitted a report but fails to send any representative, in accordance with rule 68.1, under article 40, paragraph 1, of the Covenant, to the session at which it has been notified that its report will be examined, the Committee may, at its discretion, take one of the following courses:
 - (a) notify the State party through the Secretary General that at a specified Session it intends to examine the report in accordance with rule 68.2 and thereafter act in accordance with rule 70.3; or
 - (b) proceed at the session originally specified to examine the report and thereafter make and submit to the State party its provisional concluding observations and determine the date on which the report shall be examined under rule 68 or the date on which a new periodic report shall be submitted under rule 66.
3. Where the Committee acts under this rule, it shall so state in the annual report submitted under article 45 of the Covenant; provided that, where it acts under para. 2(b) above, the report shall not include the text of the provisional concluding observations.

Failure to submit reports (Rule 69)

1. At each session the Secretary-General shall notify the Committee of all cases of non-submission of reports or additional information requested under rules 66 and 70 of these rules. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.
2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under rules 66 and 70 of these rules, the Committee shall so state in the annual report which it submits to the General Assembly of the United Nations through the Economic and Social Council.

Failure to submit reports (Rule 69A)

1. In cases where the Committee has been notified under Rule 69.1 of the failure of a State to submit under rule 66.3 any report, under article 40, para. 1(a) or (b) of the Covenant, and has sent reminders to the State party, the Committee may, at its discretion, notify the State party through the Secretary General that it intends, on a date or at a session specified in the notification, to examine in a private session the measures taken by the State party to give effect to the rights recognized in the Covenant, and to proceed by adopting provisional concluding observations which will be submitted to the State party.

2. Where the Committee acts under paragraph 1 of this rule, it shall transmit to the State party, well in advance of the date or session specified, information in its possession which it considers appropriate as to the matters to be examined.

3. Where the Committee acts under this rule, it shall proceed in accordance with rule 68.3 and may set a date when it proceeds to act under rule 68.1.

Examination of reports (Rule 70)

1. When considering a report submitted by a State party under article 40 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under rule 66 of these rules.

2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish the additional information which is required, indicating by what date the said information should be submitted.

3. On the basis of its examination of any report or information supplied by a State party, the Committee may make appropriate concluding observations which will be communicated to the State party, together with notification of the date by which the next report, under article 40, shall be submitted.

4. No member of the Committee shall participate in the examination of state reports or the discussion and adoption of concluding observations if they involve the State party in respect of which he or she was elected to the Committee.

5. The Committee may request the State party to give priority to such aspects of its concluding observations as it may specify.

Examination of replies by a State party (Rule 70A)

Where the Committee has specified for priority, under rule 70.4, certain aspects of its concluding observations on a State party's report, it shall establish a procedure to consider replies by the State party on those aspects and to decide what consequent action, including the date set for the next periodic report, may be appropriate.

Communication of General Comments (Rule 71)

The Committee shall communicate, through the Secretary General, to States parties the General Comments which has adopted under article 40, paragraph 4, of the Covenant.”

C. International Convention on the Elimination of All Forms of Racial Discrimination

(a) Provisions of the Convention

“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.

2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.”

(b) Provisions of the Rules of Procedure of the Committee on the Elimination of Racial Discrimination

“XV. Reports and information from States Parties under article 9 of the Convention

Form and contents of reports (Rule 63)

The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and contents of the periodic reports required to be submitted under article 9 of the Convention.

Attendance by States parties at examination of reports (Rule 64)

The Committee shall, through the Secretary-General, notify the States parties (as early as possible) of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties may be present at the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to him by the Committee and make statements on reports already submitted by his State, and may also submit additional information from his State.

Request for additional information (Rule 65)

If the Committee decides to request an additional report or further information from a State party under the provisions of article 9, paragraph 1, of the Convention, it may indicate the manner as well as the time within which such additional report or further information shall be supplied and shall transmit its decision to the Secretary-General for communication, within two weeks, to the State party concerned.

Non-receipt of reports (Rule 66)

1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

2. If even after the reminder, referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly.

Suggestions and general recommendations (Rule 67)

1. When considering a report submitted by a State party under article 9, the Committee shall first determine whether the report provides the information referred to in the relevant communications of the Committee.

2. If a report of the State party to the Convention, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish additional information.

3. If, on the basis of its examination of the reports and information supplied by the State party, the Committee determines that some of the obligations of that State under the Convention have not been discharged, it may make suggestions and general recommendations in accordance with article 9, paragraph 2, of the Convention.

Transmission of suggestions and general recommendations (Rule 68)

1. Suggestions and general recommendations made by the Committee based on the examination of the reports and information received from States parties under article 9, paragraph 2, of the Convention shall be communicated by the Committee through the Secretary-General to the States parties for their comments.

2. The Committee may, where necessary, indicate a time-limit within which comments from States parties are to be received.

3. Suggestions and general recommendations of the Committee, referred to in paragraph 1, shall be reported to the General Assembly, together with comments, if any, from States parties.”

D. Convention on the Elimination of All Forms of Discrimination against Women

(a) Provisions of the Convention

“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.”

(b) Provisions of the Rules of Procedure of the Committee on the Elimination of Discrimination against Women

“XIV. Reports from States parties under article 18 of the Convention

Submission of reports under article 18 of the Convention (Rule 48)

1. The Committee shall examine the progress made in the implementation of the Convention through consideration of reports of States parties submitted to the Secretary-General on the legislative, judicial, administrative and other measures.

2. In order to assist States parties in their reporting tasks, the Committee shall issue general guidelines for the preparation of initial reports and of periodic reports, taking into

account the consolidated guidelines, common to all the human rights treaty bodies, for the first part of initial and periodic reports of States parties.

3. Taking into account the consolidated guidelines relating to the reports required under United Nations human rights treaties, the Committee may formulate general guidelines as to the form and content of the initial and periodic reports of States parties required under article 18 of the Convention and shall, through the Secretary-General, inform the States parties of the Committee's wishes regarding the form and content of such reports.

4. A State party reporting at a session of the Committee may provide additional information prior to the consideration of the report by the Committee, provided that such information reaches the Secretary-General no later than four months prior to the opening date of the session during which the report of the State party is to be considered.

5. The Committee may request a State party to submit a report on an exceptional basis. Such reports shall be limited to those areas on which the State party has been requested to focus its attention. Except when the Committee requests otherwise, such reports shall not be submitted in substitution for an initial or periodic report. The Committee shall determine the session at which an exceptional report shall be considered.

Failure to submit or late submission of reports (Rule 49)

1. At each session the Secretary-General shall notify the Committee of all cases of non-submission of reports and additional information under rules 48 and 50 of these rules. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or the additional information.

2. If, after the reminder referred to in paragraph 1 of the present rule, the State party does not submit the report or the additional information sought, the Committee may include a reference to this effect in its annual report to the General Assembly.

3. The Committee may allow States parties to submit a combined report comprising no more than two overdue reports.

Request for additional information (Rule 50)

1. When considering reports submitted by a State party under article 18 of the Convention, the Committee, and in particular the pre-session working group, shall first satisfy itself that, in accordance with the Committee's guidelines, the report provides sufficient information.

2. If, in the opinion of the Committee, or of the pre-session working group, a report of a State party does not contain sufficient information, it may request the State concerned to furnish such additional information as required, indicating the time within which the information should be submitted.

3. The questions or comments forwarded by the pre-session working group to the State party whose report is under consideration and the response of the State party thereto shall, in accordance with the present rule, be circulated to members of the Committee prior to the session at which the report is to be examined.

Examination of reports (Rule 51)

1. At each session the Committee, based on the list of reports awaiting consideration, shall decide which reports of States parties it will consider at its subsequent session, bearing in mind the duration of the subsequent session and the criteria of date of submission and geographical balance.
2. The Committee, through the Secretary-General, shall notify the States parties as early as possible of the opening date, duration and place of the session at which their respective reports will be examined. The States parties shall be requested to confirm in writing, within a specified time, their willingness to have their reports examined.
3. The Committee at each session shall also establish and circulate to the States parties concerned a reserve list of reports for consideration at its subsequent session in the event that a State party invited in accordance with the present rule is unable to present its report. In such case, the State party chosen from the reserve list shall be invited by the Committee, through the Secretary-General, to present its report without delay.
4. Representatives of the States parties shall be invited to attend the meetings of the Committee at which their reports are to be examined.
5. If a State party fails to respond to an invitation to have a representative attend the meeting of the Committee at which its report is being examined, consideration of the report shall be rescheduled for another session. If at such a subsequent session the State party, after due notification, fails to have a representative present, the Committee may proceed with the examination of the report in the absence of the representative of the State party.

Suggestions and general recommendations (Rule 52)

1. In accordance with article 21, paragraph 1, of the Convention, on the basis of its examination of reports and information received from States parties, the Committee may make general recommendations addressed to States parties.
2. The Committee may make suggestions addressed to bodies other than States parties arising out of its consideration of reports of States parties.

Concluding comments (Rule 53)

1. The Committee may, after consideration of the report of a State party, make concluding comments on the report with a view to assisting the State party in implementing its obligations under the Convention. The Committee may include guidance on issues upon which the next periodic report of the State party should focus.
2. The concluding comments shall be adopted by the Committee before the closure of the session at which the report of the State party was considered.

Working methods for examining reports (Rule 54)

The Committee shall establish working groups to consider and suggest ways and means of expediting its work and of implementing its obligations under article 21 of the Convention.”

E. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

(a) Provisions of the Convention

“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.
4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph I of this article.”

(b) Provisions of the Rules of Procedure of the Committee against Torture

“XVI. Reports from States parties under article 19 of the Convention

Submission of reports (Rule 64)

1. The States parties shall submit to the Committee, through the Secretary-General, reports on the measures they have taken to give effect to their undertakings under the 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 Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and contents of the reports to be submitted under article 19 of the Convention.

Non-submission of reports (Rule 65)

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rules 64 and 67 of these rules. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such report or reports.
2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rules 64 and 67 of these rules, the Committee shall so state in the annual report which it submits to the States parties and to the General Assembly of the United Nations.

Attendance by States parties at examination of reports (Rule 66)

The Committee shall, through the Secretary-General, notify the States parties, as early as possible, of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties shall be invited to attend the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to him by the Committee and make statements on reports already submitted by his State, and may also submit additional information from his State

Request for additional reports (Rule 67)

1. When considering a report submitted by a State party under article 19 of the Convention, the Committee shall first determine whether the report provides all the information required under rule 64 of these rules.
2. If a report of a State party to the Convention, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish an additional report, indicating by what date the said report should be submitted.

General comments by the Committee (Rule 68)

1. After its consideration of each report, the Committee, in accordance with article 19, paragraph 3, of the Convention, may make such general comments on the report as it may consider appropriate and shall forward these, through the Secretary-General, to the State party concerned, which in reply may submit to the Committee any comment that it considers appropriate. The Committee may, in particular, indicate in its general comments whether, on the basis of its examination of the reports and information supplied by the State party, it appears that some of the obligations of that State under the Convention have not been discharged.
2. The Committee may, where necessary, indicate a time-limit within which observations from States parties are to be received.
3. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 1 of this rule, together with any observations thereon received from the State party concerned, in its annual report made in accordance with article 24 of the Convention. If so requested by the State party concerned, the Committee may also include a copy of the report submitted under article 19, paragraph 1, of the Convention.”

F. Convention on the Rights of the Child

(a) Provisions of the Convention

“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.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties."

(b) Provisions of the Rules of Procedure of the Committee on the Rights of the Child

"XV. Reports and information under articles 44 and 45 of the Convention

Submission of reports by States parties (Rule 66)

1. States parties shall submit reports, through the Secretary-General, pursuant to article 44 of the Convention.

2. States parties shall submit such reports within two years after the entry into force of the Convention for the State party concerned and thereafter they shall submit subsequent reports every five years and such additional reports or information in the intervening period as the Committee may request.

3. The Committee, through the Secretary-General, shall indicate to the States parties the form and contents of reports or information to be supplied to the Committee, in accordance with paragraphs 1 and 2 of this rule.

Non-submission of reports (Rule 67)

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports or additional information under article 44 of the Convention and rule 66 of these rules. In such cases, the Committee shall transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such report or additional information and undertake any other efforts in a spirit of dialogue between the State concerned and the Committee.

2. If, even after the reminder and other efforts referred to in paragraph 1 of this rule, the State party does not submit the required report or additional information, the Committee shall consider the situation as it deems necessary and shall include a reference to this effect in its report to the General Assembly.

Attendance by States parties at the examination of reports (Rule 68)

The Committee, through the Secretary-General, shall notify the States parties, as early as possible, of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties shall be invited to attend the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek additional information that the State party may authorize its representative to be present at a specified meeting; such representative should be able to answer questions which may be put to him or her by the Committee and make statements on reports already submitted by his or her State, and may also submit further information from his or her State.

Request for additional reports or information (Rule 69)

If, in the opinion of the Committee, a report submitted by a State party pursuant to article 44 of the Convention does not contain sufficient information, the Committee may request that State to furnish an additional report or additional information, indicating the time-limit within which such additional report or information should be supplied.

Request for other reports or advice (Rule 70)

1. The Committee may invite the specialized agencies, the United Nations Children's Fund and other United Nations organs, pursuant to article 45, subparagraph (a), of the Convention, to submit to it reports on the implementation of the Convention in areas falling within the scope of their activities.

2. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies, as it may consider appropriate, to provide it with expert advice, pursuant to article 45, subparagraph (a), of the Convention, on the implementation of the Convention in areas falling within their respective mandates.

3. The Committee may indicate, as appropriate, the time-limit within which such reports or advice should be supplied to the Committee.

Suggestions and general recommendations on a State party's report (Rule 71)

1. After its consideration of each report of a State party, together with such reports, information or advice, if any, received pursuant to article 44 and article 45, subparagraph (a), of the Convention, the Committee may make such suggestions and general recommendations on the implementation of the Convention by the reporting State as it may consider appropriate.

2. The Committee shall transmit, through the Secretary-General, suggestions and general recommendations it has decided upon to the State party concerned for its comments. The Committee may, where necessary, indicate the time-limit within which such comments from States parties are to be received.

3. The Committee shall include in its reports to the General Assembly suggestions and general recommendations together with comments, if any, received from States parties.

Other general recommendations (Rule 72)

1. The Committee may make other general recommendations based on information received pursuant to articles 44 and 45 of the Convention.

2. The Committee shall include such other general recommendations in its reports to the General Assembly together with comments, if any, received from States parties.

General comments on the Convention (Rule 73)

1. The Committee may prepare general comments based on the articles and provisions of the Convention with a view to promoting its further implementation and assisting States parties in fulfilling their reporting obligations.

2. The Committee shall include such general comments in its reports to the General Assembly.

Transmission of States parties' reports that contain a request or indicate a need for technical advice or assistance (Rule 74)

1. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies reports and information received from States parties that contain a request or indicate a need for technical advice or assistance.

2. The reports and information received from States parties in accordance with paragraph 1 of this rule shall be transmitted along with observations and suggestions, if any, of the Committee on these requests or indications.

3. The Committee may request, when it considers it appropriate to do so, information on the technical advice or assistance provided and the progress achieved.”