



This Project is Funded by
The European Union

**Government of Pakistan
Ministry of Human Rights**

**PAKISTAN'S INTERNATIONAL
HUMAN RIGHTS REPORTING OBLIGATIONS**

TRAINING PACKAGE

MODULE 3

**Introduction to EU GSP+ Scheme and
Pakistan's Treaty Body Reporting Obligations**

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1 INTRODUCTION TO THE MODULE

About:

This Training Module provides sequentially presented instructional units designed to support participants' absorption of substantive and procedural information on the European Union's GSP+ Scheme and Pakistan's Treaty Body Reporting Obligations. The module provides information, concepts and reference to the Pakistani context that enables target trainees and instructors to emerge from the training with not just information but a keen appreciation for its application within both Pakistan and the international human rights system.

Scope and usage:

The training module has been designed to facilitate participant-trainees during training workshops conducted by the EU-funded Promotion of Human Rights in Pakistan Program (Huqooq-e-Pakistan). A digital copy of the training module will also be provided to the training participants. The training module covers each topic area extensively, enabling participant-trainees to go beyond the training sessions, and educate themselves about the topic areas extensively. Each section of the training module is followed by a small exercise so that learners can test their own knowledge retention. The modules have been specifically tailored with respect to the Pakistani context. Extensive referencing and pointers for additional reading ensure that the training modules can serve as definitive reference materials on the topic areas that they cover.

Beneficiaries:

The primary beneficiaries of the training modules are the participant trainees of the H-e-P Training & Capacity Development Program, which include officials from the Federal Ministry of Human Rights, Provincial Human Rights Departments and Treaty Implementation Cells. These modules can also be used by National Human Rights Institutions (NHRIs), Civil Society Organisations (CSOs), UN Agencies, donor-funded technical assistance initiatives and educational institutions in Pakistan to deliver trainings on the subject-area as and when required. Any individual, whether or not s(he) has a role to play in the reporting process, can benefit from these training modules as they are standalone documents which are designed to be self-explanatory for individual learning.

2 INTRODUCTION TO PAKISTAN'S GSP+ REPORTING OBLIGATIONS

2.1 *Introduction*

The **Generalised Scheme of Preferences (GSP)** of the European Union (EU) allows developing countries to pay less or no duties on their exports to the EU. The described purpose of GSP programmes is to help vulnerable countries to reduce poverty, improve governance and foster a process of sustainable development. In addition to offering participant countries duty free access to the markets of the EU, GSP also provides them with the opportunity to engage international trade and earn additional revenues that can be used to reduce poverty and pursue sustainable development.

GSP+ is the special incentive arrangement for sustainable development and good governance which slashes these same tariffs to 0% for vulnerable low and lower-middle income countries that implement 27 international UN conventions related to human rights, labour rights, protection of the environment and good governance¹ (See Table 1). The motivation behind the introduction of GSP+ is to use trade concessions to incentivise the signing and implementation of international UN conventions. The GSP+ Scheme incorporates stronger monitoring mechanisms and the inclusion of civil society in the monitoring process. The addition of Civil Society Organisations as observers in the scheme renders the monitoring mechanisms more transparent and objective.

The primary objective of the GSP+ scheme is to contribute to the reduction of poverty and to the promotion of human rights, sustainable development and good governance. Tariff preferences in the EU market enable developing countries to participate more fully in international trade and generate additional export revenue to support implementation of their own sustainable development and poverty reduction policy strategies.

In January 2014, the EU granted GSP+ status to Pakistan. Since Pakistan's inclusion, Pakistan has prepared a report on its progress toward improved human and labour rights, sustainable development, and good governance.² By accepting the GSP+ status, Pakistan has committed to:

1. Maintaining ratification of 27 relevant conventions and ensuring their effective implementation.
2. Accepting without reservation the reporting requirements imposed by each convention and regularly monitoring and reviewing the implementing record of relevant monitoring bodies.

¹ <https://ec.europa.eu/trade/policy/countries-and-regions/development/generalised-scheme-of-preferences/>

² GSP report - European Commission - Europa EU

3. Participating in, and cooperating with, the European Commission's monitoring procedures.³

The following table summarizes the international conventions covered by the GSP+ arrangements, and the specific reporting requirements in relation to the same:

Table 1: International Conventions covered by GSP+ and their reporting obligations

Treaty	Description	Reporting Obligations
7 Core UN Human Rights Conventions that Pakistan has signed and ratified (See Module 1)		
ILO Labour Rights Conventions		
Freedom of Association and Protection of the Right to Organise Convention (No 87)	It gives Workers' and employers' organisations the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes without previous authorisation.	Government of Pakistan (GoP) must report every three years on the steps taken to implement the eight fundamental ILO conventions to the Committee of Experts on the Application of Conventions and Recommendations.
Right to Organise and Collective Bargaining Convention (No 98)	Its counterpart on the general principle of freedom of association is the Freedom of Association and Protection of the Right to Organise Convention (1949) No 87. The convention covers the rights of union members to organise independently, without interference by employers and require the positive creation of rights to collective bargaining.	
Forced Labour Convention (No 29)	The convention purpose is to suppress the use of forced labour in all its forms irrespective of the nature of the work or the sector of activity in which it may be performed. The Convention defines forced labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily", with few exceptions like compulsory military service.	
Abolition of Forced Labour Convention (No 105)	The convention cancels certain forms of forced labour still allowed under the Forced Labour Convention of 1930, such as punishment for strikes and as a punishment for holding certain political views.	
Minimum Age Convention (No 138)	The convention requires ratifying states to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work. Convention C138 replaces several similar ILO conventions in specific fields of labour.	
Worst Forms of Child Labour Convention (No 182)	The convention calls for the prohibition and the elimination of the worst forms of child labour, as a matter of urgency.	

³ GSP+ in Pakistan - Democracy Reporting.

Equal Remuneration Convention (No 100)	The convention requires work of equal value refers to rates of remuneration established without discrimination based on sex and the principal one aimed at equal remuneration for work of equal value for men and women	
Discrimination (Employment and Occupation) Convention (No 111)	The convention requires states to enable legislation which prohibits all discrimination and exclusion on any basis including of race or colour, sex, religion, political opinion, national or social origin in employment and repeal legislation that is not based on equal opportunities.	
UN Conventions on Environmental Protection and Climate Change		
Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal	Aims to reduce hazardous waste generation. The convention calls for environmentally sound management of hazardous waste and seeks to limit and regulate trans-boundary movement of hazardous waste.	Before the end of each calendar year, GoP must submit a report containing comprehensive information on its implementation of the convention.
Stockholm Convention on Persistent Organic Pollutants	Aims to protect human health and the environment from persistent organic pollutants which are hazardous chemicals toxic to humans and wildlife.	Although no compliance committee exists, compliance and implementation are assessed through the requirement for GoP to submit a National Implementation Plan. Every four years, GoP must also submit a National Report on the effectiveness of measures taken to implement the convention.
Convention on International Trade in Endangered Species of Wild Fauna and Flora	Aims to ensure that international trade in more than 35000 animal and plant species does not threaten their survival.	The implementation of CITES is monitored by the CITES Secretariat and the Standing Committee.
Convention on Biological Diversity	Aims to ensure the conservation and sustainable use of all ecosystems, species and genetic resources.	Government of Pakistan must report on implementation every four years.
Montreal Protocol on Substances that Deplete the Ozone Layer	Reflects the need to phase out the production and consumption of ozone-depleting substances.	GoP must report every year to the Ozone Secretariat in Nairobi, Kenya, on production, import and export of ozone- depleting substances referred to in the protocol.
UN Framework Convention on Climate Change	Included among the conventions relevant to the GSP+ by the 2012 reform to the GSP, in order to place further emphasis on the importance of effectively addressing climate change issues.	GoP has to submit a national inventory of emissions and removals of greenhouse gases, and a general description of steps taken to implement the convention. There are no fixed dates for GoP to submit national communications, although

		in principle reports should be submitted within 4 years of the initial financial support to assist them with preparing the reports.
Kyoto Protocol to the UN Framework Convention on Climate Change	An international framework to combat global warming by reducing greenhouse gas emissions through internationally binding commitments.	
UN Conventions on Good Governance		
UN Single Convention on Narcotic Drugs	Aims to combat misuse of narcotic drugs. It seeks to limit the possession, use, trade, distribution, import, export, manufacture, and production of drugs exclusively to medical and scientific purposes. It also combats drug trafficking through international cooperation to deter and discourage drug traffickers.	The International Narcotics Control Board monitors compliance with the three international drug control conventions. It has the authority to investigate the failure of any country to carry out the conventions' provisions, including countries that are not parties to the conventions.
UN Convention on Psychotropic Substances	Establishes an international control system for psychotropic substances not covered by the Convention on Narcotic Drugs.	
UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Provides additional regulative mechanisms to enforce the abovementioned conventions through comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals. It also covers international co-operation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.	
UN Convention against Corruption	Covers several areas: prevention and criminalisation of a wide range of acts of corruption, law enforcement, international co-operation, asset recovery, and technical assistance. The convention covers a broad range of actions defined as corruption.	The Conference of the State Parties has established a mechanism to monitor implementation of the convention. After undergoing a comprehensive self-assessment, states parties review each other in groups of three, selected by lot. The monitoring process is carried out by governmental experts.

2.2 Benefits of GSP Plus Scheme for Pakistani Industries:

- The EU is Pakistan's largest trading partner after the United States.
- GSP+ allows Pakistani exports to enter the 28 member countries of EU.
- Market of 500 million consumers is now open for Pakistani exports.

- Cotton and Textile products are the largest exporting sectors of Pakistan.
- Pakistan has edge over its Competitors (China, India, Vietnam, Thailand, Indonesia). They do not have duty free access as well as no preferential access.
- Textile exports have an 8.5% share in gross domestic product (GDP), providing about 40% jobs in the manufacturing sector (SBP, Pakistan Economic Survey 2013).
- Pakistani textile exports are expected to get double.
- Pakistan can earn an additional US\$580-700 million/year worth of goods by expansion of product lines through the GSP Plus duty-free status.
- An additional US\$ 280 million can be earned in knitted and woven apparel, 14.5% of current exports of products within the 6% threshold.
- Moreover, an additional US\$97.1 million can be earned in leather products.
- For all other products, an additional US\$ 250 million can be earned.
- Massive employment opportunities would be created in many industries after the grant of GSP Plus status.
- It would also increase the revenue for the exchequer in form of taxes from enhanced trade opportunities.
- Huge opportunities would be generated to earn foreign investment by inviting entrepreneurs from China and other countries to in the industries with potential for rapid export expansion through GSP Plus.
- Because of the high cost of production, China's share in the global textile and clothing market is at stake. Pakistan's duty-free access to the EU can capture greater share of the textile and clothing market. This is a lifetime kind opportunity for Pakistan's textile exporters.
- Many non-textile products that constitute Pakistan's "traditional" export sectors, such as sports goods, surgical instruments and Basmati rice, or fast-increasing exports, such as copper and animal casings, already enter the EU duty-free under either GSP or MFN rates. Therefore, for these products, the GSP+ tariff preferences will have no positive market access impact.
- The extension of the EU's GSP+ preferences to Pakistan will certainly boost its competitiveness, but ultimate success in accessing the EU market in greater quantities will also largely depend on Pakistan's ability to meet EU consumers' demand, both in terms of reliable export volumes and quality, to increase its production efficiency, to invest in technologies and skilled manpower, and to be able to deflect its competitors' defensive or offensive actions. GSP+ alone will not suffice.

2.3 Recent Developments

The opportunities and obligations deriving from the EU's engagement with Pakistan in GSP+ form an integral part of EU-Pakistan relations. The new EU-Pakistan Strategic Engagement Plan (SEP), signed on 25 June 2019, provides an overall framework of bilateral engagement and prominently addresses GSP+ in the chapters of Democracy, Rule of Law, Good Governance, and Human Rights, as well as Trade and Investment, demonstrating the crosscutting relevance of the scheme. In the same vein, the annual EU-Pakistan Joint Commission, together with its relevant sub-groups on Human Rights and on Trade, are platforms to exchange views on priorities and issues of common interest, and serve as an important mechanism to oversee and push for progress in GSP+ implementation. The latest such consultations took place in November 2019, when Pakistan showed willingness to pursue reforms. The EU welcomes active engagement with relevant interlocutors in the Government in this regard.

EU – Pakistan Bilateral Development Cooperation Pakistan is a major development partner of the European Union (EU). For the 2014-2020 period, the amount available for bilateral cooperation with Pakistan is € 603 million, complemented with a bilateral investment allocation of € 15 million. EU-Pakistan cooperation priorities focus on:

- rural development (54% of the budget);
- education and vocational training (31%); and,
- good governance, rule of law and human rights (15%). This is complemented by regional and thematic programmes related to human rights, migration and displacement, and security.

EU Development Cooperation supports Pakistan's trade capacity and its compliance with core international conventions, notably on human rights.

2.4 EU – Pakistan Trade and GSP

According to the World Bank, Pakistan's economic growth is expected to decelerate in 2019 and 2020, with a projected annual growth of around 3%. This follows a period of recovery in the period 2016-2018, which culminated in a 5.8% annual GDP growth in 2018. From 2008 to 2018, EU imports from Pakistan almost doubled from € 3.6 to € 6.8 billion. The growth of imports was particularly fast following the award of GSP+ to Pakistan in January 2014, with a 30% increase of between 2014 and 2016. The growth of Pakistan exports to the EU have since slowed down, but the country continues to enjoy a trade surplus with the EU

(€1.2 billion in 2018). The EU is Pakistan's first export destination absorbing over a third (34%) of Pakistan's total exports to the world in 2018, followed by the USA (16%), China (8%) and Afghanistan (5%). The EU is Pakistan's third largest source of imports, after China (23%) and the UAE (14%), accounting for around 9% of the total in 2018.

Pakistan takes part in economic integration efforts within the South Asian Association for Regional Cooperation (SAARC) and has trade agreements with China, Indonesia, Malaysia, and Sri Lanka. Figures 1-3 below describe Pakistan’s utilization of GSP+ in the context of the EU's overall imports from Pakistan.

Table 2: Imports to the EU 2016-2018 — GSP+ Utilization Rates

Pakistan - imports to the EU 2016-2018 (M€)				
	2016	2017	2018	trend 2016-2018
Total imports	6205.7	6592.8	6739.5	8.6%
GSP+ eligible	5783.3	6114.6	6097.8	5.4%
GSP+ preferential	5522.7	5877.7	5885.1	6.6%
Utilisation rate	95.5%	96.1%	96.5%	1.1%

Figure 3: Imports to the EU 2016-2018 by regime

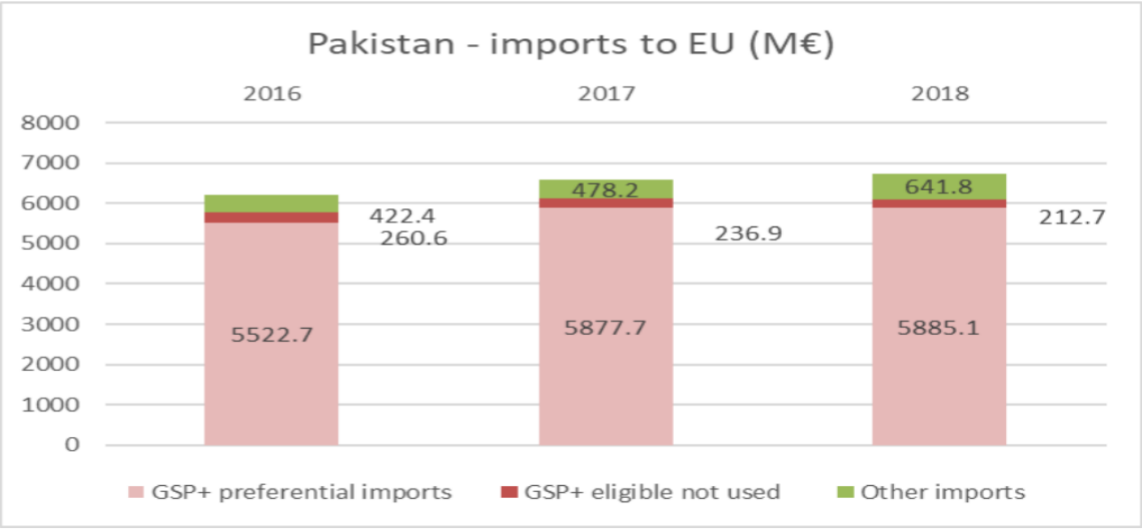


Figure 4: Product Diversification of GSP+ Preferential Imports (2018)

2.5 REPORTING OBLIGATIONS

Government of Pakistan is currently under a number of reporting obligations such as Universal Periodic Review, UN core Human Rights Conventions and GSP+. Whilst these obligations are independent, there is a degree of overlap in terms of the subject matter being reported on. Following are the Pakistan's key obligations under GSP+. While the general GSP scheme grants tariff reductions or suspensions to developing countries on about 66% of EU tariff lines, the GSP+ scheme offers additional advantages through complete duty suspensions for essentially the same goods.

The European Commission is responsible for monitoring the Pakistani State and ensuring that it abides by its undertaking to: maintain ratification of the international conventions covered by the GSP+ arrangement; ensure their effective implementation; and comply with reporting requirements of the monitoring bodies. The international conventions covered by the GSP+ arrangements, and the specific reporting requirements in relation to the same, are summarized in the below table. In parallel to these reporting obligations the Government is obliged, under the GSP+ arrangement to: accept regular monitoring and review of its overall implementation record in accordance with the conventions; and cooperate with the Commission in its monitoring role and provide all necessary information.

In line with the above, the Commission maintains an ongoing dialogue with GoP in relation to the salient shortcomings in implementation identified by the international conventions' monitoring bodies. As such, upon Pakistan entering the GSP+ arrangement, the Commission compiled an assessment of GoP's compliance with its GSP+ commitments (the first checklist) thereby initiating the monitoring process. This list of issues, set out on the checklist, will be updated annually to reflect GoP's progress in relation to implementation of the conventions. The assessment reflects developments on the ground, where GoP is expected to demonstrate serious efforts towards tackling the identified problems.

2.6 CURRENT REPORTING STRUCTURE - OVERALL

There is currently a mechanism in place, in the form of TICs, which aims to enable the federal and provincial governments to effectively implement ratified conventions and to report regularly on the progress being made. Following recent restructuring by the Prime Minister, the TIC at the federal level has been shifted from the Ministry of Commerce and brought within the Cabinet Division and is currently convened by the Attorney General of Pakistan.

The current reporting structure is heavily influenced by the constitutional arrangements in place in Pakistan under which treaties, and other international agreements creating binding

state obligations, are formally entered into by the federal government. However, following the 18th constitutional amendment introducing federalism in Pakistan in 2010, several areas and subjects involving treaty commitments, such as human rights and counterterrorism obligations, have been devolved to the provincial governments. It follows that the responsibility to practically implement and fulfil treaty obligations has shifted directly to the provinces. This increasingly prominent role of the provinces in relation to treaty implementation, situation analysis and progress monitoring also enhances the importance of input from the provincial level into any reporting on the effectiveness of implementation.

In accordance with the above, TICs have been established in each of the four provinces. These TICs are constituted of provincial Line Departments, with one such Line Department heading each TIC. Currently these bodies work under the Ministry of Human Rights and conduct a monitoring, oversight and coordination role in relation to treaty implementation and reporting requirements. The general Terms of Reference for the provincial TICs focus on (i) the formulation of effective mechanisms for the implementation of the ratified conventions; (ii) the development of protocols for provincial Line Departments to document the implementation progress; (iii) the provision of support and guidance to the relevant Line Departments to formulate standardised reporting templates and to generate reports; (iv) the coordination with the respective Line Departments to collect and compile reporting data; and (v) the formation of a liaison mechanism with the relevant Federal Ministries (Ministry of Human Rights, Ministry of Law, Foreign Office) for reporting and monitoring.

Timely collection and consolidation of relevant data and information required from the provincial level by the federal ministries, in a specified format, currently constitutes a key part of a TIC's role. Specifically, when a request for information is received from the federal level, the focal person from a provincial TIC consults with the relevant focal persons in the various Line Departments, guiding them as to the format in which the information will need to be submitted. In light of such guidance, Line Departments will process the information being fed up from district channel offices and submit this to the lead Line Department. Once the lead Line Department has received such submissions from all relevant Line Departments, the input will be compiled into a report and submitted to the Ministry of Human Rights.

2.7 CURRENT REPORTING STRUCTURE – PROVINCIAL

Whilst the reporting structure set out above is broadly applicable to all four provinces, a number of the details vary from province to province. These points of difference are highlighted below.

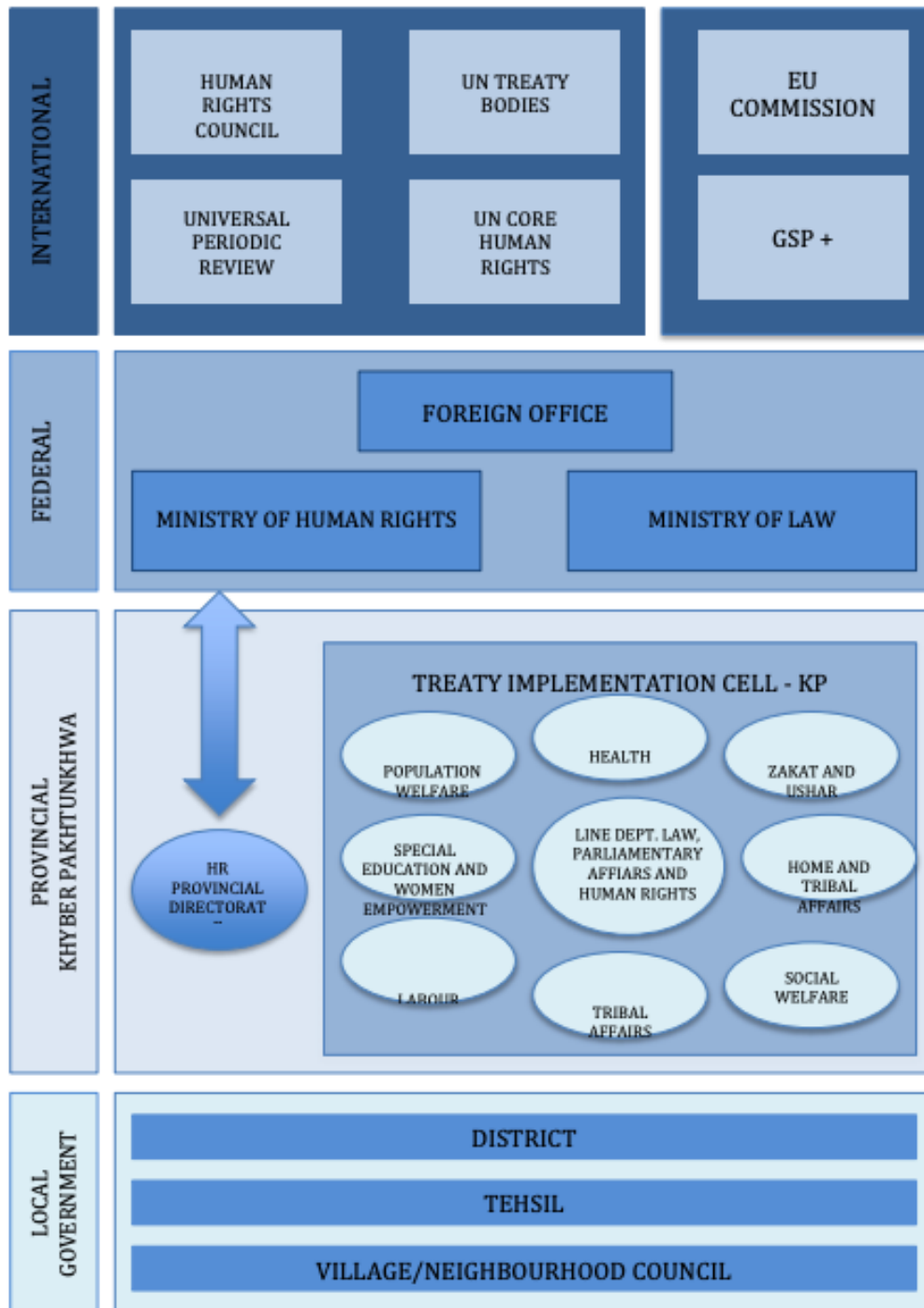
2.7.1 Khyber Pakhtunkhwa

The key Line Departments constituting the KP TIC are the Department for Law, Parliamentary Affairs and Human Rights, the Social Welfare Department, the Special Education and Women Empowerment Department, the Labour Department, the Health Department, the Education Department, the Home and Tribal Affairs Department, the Zakat and Ushar Department, as well as the Population Welfare Department.

As highlighted in fig.5, the KP Line Department for Law, Parliamentary Affairs and Human Rights currently heads the KP TIC. It is noteworthy that whilst, at a federal level, the Ministry of Human Rights has been re-established as an independent ministry, this separation is not mirrored at the provincial level. A request for information from the federal level, i.e. from the Ministry of Human Rights, is usually sent to the Line Department for Law, Parliamentary Affairs and Human Rights which then allocates responsibility for data collection and reporting on issues under respective treaties to the relevant Line Departments. It is noted that the respective directorates of each of the concerned Line Departments are currently working towards establishing dedicated reporting wings.

Operating under the Line Department for Law, Parliamentary Affairs and Human Rights, the KP Human Rights Directorate (HRD) also feeds into the reporting mechanism by collecting data from individual complaints submitted both in writing and through an online complaint mechanism. The KP HRD also requests that other relevant Line Departments share their data with it. Separately, it is notable that the reporting structure described above, and set out below is the same for all three sets of reporting obligations i.e. those relating to treaty bodies, UPR and the GSP+.

Figure 5: Reporting Structure in KP



2.7.2 Sindh

The current reporting structure in Sindh is set out in below table. The key Line Departments constituting the Sindh TIC are the Law, Parliamentary Affairs and Human Rights Department, the Home Department, the Social Welfare department, the Women Development Department, the Health Department and the Labour Department, as set out in Figure 6. The provincial Line Department for Law, Parliamentary Affairs and Human Rights heads the

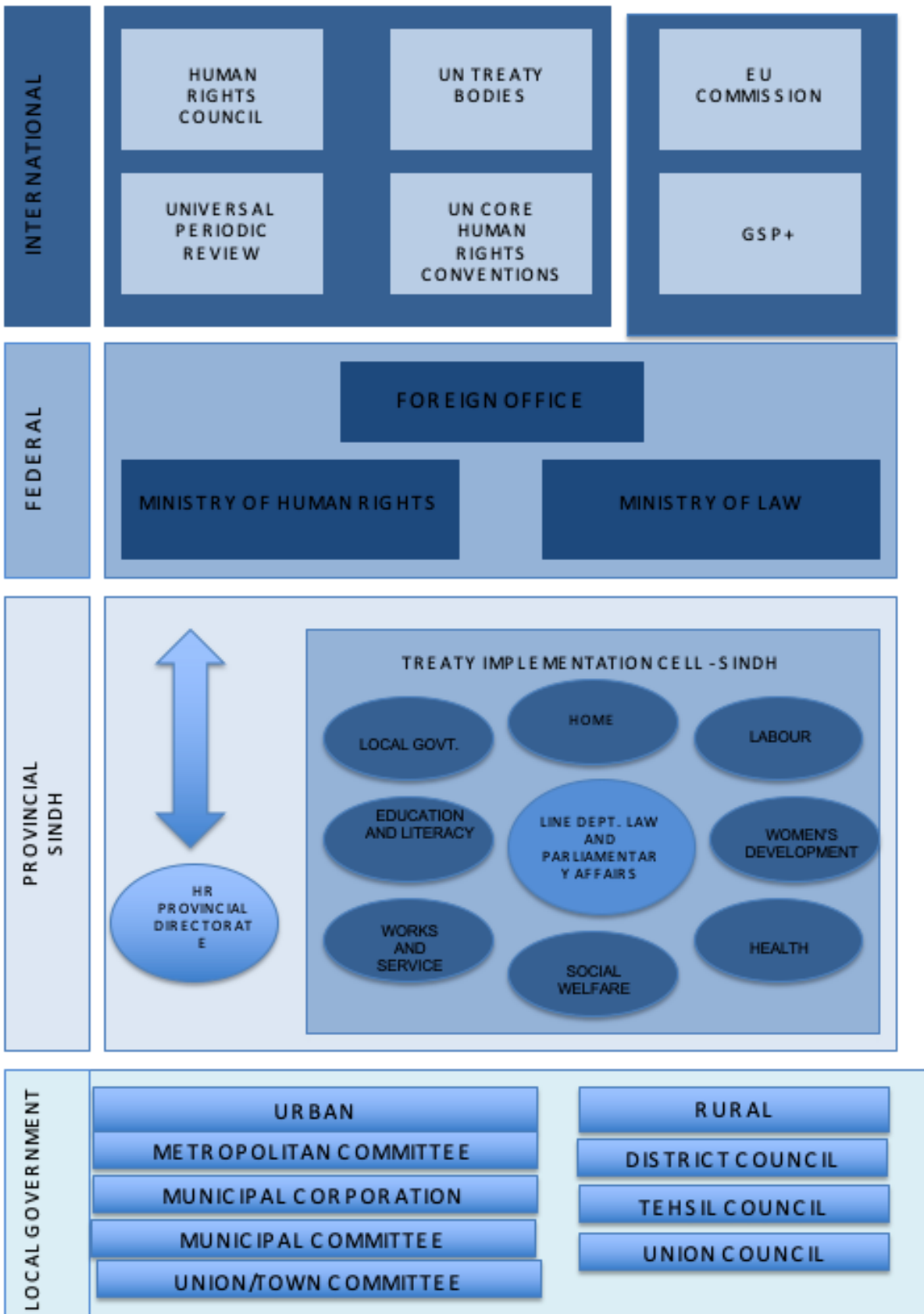
Sindh TIC and is responsible for both liaising with the Ministry of Human Rights at the federal level and coordinating with the relevant Line Departments and compilation of their submissions at the provincial level.

A request for information from the federal level, i.e. from the Ministry of Human Rights, is usually transmitted to the provincial level through both electronic and hard copy correspondence to the Department for Law, Parliamentary Affairs and Human Rights. This Department then allocates responsibility for data collection and reporting on particular issues under respective treaties to the relevant Line Departments. The Line Departments in turn liaise with their representatives at the divisional level. Where relevant, officers at the divisional level will also liaise with their counterparts in the lower tiers of local government including at the district, tehsil and union council level. Each party involved in the data collection exercise will then feedback the information that they have gathered to the party from which they received the request i.e. district officers feed back to the divisional level, with officers at the divisional level feeding back to the relevant provincial Line Departments. Each of the Line Departments will in turn ultimately report back to the Department for Law, Parliamentary Affairs and Human Rights as the convener of the Sindh TIC.

The Line Department for Law, Parliamentary Affairs and Human Rights, having received information from various Line Departments will then compile this information into a report and provide this to the Ministry of Human Rights. It is notable that the compiled data is not comprehensively analysed at the provincial level. Rather, the bulk of raw data is forwarded to the federal level where it will be worked into reports to the relevant international body. Another notable feature of the current reporting mechanism in Sindh is the initiation, by the Sindh TIC, of the development of templates specifying standardised reporting criteria. The objective of this initiative is to simplify and harmonise data collection being conducted by various Line Departments and their respective field formations.

Overall, the reporting structure described above, and set out in further detail in table is the same for all three sets of reporting obligations i.e. those relating to treaty bodies, UPR and the GSP+.

Figure 6: Reporting Structure in Sindh



2.7.3 Balochistan

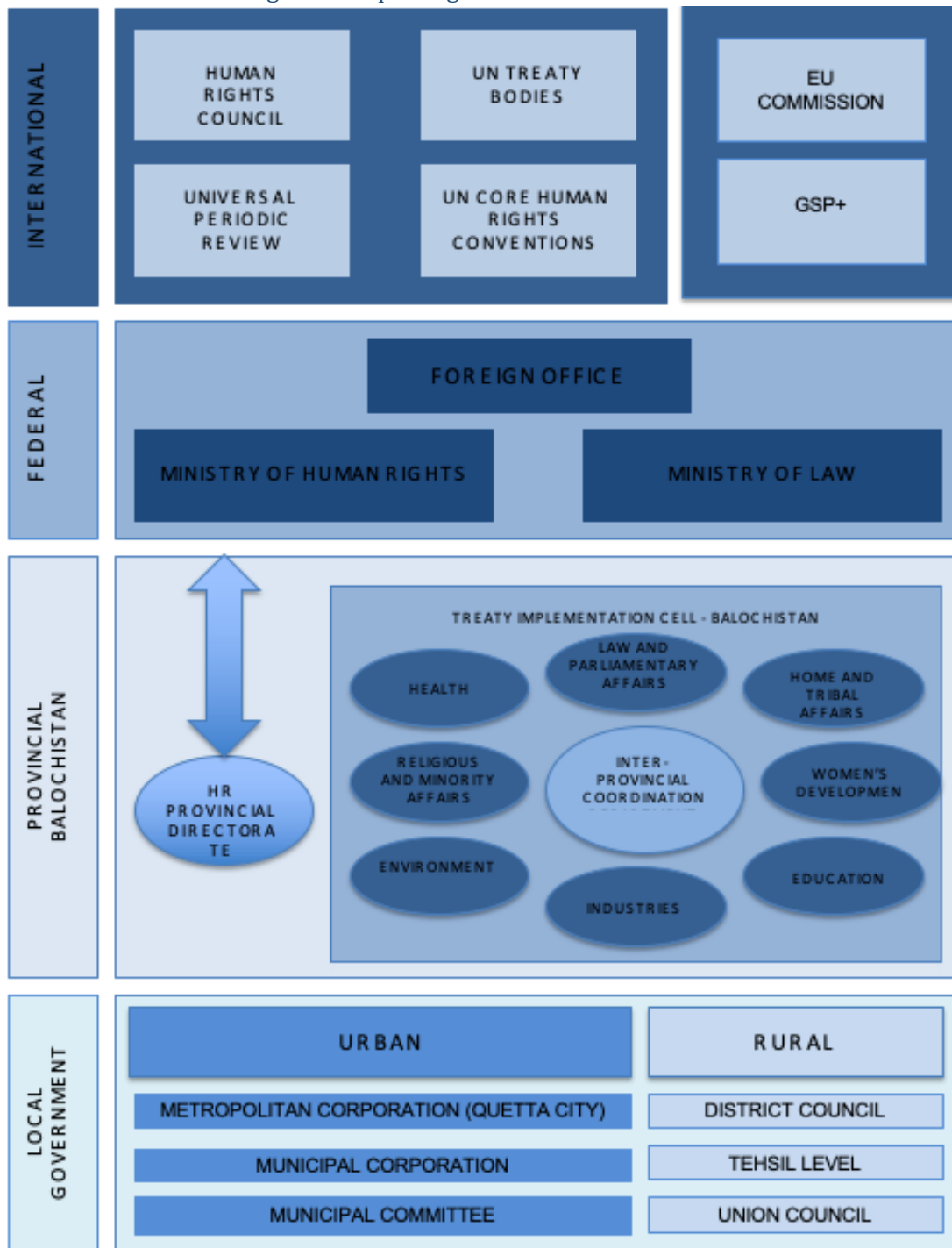
The current reporting structure in Balochistan is set out in Fig.6. The key Line Departments constituting the Balochistan TIC are the Inter Provincial Coordination Department (IPCD), the Religious and Minority Affairs Department, the Education Department, the Women Development Department, the Home and Tribal Affairs Department, the Environment Department, the Industries Department, the Labour Department, the Social Welfare Department, the Law Department and the Culture and Tourism Department, as set out in table . The IPCD heads the Balochistan TIC and is responsible for both liaising with the Ministry of Human Rights at the federal level and coordinating with the relevant Line Departments and compilation of their submissions at the provincial level.

A request for information from the federal level, i.e. from the Ministry of Human Rights, is usually transmitted to the provincial level through both electronic and hard copy correspondence to both the IPCD and the relevant Line Departments. The objective of communicating this request in parallel is the reduction of delays. The next step is usually for the IPCD to call a meeting of the focal persons of various Line Departments to discuss the request from the federal level in further detail and to allocate responsibility for data collection and reporting on particular issues to the relevant Line Departments. The Line Departments in turn liaise with their representatives in district councils. Where relevant, the data collection exercise will also require the district councils to liaise with the tier of local government directly below them, namely, union councils. An alternative strategy for data collection, utilised by certain Line Departments when appropriate, is to send out inspectors with template forms into which the required information can be inserted.

Each party involved in the data collection exercise then feeds back the information that they have gathered to the party from which they received the request i.e. the union council feeds back to the district council, which in turn feeds back to the relevant Line Department, which in turn reports back to the IPCD. The IPCD, having received information from various Line Departments will then compile this information into a report and provide this to the Ministry of Human Rights. Overall, it emerged during consultation with the Balochistan TIC that the provincial Line Departments are clear on their mandates. Further, coordination both on an intra-provincial level and with the federal level, with respect to data collection and reporting, has been largely effective. It is notable that the regional Balochistan HRD is also engaged in efforts to report back on the human rights situation in Balochistan to the Ministry of Human Rights. The key line of communication here is between the Ministry of Human Rights and the Director of the Balochistan HRD. The basis of such reports is usually data gathered through the screening of electronic and print media as well as through cases which are filed with, and grievances which are brought to the attention of, the Balochistan HRD by individuals. This

data collection and reporting is occurring in parallel to the efforts of the Balochistan TIC and without any meaningful dialogue or consultation between these two bodies. Further, it is notable that the reporting structure described above, and set out in further detail in Fig. 7 is the same for all three sets of reporting obligations i.e. those relating to treaty bodies, UPR and the GSP+.

Figure 7: Reporting Structure in Balochistan



2.7.4 Punjab

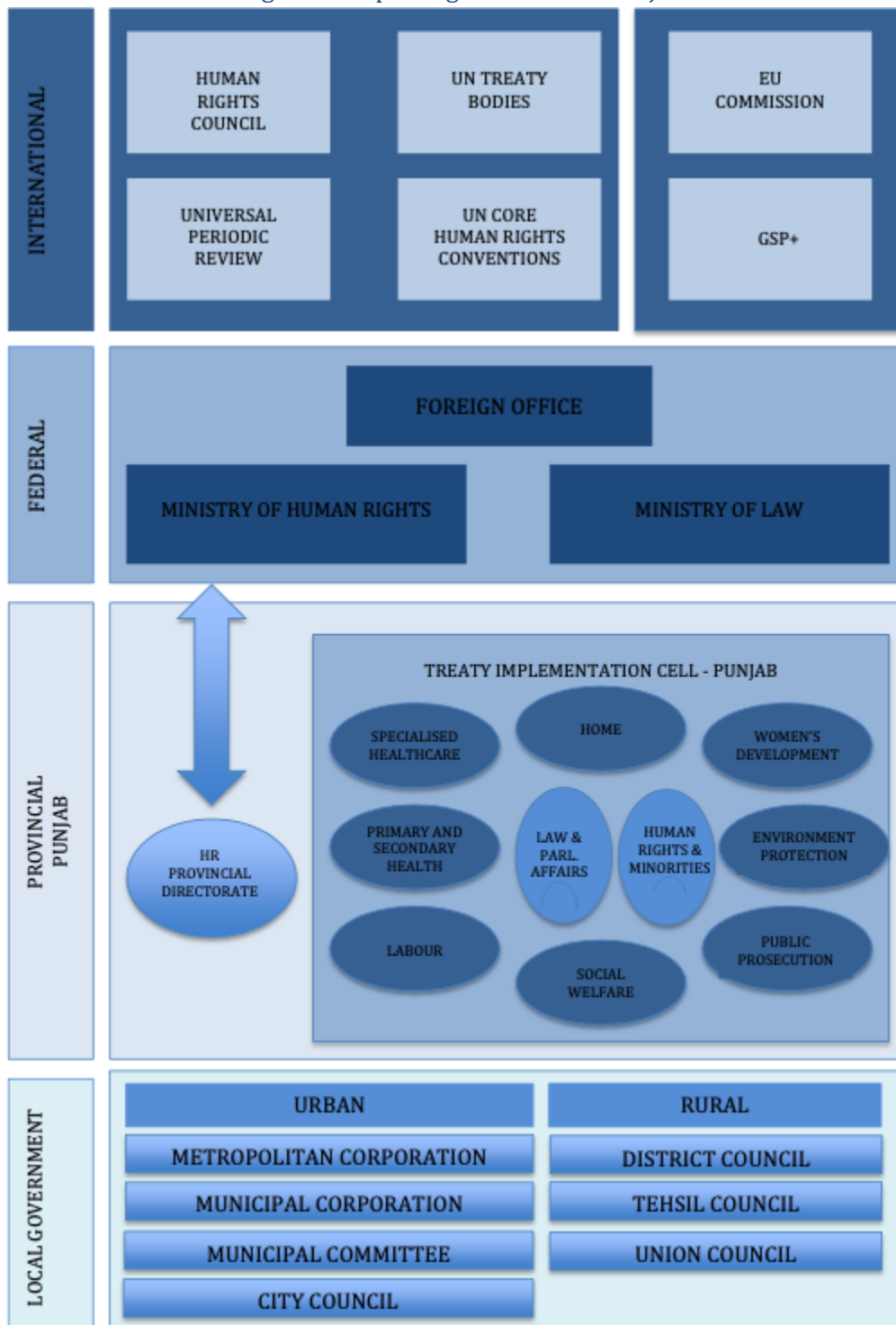
The current reporting structure in Punjab is set out in Fig. 8. The key Line Departments constituting the Punjab TIC are Department for Law and Parliamentary Affairs, the Women Development Department, the Human Rights and Minorities Affairs Department, the Environment Protection Department, the Labour Department, the Social Welfare Department, the Public Prosecution Department, the Primary and Secondary Health Department, as well as the Specialized Healthcare and Medical Education Department, as set out in Annex 5. It is notable that Punjab is the only province which replicates, at the provincial level, the division between the Ministry of Law and the Ministry of Human Rights. As such, in Punjab, there is a separate Line Department for Human Rights and Minority Affairs which exists alongside the Line Department for Law and Parliamentary Affairs.

The Punjab TIC was initially headed by the Line Department for Law and Parliamentary Affairs and, in this capacity, it was responsible for coordination with the relevant Line Departments and compilation of their submissions. More recently, the responsibility for heading the Punjab TIC has, on paper at least, been transferred to the Line Department for Human Rights. However, it was noted, during exchanges with both of the aforementioned departments that the Department for Law and Parliamentary Affairs is continuing to discharge the role of leading the Punjab TIC in practice. This is in part due to the shortage of resources available to the Line Department for Human Rights e.g. it currently has no full-fledged HRD under its umbrella and instead operates with a small Human Rights Cell which is supposed to be upgraded to a directorate soon.

While representatives of the Line Department for Law and Parliamentary Affairs are of the opinion that their department will continue to lead the Punjab TIC for the foreseeable future, the Line Department for Human Rights has expressed its confidence that it will be equipped to step into its role as head of the provincial TIC within the coming months. It is notable that significant progress has been made under the leadership of the Line Department for Law and Parliamentary Affairs and an analysis of the treaties in relation to which GoP is obliged to report under the GSP+ arrangement has been conducted. Moreover, specific aspects of reporting on such obligations have been allocated to various Line Departments. As such, when a request for information is received from the federal level, the Line Department for Law and Parliamentary Affairs requests that the relevant Line Departments to collect the data and compile reports. Upon receipt of the same, the Line Department for Law and Parliamentary Affairs reviews the reports, particularly from a legal standpoint, and sends them back to the individual Line Departments to fill in any gaps. Upon completion of this process, the Line Department for Law and Parliamentary Affairs sends both hard and soft copy versions of the consolidated reports for each convention to the federal level. In some instances, questions relating to the submitted report will be directed from the federal level

to the Line Department for Law and Parliamentary Affairs in turn requiring a further exchange between the latter and other Line Departments which have contributed to the relevant report.

Figure 8: Reporting Structure in Punjab





TEST YOUR KNOWLEDGE

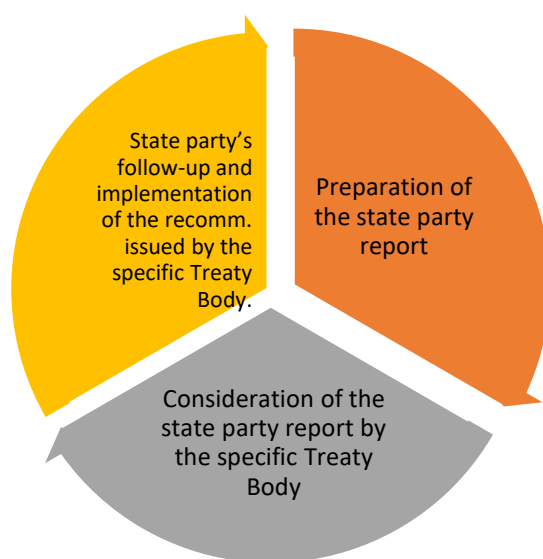
TRUE OR FALSE?

- 1 GSP Stands for Generalised Scheme of Preferences.
- 2 There is no difference between GSP and GSP+.
- 3 Pakistan has GSP+ status forever.
- 4 GSP+ is linked with core Human Rights treaties.
- 5 GSP+ is not linked with ILO conventions.

Key: T; F; F; T; T

3 TREATY BODY REPORTING PROCEDURE

This chapter shall provide an overview of the whole reporting procedure. It explains each stage of the procedure, recommended by the UN, starting with the preparation of the report up to the follow-up of recommendations and implementation by a State party. The chapter clarifies the difference between two existing reporting procedures: Standard Treaty Reporting Procedure and Simplified Reporting Procedure (SRP) and provides guidance on the use of SRP. It also discusses the content and format of different types of State party reports: initial and periodic reports; common core document (CCD) and responses to the List of Issues (LOI); and List of Issues Prior to Reporting (LOIPR). The chapter also provides details of the reports submitted by Pakistan, the process adopted and the structure of the report, as it stands from the last reporting cycle. The Reporting Procedure, also known as the Reporting Cycle, has the following process:



Each time a cycle ends and a new one starts; the concerned State is required to report back regularly on measures taken to implement the recommendations and on new measures aimed at realizing the rights set forth in the treaty. Thus, the review of a State party forms a continuum and each cycle builds on the preceding one.

3.1 Procedures Available to State Parties for Submitting Reports

There are two reporting procedures available to State parties for submitting their reports, namely the **Standard Treaty Reporting Procedure** and the **Simplified Reporting Procedure (SRP)**.⁴ Unlike the Standard Reporting Procedure, the Simplified Reporting

⁴ Reporting To The UN Human Rights Treaty Bodies - Training Guide," 2017.
<https://www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx>

Procedure is optional. States can seek to avail themselves of the procedure and may or may not be granted the opportunity by the Treaty Body or accept a Treaty Body’s offer to them. The other main difference relates to the manner of reporting, which under the SRP entails responding to specific questions sent in advance to the State party by a Treaty Body. Therefore, the configuration of the reporting cycle under the Simplified Reporting Procedure (SRP) differs from that of the standard reporting procedure.

3.1.1 Standard Reporting Procedure

State parties can also simply continue submitting their reports under the standard reporting procedure. Under this procedure the reporting cycle is consists of six stages, as represented in figure 9.⁵

Figure 9: Standard Reporting Procedure



⁵ Reporting To The UN Human Rights Treaty Bodies - Training Guide,” 2017. <https://www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx>

3.1.2 Simplified Reporting Procedure (SRP)

Under the Simplified Reporting Procedure (SRP), the State party does not prepare and submit a report as the first step. Instead, the State responds to a List of Issues Prior to Reporting (LoIPR) that contains specific questions on treaty implementation. The responses of the State party to the List of Issues Prior to Reporting constitute the report of the State party. Under this procedure a Treaty Body will not send a List of Issues to a State party after the submission of its report. Therefore, a State party will not be required to submit further written information prior to the constructive dialogue. Pakistan, in recent months, has expressed their support for the simplified reporting procedure.⁶ The state proposed that Simplified reporting must be a permanent feature in treaty body reporting procedures, and encouraged all States to report through this procedure.

3.1.3 Shadow Reporting

Besides State parties, other stakeholders such as national human rights institutions (NHRIs), civil society organizations (CSOs) and the UN system (agencies such as UNICEF or UNWomen, ILO, UNHCR, WHO; UN country teams; etc.) have an opportunity to engage in the reporting procedure at different stages. This process is referred to as “shadow reporting” (discussed in further detail below). These stakeholders are encouraged to participate whenever the Committee considers a nation's compliance with the treaty. Many groups submit information in the form of “shadow reports” and provide Committee members with a list of suggested questions and areas of concern regarding the country report. The Committee relies in part on information and analysis provided by these stakeholders to counter information submitted by the government. As the Committee's concluding observations are not legally binding and have no enforcement mechanism, these stakeholders play a key role in highlighting these recommendations and ensuring their implementation.

3.2 Report of the State Party

The report of the State party constitutes the main element within the continuous review of a State party's progress in implementing the rights enshrined in the specific treaty. Before discussing in detail each of the stages of the reporting cycle, the following basic elements around the preparation of a State party report need clarification, namely the reporting periodicity, and the content and format of a report.

⁶ <http://ccprcentre.org/ccprpages/human-rights-committee-meets-states-to-discuss-tbs-reforms-and-simplified-reporting-procedure>

3.3 Reporting Periodically

Most of the international human rights treaties establish a framework for regular reporting by State parties, known as “reporting periodicity”, which covers initial and periodic reports. The timetable for the submission of these reports is either explicitly set out in the provisions of the treaty or, as indicated in the ICESCR and ICCPR, at the discretion of the Treaty Body.

Table 10: Periodicity of Treaty Bodies

No.	Treaty	Initial Reports (within)	Periodicity of Reports
1	ICERD	1 year	2 years but <i>de facto</i> periodicity 4 years
2	ICESCR	2 years	5 years
3	ICCPR	1 year	3-6 years
4	CEDAW	1 year	4 years
5	CAT	1 year	4 years
6	CRC	1 year	5 years
7	CRC-OP-AC	1 year	Integrated into next CRC report every 5 years; or 5 years for States not party to CRC
8	CRC-OP-SC	2 years	Integrated into next CRC report every 5 years; or 5 years for States not party to CRC
9	ICRPD	1 year	4 years

Despite the set reporting periodicity, late or non-submission of a report by a State party, can result in a State party’s next periodic report becoming due in the same year, or even earlier, with a consequent accumulation of overdue reports. To overcome this situation as well as to encourage reporting by State parties and to assist them in clearing their reporting backlog, Treaty Bodies allow the combination and submission of overdue reports in a single document. For example, the second and third overdue periodic reports may be combined with the due fourth periodic report into a single report (a measure adopted by Pakistan in various Treaty Body Reports, such as Pakistan’s 4th report under CEDAW). However, State parties are enabled to submit combined reports only if a Treaty Body has previously agreed to it. The combined report should focus on the current situation in the country while giving an update of developments over the period of the submission of the last report (to explain the current context as necessary) while being mindful of word limits. This also applies to very overdue initial reports capturing developments since the time the initial report was due as necessary to explain the current situation. State parties can easily identify the due date of their next periodic report in the Concluding Observations adopted by the relevant Treaty Body or consult OHCHR’s webpage.

3.3.1 Content of Report

In 2006 the Treaty Bodies adopted harmonized reporting guidelines on the content of State parties' reports. The aim was to strengthen State parties' capacity to fulfil their reporting obligations in a timely and efficient manner, including avoidance of unnecessary duplication of information. This harmonized approach also facilitates consistency by all committees in considering reports; helps each committee consider the human rights situation in every State party on an equal basis; and reduces the need for a committee to request supplementary information before considering a report. This approach was later supported and further encouraged by General Assembly Resolution 68/268 on strengthening and enhancing the effective functioning of the human rights Treaty Body system, adopted in April 2014 (A/RES/68/268).⁷ In line with the foregoing, the report of a State party to any Treaty Body, irrespective of the reporting procedure under which such a report is submitted (Standard or Simplified) comprises two distinct but complementary documents, namely:

1. The Common Core Document (CCD)
2. The Treaty-Specific Report (Initial or Periodic)

The CCD and treaty-specific reports should elaborate on the de jure and de facto situation regarding implementation of the provisions of the treaties to which States are party. Reports should not be confined to lists of descriptions of legal instruments adopted in the country concerned in recent years. They should indicate how those legal instruments are reflected in the actual political, economic, social and cultural realities and general conditions of the country. They should provide evidence-based analysis supported by relevant statistical indicators and data, disaggregated by sex, age and population groups that may be more vulnerable, marginalized or at risk of discrimination. While statistics tables can usefully be annexed to the report, related analysis should be integrated into the main text. Such information should allow comparison over time and should indicate data sources. States should endeavour to analyse this information insofar as it is relevant to implementation of treaty obligations.⁸

3.3.2 Pakistan's Status on The Common Core Document (CCD)

The Common Core Document (CCD) Yet to be submitted by Pakistan, the CCD provides information of a general factual nature relating to the implementation of all treaties to which the reporting State is a party and which may be of relevance to all or several Treaty Bodies.

⁷ International Human Rights: The Successor to International Human Rights in Context: Text and Materials Philip Alston-Ryan Goodman-Henry Steiner - Oxford University Press – 2013

⁸ Reporting To The UN Human Rights Treaty Bodies - Training Guide," 2017.
<https://www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx>

It constitutes the common initial part of all State reports to the Treaty Bodies. Its aim is to avoid unnecessary duplication of information among the various reporting obligations of State parties. It should contain general information on the reporting State, for example on land, population and political structure; on the general framework for the protection and promotion of human rights; and on non-discrimination and equality issues, including effective remedies. The information submitted should take into consideration the list of indicators on the political system as well as on crime and administration of justice. The suggested structure for a Common Core Document is outlined below in Table 11.

Table 11: Structure of the Common Core Document ⁹

<p>1 General information on the reporting State</p> <p>a. Demographic, economic, social and cultural characteristics of the State</p> <p>b. Constitutional, political and legal structure of the State</p>
<p>1 General framework for the protection and promotion of human rights</p> <p>a. Acceptance of international human rights norms</p> <p>b. Legal framework for the protection of human rights at national level</p> <p>c. Framework within which human rights are promoted at national level</p> <ul style="list-style-type: none"> • National and regional parliaments and assemblies • National human rights institutions • Dissemination of human rights instruments • Raising human rights awareness among public officials and other professionals • Promotion of human rights awareness through educational programmes and Government • sponsored public information • Role of civil society, including non-governmental organizations • Budget allocations and trends • Development cooperation and assistance <p>d. Reporting process at national level</p> <ul style="list-style-type: none"> • Follow-up to concluding observations of human rights treaties <p>e. Other related human rights information</p> <ul style="list-style-type: none"> • Follow-up to international conferences
<p>2 Information on non-discrimination and equality and effective remedies</p>

State parties should submit the CCD only once, and they should update it regularly, usually every five years, or whenever major changes in the country take place. A Treaty Body may also request that the CCD 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 CCD if only a few changes need to be incorporated, or a newly revised version if many changes have been made. State parties can submit the CCD at the same time as or independently of a treaty-

⁹ Ibid

specific report. It always remains a separate document but is transmitted to all relevant Treaty Bodies for upcoming reviews. Treaty-specific reports, submitted under the Standard Reporting Procedure, should include the information requested by the relevant Treaty Body in its most current reporting guidelines for State parties.

3.3.3 Initial treaty-specific reports

Initial treaty-specific reports should focus on providing information relating to implementation of each of the rights (i.e., all substantive provisions) covered by the treaty concerned. These include information on the State's constitutional and legal framework that is not provided in the common core document, as well as the legal and practical measures adopted to implement the treaty. It should contain an explanation, for example, of how a right is protected by national legislation, of which policies are in place to implement it, and of the types of mechanisms in place to monitor implementation of the right.

3.3.4 Periodic treaty-specific reports

Periodic treaty-specific reports should include recent developments affecting full realization of the rights recognized in the treaty, as well as information on measures taken and progress achieved to follow-up and implement the recommendations issued by the specific Treaty Body during the last consideration of the State party.

3.3.5 Periodic treaty-specific reports submitted under the Simplified Reporting Procedure

Periodic treaty-specific reports submitted under the Simplified Reporting Procedure should correspond to the List of Issues Prior to Reporting sent beforehand to State parties. It is possible to include annexes in support of information contained in treaty-specific reports. States may wish to submit separately, as annexes and in a working language of the relevant committee, copies of the principal legislative, judicial, administrative and other documents such as statistics and texts referred to in the reports. As such they should not contain new or key information as this type of information should be included in the treaty-specific report. Annexes should be referenced in the report.

State parties should bear in mind that in principal annexes do not count against the word limit but are also not translated. Attention needs to be paid to finding the right balance between relevance and the length and number of annexes. For example, instead of including a 200-page piece of legislation (for example the entire Criminal Code), the annex may only contain the relevant provision from the legislation (for example an excerpt from the law relating to the prohibition of torture).

3.4 Format of Report¹⁰

The information which a State party considers relevant for illustrating the implementation of a treaty should be presented in a concise and structured manner.

3.4.1 Word Limit

State parties should abide by the word limits established by General Assembly Resolution 68/268 for all State party documentation submitted to the Human Rights Treaty Body System, in accordance with which common core documents should not exceed 42,400 words, initial treaty-specific reports should not exceed 31,800 words, and treaty-specific periodic reports should be limited to 21,200 words. This applies to reports submitted under either the Standard or Simplified Reporting Procedure. Reports exceeding the word limit are returned for redrafting. Reports should be comprehensible and accurate. They should contain a full explanation of all abbreviations used in the text, especially when referring to national institutions, organizations, laws and so on. Reports must be submitted in one of the official languages of the United Nations (Arabic, Chinese, English, French, Russian or Spanish). Reports submitted by States whose official language is not one of the official languages of the United Nations may be edited by the Secretariat before being sent for translation into the official working languages of the respective Committee.

3.4.2 Format

The pages should be formatted for A4-size paper, single spaced. Paragraphs should be numbered, and the text set out in 10-point Times New Roman type.

3.4.3 Submission

State parties should submit their reports in electronic format by email to registry@ohchr.org in Word format (not PDF format). No hard copies should be sent. All documents submitted should be accompanied by a *note verbale*.¹¹

3.5 Stages of the reporting Cycle

For a State to report meaningfully to the Treaty Bodies, each stage of the reporting cycle requires that it has certain capacities. General knowledge of the different stages and working methods of the Treaty Body system forms part of the State's engagement capacity (and such detailed knowledge is often only required of a few specialized colleagues in Government, in Pakistan's case, Ministry of Human Rights and the Ministry of Foreign Affairs, whereas general knowledge of the treaties' obligations and corresponding reporting is to a certain degree also required of personnel at focal points in all implementing ministries and institutions). Preparing the report, the constructive dialogue

¹⁰ Ibid

¹¹ a diplomatic note that is more formal than an aide-mémoire and less formal than a note, is drafted in the third person, and is never signed

with the Treaty Body and the follow-up to the concluding observations requires that the State has the capacity to coordinate with relevant Ministries, the national statistics office, parliament and the judiciary but also to consult with NHRI and civil society. All Government work is best underpinned by a capacity to manage all information relating to treaty reporting. Therefore, State parties should take the opportunity of further developing these capacities, notwithstanding the type of mechanism for reporting and follow-up functioning in the country.

3.6 Process adopted by Pakistan

Concluding observation / recommendation on each Report are thoroughly reviewed and examined. Thereafter, matrix comprising on detailed questionnaire and the identification of stakeholders (Ministries / Divisions / Departments at the Federal and Provincial level) is developed and shared with the Institutions for seeking information and data on pertinent questions. In some cases, consultative meetings are also arranged at the Federal and Provincial level for detailed briefing and to obtained input accordingly. Thereafter, draft reports are shared with MoFA for seeking their views/comments in coordination with Pakistan's Mission Abroad (particularly Geneva and New York). After seeking views / comments the Reports are further revised and submitted.

3.7 Preparation and submission of the Report

In order to meaningfully fulfil their legal reporting obligation, State parties should make the process of preparing a report as efficient and effective as possible. To help achieve this objective, a table is provided below which lists seven practical steps (further detailed in this chapter), the aim of which is to suggest a methodology to facilitate the work of State parties in preparing their reports. The table also indicates how this first stage of the reporting cycle relates to the key capacities of NMRF.

Table 13: Steps in preparation of State Reports

Steps in preparing a State party report	Relating Institutional Capacity
Planning and organizing	Engagement and coordination capacities
Identifying key issues	Engagement and coordination capacities
Gathering information and collecting data	Coordination and information management capacities
Analysing data and drafting the report	Engagement and coordination and Information management capacities
Coordinating with and consulting relevant stakeholders	Coordination and consultation capacities
Finalizing and endorsing the report	Coordination capacity
Submission of the report	Engagement capacity

3.7.1 Planning and Organising

State parties should keep a compilation of the instruments the country has ratified or acceded to (or plans to in the near future), including information on reporting cycles, the dates when individual reports are due, and the dates when the reports have been submitted in the past. State parties should regularly review which reports are to be prepared and develop a workplan with set deadlines and broadly assigned responsibilities.

Ideally the planning is undertaken by an NMRF, as the governmental entity responsible for coordinating the preparation of the report. Otherwise the lead responsibility should be clearly assigned to a Ministry. The reporting process requires the involvement and commitment of all relevant governmental officials from top leadership to working-level staff. It is particularly important to attract the interest of and support from the political leadership to ensure a common approach to the report and to also send a strong message to all relevant line ministries and public agencies that they must cooperate in the process of preparing the report and implementing the recommendations emanating from its review. This will help the reporting team fulfil its task effectively.

In Pakistan, a Committee has been formed which ensures timely collection of treaty specific data for periodic reports. The committee, headed by the Ministry of Human Rights, also includes provincial human rights departments and departments with a human rights mandate.¹²

Preparation of a report is a labour-intensive process which requires an investment mainly in terms of human resources. An effective reporting process usually lasts between six and a maximum of twelve months. To maximize the available resources, States are encouraged to plan their national reporting process carefully.

It is suggested that a workplan specific to the preparation of each report be developed, giving clear timelines (for collecting data, drafting, meetings, etc.), assigning responsibilities to the different actors involved in the reporting process (e.g., focal points within ministries for information-sharing purposes); and presenting cost estimates, including for participation in the constructive dialogue. The timelines should also factor in any needed capacity-building activity for the officials directly involved in preparing the State party report. Capacity-building activities should ideally be conducted before preparation of the report begins.

It can be useful to create a small drafting group responsible for drafting the respective State party report under the coordination of the NMRF or a high-level official from the respective lead Ministry, composed of focal points from key ministries and other relevant governmental entities. In the composition of the drafting group due consideration should be given to gender balance. The drafting group could also include subject-matter experts. Their participation may increase the substantive quality of the report and enhance the

¹² HeP: Needs Assessment: MoHR, November 2020

understanding of government officials with respect to the impact of international human rights law on their respective areas of work and thereafter facilitate implementation of recommendations in their areas of work. Moreover, the mandate and authority of the drafting group to collect the data and information necessary to accomplish its task should be clearly stated, so as to ensure a smooth flow of information.

In conclusion, notwithstanding the type of reporting mechanism chosen by a State party, a clear political and administrative commitment to human rights reporting along with a common approach to the report, proper coordination, and clear timelines and assignment of tasks, are essential elements in the preparation of a State party report.

3.7.2 Identifying key issues

With the word limit established by the General Assembly on State parties' reports to the Treaty Bodies, it is essential to conduct an exercise aimed at identifying the most relevant issues relating to implementation of the treaty on which a State party should report to a Treaty Body (i.e., issues of particular importance to that State party). To be able to identify these issues as well as all relevant sources of information needed for drafting a report to a Treaty Body, members of the drafting group should be thoroughly acquainted with the rights enshrined in the relevant treaty and with its reporting guidelines; with general comments from the specific Treaty Body; and, where applicable, with the decisions on individual communications addressed to the State party. The drafting group should also be familiar with sources at national level which could be useful in identifying the most important issues to be included in the report (e.g., relevant reports from government institutions and agencies as well as from monitoring mechanisms; statistics and data, inter alia from intergovernmental organizations on the situation in the country on a certain issue; official statements; and reports from NHRI, CSOs, media, academia, etc.).

In the case of periodic reports, the last concluding observations issued to the State party should in principle be the starting point for identifying the issues to be included in the report; as one reporting cycle builds on the preceding cycle, Treaty Bodies will be enquiring on progress and challenges faced by the State party in implementing earlier recommendations. However, this does not mean that the State party should not report on additional issues it has identified as relevant to implementation of the relevant treaty.

A review of concluding observations issued by the relevant Treaty Body from various preceding reporting cycles, if applicable, may be also relevant in the identification of relevant issues for inclusion in the report, as they would indicate which human rights issues have been consistently addressed by the Treaty Body. If those issues have remained a concern, relevant information updating the actions taken to address them should be included in the report.

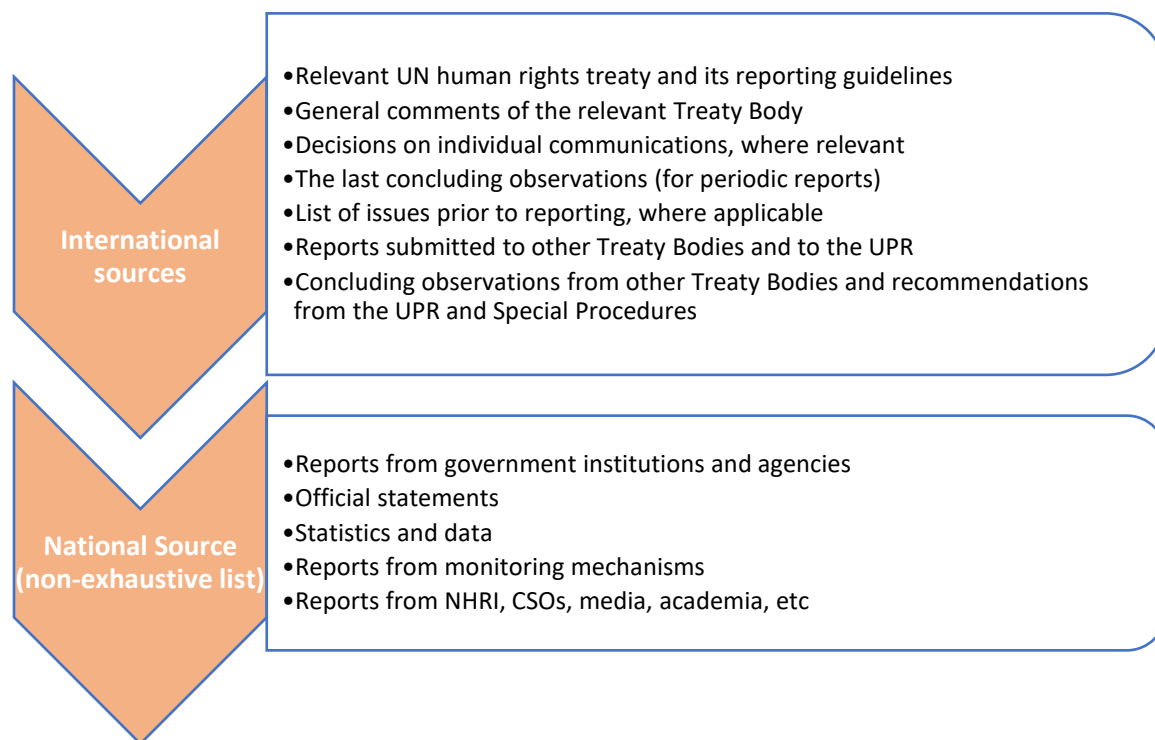
It should be noted that in the case of reports submitted under the Simplified Reporting Procedure, the List of Issues Prior to Reporting already indicates the issues which should be further elaborated in the report; this however does not preclude the State party from reporting on any other issues it considers relevant (e.g., new developments, pressing issues, etc.).

Other international sources which the drafting group may find useful include concluding observations from other Treaty Bodies, as they may have raised concerns and addressed recommendations on the same issue but from a different angle as well as recommendations from the UPR and Special Procedures. This is so because concerns and recommendations on the same issues are often reaffirmed and reinforced by all human rights mechanisms.

In this context it can happen that in implementing a recommendation from one human rights mechanism, recommendations from other human rights mechanisms may also have been implemented, or a State party may have already reported on those recommendations to a human rights mechanism. Therefore, the preparation of a report to a Treaty Body (or other mechanism such as to the UPR) should not remain an isolated exercise. The drafting group must have the full picture of international human rights treaties ratified by the State party as well as of the recommendations addressed to it by the United Nations human rights mechanisms. The information identified and gathered for a particular report may be useful for reporting to one or more of the Treaty Bodies or to the next UPR cycle.

Table 14: Sources for identifying relevant issues ¹³

¹³ Reporting To The UN Human Rights Treaty Bodies - Training Guide," 2017.
<https://www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx>



3.7.3 Gathering information and collection of data

It is suggested that before starting collection of information and data, the drafting group elaborates the afore-mentioned list of relevant issues on which the report is going to focus. Based on this list, the drafting group can conduct a mapping of the information needed to draft the report, that is, which legislation, policies and programmes already in place contribute to implementation of the specific treaty in the territory of the State party, particularly those issues on which the report will further elaborate. The drafting group must know who has such information and in which form. It may therefore also wish to list all important sources of information, including relevant governmental and administrative agencies and any organization and individual resource person outside the government who might have the information needed to prepare a specific report. Then a matching between the mapping of the information needed and the sources of information should be undertaken. Identification of the issues, along with the result of this matching exercise, will serve as the basis for developing an outline of the report so that the drafting group can start gathering the information needed to draft the report.

The drafting group should be able to access information and data from reports prepared by ministries, governmental institutions and agencies, and intergovernmental bodies. The last-mentioned are suggested since these bodies, for example the United Nations specialized agencies, often prepare reports on a variety of issues that should be evaluated for their relevance in human rights reporting. These documents, reports, surveys and statistical tables are usually based on information and data collected directly from the governments, so they can be a very important source of information in the preparation of reports for UN human rights Treaty Bodies.

Any information management system should also include tracking of the implementation of the large number of recommendations and decisions from the three main UN human rights mechanisms and regional human rights mechanisms, which can save time and resources in the future preparation of treaty reports. This can be done through developing and maintaining an implementation plan in basic Word or Excel formats, thematically clustering recommendations and decisions, identifying the agencies or departments responsible for implementation, assigning responsibilities as well as timeframes and indicators for implementation, and keeping track of implementation. Such an implementation plan can additionally be oriented to achieving the Sustainable Development Goals (of the 2030 Agenda for Sustainable Development) so as to facilitate reporting in that context to national, regional and global review mechanisms, including the High-Level Political Forum.

An implementation plan can also be established through using specific databases or online platforms. When publicly accessible, such tools greatly improve public accountability and transparency.

Table 15: Documentation & Data Management System¹⁴

A documentation and data management system or centre <i>may include the following types of information</i>
The international and regional human rights instruments to which the State is a party
Previous reports to international and regional human rights mechanisms
Laws, policies and programmes relevant to international and regional human rights instruments
Relevant reports for the State party produced by the international, regional and national organizations, including the UN and academic and research institutions
Relevant reports from other stakeholders (CSOs, NHRIs)
Relevant statistical data and information
An implementation plan tracking implementation of recommendations from all human rights mechanisms including in the context of achieving the Sustainable Development Goals (of the 2030 Agenda for Sustainable Development).

¹⁴ Reporting To The UN Human Rights Treaty Bodies - Training Guide," 2017.
<https://www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx>

3.7.4 Analysing data and drafting report

Once the necessary information for a given report has been gathered, the drafting group will begin analysing the information and writing the report. First the drafters should review laws, policies and practice to examine the extent to which they address the issues which are the subject of the report in compliance with the treaty provisions. This should go beyond merely listing the legislation, policies and programmes that the State party has adopted; the report should provide information on the impact of such measures.

This means that a comprehensive review of the measures in place to implement the provisions of the relevant human rights treaty (e.g., harmonization of legislation; policies and programmes aimed for example at reducing maternal mortality or improving the conditions of detainees; availability of effective remedies for victims of human rights violations; etc.) should be undertaken with the aim of identifying achievements but also challenges and gaps in implementation. In the case of periodic reports, drafters should ensure that they analyse the measures undertaken by the State party to implement previous concluding observations. In so doing, the drafting group should look up additional data, including studies, surveys and statistics, and analyse them in such a way as to back up the legal and policy analysis with facts and figures that reflect the current situation with respect to implementation of the human rights stipulated in a treaty. The data collected should not simply be reproduced but be analysed with reference to the provisions of the treaty in order to identify the extent to which they are being implemented and also reveal the challenges.

When analysing the legislation, policies and programmes with a view to assessing the level and extent of implementation of a treaty and previous concluding observations, drafters should also pay careful attention to the various gender-related impacts of such measures as well as their impact on different groups such as persons with disabilities, minorities and refugees. It is essential that statistics and data are disaggregated by various categories such as sex, age, ethnicity, migration, displacement status, disability, religion, civil status, income, sexual orientation and gender identity. If the measures taken by the State party have any significantly different impact on the various groups, the report should provide information explaining the reasons for such differences and provide details on any measures taken to address them.

Recommendations from Treaty Bodies, Special Rapporteurs and the Universal Periodic Review mechanism have referred to the guidance published by OHCHR on human rights indicators and data. This guidance helps national stakeholders develop and use relevant indicators to inform and measure implementation of recommendations and facilitate the integration of human rights norms and principles, such as participation, data disaggregation, privacy, self-identification, transparency and accountability, into data collection and analysis.

3.7.5 Coordinating with and consulting relevant stakeholders

The draft report should be circulated to the relevant government entities to ensure that it coherently reflects their position. The individual components of the report should be discussed as widely as possible among the relevant government agencies, and especially among the officials in charge of specific sectors, to ensure the completeness and correctness of the final report.

The Government can establish a standing procedure for interaction with parliament, including informing parliament on the reporting and review process, submission of draft reports for comments, and forwarding of recommendations following review of the report by a Treaty Body.

The State party should also consider ways of circulation the draft to stakeholders outside the State bodies. In many cases States hold a public consultation on the draft report and invite relevant stakeholders – including national human rights institutions, civil society organizations and other stakeholders – to give their feedback on a draft report. Although such a process entails an investment in time, it will contribute to raising awareness among the general public regarding the State’s obligations under the international human rights treaties and in the light of the human rights situation in the country. It can also contribute to making the preparation process transparent and participatory.

Information technology could be used to reach out to a wider public. Some States post their draft report on the Internet for a fixed period of time and invite all relevant stakeholders, including governmental agencies, NHRIs, civil society and the general public, to comment on the draft. Later they also post a compilation of comments made by the public and a revised draft on the webpage to demonstrate how the comments have been considered and incorporated into the final report.

3.7.6 Finalising and endorsing the report

Following the internal coordination and consultation process with other stakeholders, the drafting group should revise the draft report based on the comments and feedback received and submit it to the Cabinet or other relevant authority (e.g., parliament) for final endorsement.

3.7.7 Submitting the Report

Once the report is endorsed by the relevant authority in the State party, it should be submitted immediately to the Secretariat of the Treaty Body concerned. The report should be submitted in electronic form, and in a Word, not PDF, version.

When the Secretariat receives a report from a State party, it confirms receipt of the report by e-mail. The report is registered, assigned the UN document symbol, and posted on the OHCHR website.

Once the report is submitted to the Secretariat, the State party should follow-up with the Secretariat on the date of review of the report in order to prepare for its review by the Treaty Body. The Treaty Bodies determine when the report is going to be considered, which usually follows the order of their submission. Once the date for consideration of a State party report has been set, an invitation is sent to the relevant authorities at least six months in advance of the proposed date. The Secretariat sends the invitation through the Permanent Mission of the State party to the United Nations in Geneva. If the State party does not have a permanent representation in Geneva, the invitation is sent through its Permanent Mission in New York.

The session during which the constructive dialogue is to be held may only be altered in exceptional circumstances, as determined by each Treaty Body. State parties' reports under the Simplified Reporting Procedures (SRP) and initial reports are normally scheduled within a year following submission. Scheduling of State parties' reports submitted under the Standard Reporting Procedures varies from one Treaty Body to another, depending on the backlog of reports to be reviewed by the Treaty Body.

3.8 Consideration of the Report

As mentioned earlier, the State party report may be submitted under the Standard Reporting Procedure or the Simplified Reporting Procedure and, depending on the procedure selected, the reporting cycle may comprise six or seven stages. The Simplified Reporting Procedure is generally offered to State parties for their periodic reports.

The following sub-sections discuss the process of consideration of a State party report under both procedures (whenever information refers only to one of these procedures, it is clearly indicated in the text). Therefore, the following stages of the reporting cycle are explained in detail: adoption of List of Issues; replies to the List of Issues; constructive dialogue; and the concluding observations. The participation of the State party is not required at all these stages, but those stages which do require State party action need to be based on the key capacities of the government.

3.9 Adoption of the list of issues

3.9.1 Preliminary review of the report – Standard Reporting Procedure

Once a report is submitted, the Treaty Body holds a preliminary review of the report with a view to determining any additional information it may need to request from the State party. This internal discussion is often held during a so-called pre-session or country task force meeting. Such a meeting usually takes place several months ahead of the review, one or two sessions ahead of the session at which the Treaty Body formally considers the State party's

report. Treaty Bodies appoint one or two country rapporteurs or a country task force, which are responsible for drafting the List of Issues on any given State party's report.

The Treaty Body considers information included in the State party report, along with reports from other sources, and adopts a List of Issues or a List of Themes. The purpose of this list is to indicate to the State party any additional required information that may have been omitted from the report, that may be out-dated, or that members consider necessary for an assessment of the state of implementation of the treaty in the country concerned. The List of Issues provides the State party with advance notice of issues of concern to the Treaty Body, so that the delegation can be duly prepared. Most Treaty Bodies structure their constructive dialogue around the List of Issues or themes.

It has become common practice for the UN system, national human rights institutions (NHRIs) and civil society organizations (CSOs) to submit written information to the committee or brief a country rapporteur, country task force or the entire committee on the issues of particular concern to them, once a List of Issues is discussed and adopted.

The State party is requested to respond to the List of Issues within a timeframe of several weeks. The deadline is usually indicated in the list. All Treaty Bodies except the CERD require State parties to submit their replies in writing. CERD submits its list of themes just prior to the session so as to inform the structure of the dialogue.

Once the Treaty Body adopts a List of Issues, the Secretariat of the respective committee sends the list to the Permanent Mission of the State party to the United Nations in Geneva or New York (if the State party does not have its Permanent Mission in Geneva) so that it can be transmitted to the State party's capital.

3.9.2 List of Issues prior to reporting – Simplified reporting procedure

In the case of the Simplified Reporting Procedure, the first step is a preparation of a List of Issues Prior to Reporting (LoIPR) by the Treaty Body. The preparation of a LoIPR is based on the previous concluding observations and on information provided to the Treaty Body by other sources such as the UN system, NHRIs and CSOs. These documents are included in the "country file" posted on the OHCHR website. The process of elaboration and adoption of LoIPR is similar to adoption of the LoI

3.9.3 Written replies to the list of issues

Under the Standard Reporting Procedure, the State party has the opportunity of supplementing and clarifying the information contained in the report in their replies to the List of Issues. In preparing its replies to LoIs, the State party should provide the Treaty Body with specific and fully updated information and data relating to the issues in question, including with statistics if available.

Written replies are considered official documents and are posted on the website of the relevant Treaty Body. The word limit for written replies under the Standard Reporting Procedure, recommended overall for all Treaty Bodies, should not exceed 10,700 words. State parties should follow the same format used for a regular report.

In the case of the Simplified Reporting Procedure, the State party's written replies to the List of Issues Prior to Reporting constitute the State party report. The format and submission of reports under the Standard Reporting Procedure are also applicable to reports under the SRP, including word limits of 31,800 words for initial reports and 21,200 for periodic reports

3.10 Constructive Dialogue

The actual review of a State party's report by a Treaty Body is conducted through a six-hour constructive dialogue between members of the concerned Treaty Body and a State party delegation. In addition to the written reports received, the dialogue helps Treaty Bodies understand and review the human rights situation in the State party as it pertains to the treaty concerned. It serves as a basis for the concluding observations of the Treaty Bodies. The constructive dialogue provides an opportunity for State parties to receive expert advice on compliance with their international human rights commitments.

3.10.1 The State Party's Delegation

State parties are encouraged to have their delegations led by a senior State official with responsibility for implementation of the respective treaty, and also to include in their delegations, as far as possible, representatives with relevant technical expertise from key executive and other authorities responsible for implementation of the treaty concerned, with due regard to expertise. The delegation should have a gender balance in its composition. The State party may also wish to consider including in its delegation representatives of other relevant institutions or entities.

3.10.2 Country rapporteurs and country task forces of Treaty Bodies

Treaty Bodies may appoint members to serve as country rapporteurs, who may act as focal points for introducing and coordinating the constructive dialogue with the State party delegation. Treaty Bodies may also decide to mandate a broader group of members (usually called a "Country Task Force") to act in this capacity. Country rapporteurs (or their equivalent within groups established for this purpose) will usually exercise primary responsibility for the preparation of the constructive dialogue with a State party. This includes prior consultation and coordination on any priority areas or issues to be considered, with a view to encouraging members of the Committee to avoid both repetition and gaps during the dialogue. Supplementary questions may be posed by any Treaty Body member, as necessary.

Before the constructive dialogue between the State party's delegation and the members of the Treaty Body takes place, it is nowadays common practice for the UN system, national

human rights institutions (NHRIs) and civil society organizations (CSOs) to submit written information to the committees and brief a country rapporteur, a country task force or the entire committee on issues of particular concern to them.

3.10.3 Format of the constructive dialogue

The constructive dialogue with State parties is conducted in public, usually in two sessions of up to three hours and will usually take place over two consecutive working days. An additional session of up to a further three hours may be held exceptionally when the Committee considers it appropriate and feasible. Observers, such as representatives of the United Nations System, national human rights institutions and of civil society organizations, may attend the constructive dialogue.

The common procedure for the dialogue is as follow:

1. introduction of the State delegation by the head of the delegation.
2. opening statement by the head of delegation (10-30 minutes).
3. constructive dialogue between the Committee and the Delegation.
4. closing remarks by the head of delegation (up to 10 minutes).

To facilitate more informed discussions and wider participation of the State party in the dialogue, the Office of the UN High Commissioner for Human Rights provides, with the assistance of the United Nations country team and at the request of the State party, an opportunity for part of its official delegation to participate in the constructive dialogue via video-conference (VTC) from the capital of the country. State parties should contact the Secretariat of the Treaty Body concerned if they wish to avail themselves of this opportunity, which may or may not be granted by the Treaty Body.³⁶ As a very exceptional measure, in 2013 some constructive dialogues were entirely held by videoconference (for example by the CRC with Pacific Island States)³⁷. The dialogue took a half-day and interpretation was provided.

3.10.4 Guidance for State Parties

To assist State parties in their preparation for the face-to-face dialogue between their representatives and a Treaty Body, the Treaty Bodies have adopted a Guidance note for State parties on the constructive dialogue with the human rights bodies, available at: <https://goo.gl/efnuPi>. Additionally, the Secretariats of the Treaty Bodies conduct technical briefings for the respective Permanent Missions in Geneva prior to each Treaty Body session to provide any further information that may be required by State parties prior to the constructive dialogue.

3.10.5 Concluding Observations

Based on its dialogue with the State party and on information it has received from the State party and other sources – which assists it in conducting a well-informed country review – the Treaty Body adopts concluding observations which relate both to positive aspects of a

State party's implementation of a treaty and also to areas of concern on which the Treaty Body makes recommendations on further action to be taken by the State party.

As part of the efforts to harmonize their working methods, the Chairpersons of the Treaty Bodies endorsed, at their 26th meeting, a Framework for Concluding Observations (available at [https:// goo.gl/efnuPi](https://goo.gl/efnuPi)). The aim of the framework is to encourage Treaty Bodies to adopt short, focused and concrete concluding observations which are implementable. However, when using the framework, each Treaty Body has the flexibility to adapt it so as to reflect and respect the specific nature of each treaty and committee.

The drafting process for the concluding observations is usually coordinated by the country rapporteur(s) or country task force. This process entails inter alia collection of comments and suggestions from members of the Treaty Body before the draft is discussed and adopted in a formal session. Once the concluding observations are adopted, the Treaty Body may, at its discretion, share a courtesy advance copy of the concluding observations to allow the State party to submit factual (not substantive) amendments for consideration by the Treaty Body prior to publication of the concluding observations. The Treaty Bodies publish the concluding observations, as an unedited version, on their respective webpages on the last day of each session or the next working day thereafter. On completion of the translations the concluding observations are available in all six UN official languages.

4 FOLLOW UP AND IMPLEMENTATION

This section discusses the last stage of the reporting cycle, namely follow-up and implementation of concluding observations (recommendations), which requires active engagement by the State party. State party action taken at this stage can be related mainly to the information management capacity of a NMRF.

4.1 Treaty Bodies Follow up procedure

Six Treaty Bodies (HRCtee, CESC, CERD, CAT, CEDAW, and CRPD) have adopted a follow-up procedure under which they identify between one and three recommendations from the concluding observations which require immediate attention and implementation; and, in consequence, request State parties to submit, within one or two years, an interim follow-up report on the measures taken to implement those priority recommendations. The procedure is a desk review which provides the opportunity for continuation of the State party's engagement with the Treaty Body. Ideally the national mechanism for reporting and follow-up (NMRF) should be the governmental structure responsible for preparing follow-up reports. Treaty Bodies also welcome written information from the United Nations System, NHRIs and CSOs in this procedure.

Usually a member of the relevant Committee is appointed as the responsible Rapporteur for the follow-up procedure. For example, the Human Rights Committee appoints a special

rappporteur for follow-up to concluding observations, who takes the lead in producing a follow-up progress report at each session. This report includes a summary of the State party's follow-up report and information from NHRIs and CSOs and other sources, along with the Committee's assessment of the extent of implementation. If further information is required, the Committee may request the State party to include it in its next periodic report. As regards State parties that have not supplied their follow-up reports, the Rapporteur will send reminders requesting the outstanding information.

4.2 State party follow up and implementation

The first step of a State party towards implementation of the concluding observations is to make those observations widely known to the Government entities, parliament, judiciary, civil society, the media and the public by translating, if necessary, the concluding observations into their national or local language(s) and disseminating them, including through posting them on the relevant websites.

NHRIs and CSOs can help in the wide dissemination of the concluding observations through their awareness-raising and human rights education activities. It is essential to make the public aware of the concluding observations and help them understand how the concluding observations may affect the legislation, policies and practice relevant to their day-to-day life.

The concluding observations should be circulated to all relevant ministries and State institutions, including local governments, the judiciary and the parliament with a view to identifying recommendations relevant to their respective mandate and developing a plan for implementing the identified recommendations. As previously mentioned, many State parties designate a lead ministry or establish a national mechanism for reporting and follow-up, an NMRF, to take the lead in developing an overall implementation plan which includes clustered recommendations received from different human rights mechanisms, assigning responsibilities for their implementation with timelines, and tracking implementation of the recommendations by relevant Governmental ministries and State.

In some countries a national human rights action plan (NHRAP) could be a useful tool for facilitating the implementation process in a holistic, transparent and responsible manner. Such a NHRAP would require regular updating as new concluding observations from Treaty Bodies and recommendations from other human rights mechanisms are received.

The parliament should oversee and contribute to full and meaningful implementation of the concluding observations through its activities, including legislation, adoption of the budget, and oversight of the executive branch. In particular, parliament can regularly monitor the progress made in implementation of the concluding observations by making the executive branch accountable for reporting back to parliament on progress in this regard.

4.3 Test Your Knowledge



- 1) What are the two types of Human Rights Treaty Body Reporting procedures?
- 2) What is the basic reporting cycle procedure?
- 3) The State is required to report back regularly on measures taken to implement the recommendations and on new measures aimed at realizing the rights set forth in the treaty.
 - a) True
 - b) False
- 4) What is the State party required to do under the Simplified Reporting Procedure:
 - a) Submit a full report
 - b) Respond to a List of Issues that contains treaty specific questions
 - c) A & B
 - d) None of the above
- 5) Reports under ICERD are periodically submitted in:
 - a) 2 years but *de facto* periodicity 4 years
 - b) 3 years but *de facto* periodicity 6 years
 - c) 4 years but *de facto* periodicity 8 years
 - d) 6 years but *de facto* periodicity 12 years
- 6) Reports under ICCPR are periodically submitted in:
 - a) 2-4 years
 - b) 4-6 years
 - c) 3-6 years
 - d) Every year
- 7) Late or non-submission of a report by a State party, can result in:
 - a) State party's next periodic report becoming due in the same year and/or consequent accumulation of overdue reports
 - b) State's being reprimanded by Committee members
 - c) Penalty in the form of damages
 - d) None of the above
- 8) The Common Core Document provides information of a general factual nature relating to the implementation of all treaties to which the reporting State is a party and which may be of relevance to all or several Treaty Bodies:
 - a) True
 - b) False
- 9) List the steps required for preparing a State Report.

5 BENEFITS OF TREATY BODY REPORTING

This Chapter explains how the State parties can benefit from reporting to the Treaty Bodies. It discusses how reporting can help State parties evaluate compliance with international human rights treaties, through self-assessment, promotion of national dialogue and acquisition of access to international expert advice and experience from other countries.

Reporting to the Treaty Bodies is not a one-off event or simply an administrative duty that has to be done merely to fulfil an international obligation under the treaty. It is rather a fundamental part of the whole human rights treaty implementation process and of the engagement of a State with the Treaty Bodies.

Keeping in mind that the ultimate goal of reporting is to improve the situation of right-holders at national level, State parties can greatly benefit from it as the whole reporting process, from preparing the national report to the constructive dialogue with the Treaty Bodies and follow-up of recommendations, enables them to conduct a self-assessment of their compliance with their human rights treaties obligations, promotes national dialogue, and allows States to benefit from international expert advice and experience from other countries.

5.1 *Self-assessment of compliance with a treaty*

The national process of preparing a treaty report allows States to take stock of and critically assess their own human rights situation, thus offering State parties an occasion for:

- conducting a comprehensive review of the measures it has taken to harmonize national laws, policies, programmes and practices with the provisions of a relevant international human rights treaty.
- monitoring progress made in promoting the enjoyment of the rights set forth in the treaties in the context of the promotion of human rights norms in general, including through human rights-based data collection and analysis.
- identifying problems and gaps as well as achievements in implementation.
- planning, drafting and adopting appropriate laws, policies and programmes to increase compliance with the treaties.

The State party report is the main document in the reporting process, and it should provide focused information and analysis of the status of implementation of human rights under the respective treaty, including shortcomings and challenges in that regard.

5.2 *Stimulation of National Dialogue and buy-in*

Reporting to the Treaty Bodies also offers a unique opportunity to State parties for better

coordination within the Government as well as for consultation, dialogue and partnerships with NHRIs and civil society in order to conduct an assessment of legislation, policies and practices. Any such dialogue should be conducted in a constructive spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all concerned of the rights protected by the relevant treaty.

A participatory and consultative reporting process raises public awareness of the human rights enshrined in the treaty; informs the public of the measures the State party has undertaken to comply with the treaty; calls for partnerships to enhance treaty implementation; and solicits buy-in, ideas, suggestions and expert advice from all relevant stakeholders (including within Government) to better implement the treaty. Most of all, through participation in the national reporting process, relevant Ministries and institutions, along with independent stakeholders, take ownership of the treaty reporting process which will lead them to engage actively and constructively in implementation of the treaty's provisions and with the Treaty Bodies' concluding observations.

5.3 International expert advice and experience from other countries

At international level, reporting to the Treaty Bodies represents the basis of constructive dialogue between the State parties and the Treaty Bodies. The exchange of views held between the Treaty Bodies and State parties during the dialogue allows the former to play a supportive role in fostering and enabling effective national implementation of international human rights obligations. This interaction improves understanding of the obligations stemming from the respective treaty and also provides State parties with an opportunity for finding solutions to human rights treaty implementation challenges. In this context the Treaty Body is an adviser which renders its expertise, experience and technical advice to the State party through the constructive dialogue and recommendations provided in the concluding observations. Additionally, through the publication of national reports and related recommendations from the Treaty Bodies, State parties can also profit from the experience and lessons learned in respect of human rights treaty implementation in other countries.

5.4 Test Your Knowledge



1) State reporting can help State parties evaluate compliance with international human rights treaties, through self-assessment, promotion of national dialogue and acquisition of access to international expert advice and experience from other countries

- a) True
- b) False

2) A participatory and consultative reporting process raises:

- a) public awareness of the human rights enshrined in the treaty
- b) informs the public of the measures the State party has undertaken to comply with the treaty
- c) calls for partnerships to enhance treaty implementation; and solicits buy-in, ideas, suggestions and expert advice from all relevant stakeholders
- d) All of the above

3) At international level, reporting to the Treaty Bodies does not represent the basis of constructive dialogue between the State parties and the Treaty Bodies

- a) True
- b) False

4) Through publication of National Reports and related recommendations, states can:

- a) Learn nothing
- b) How not to submit reports under various treaties
- c) Learn lessons with respect to human rights treaty implementation
- d) None of the above

6 TREATY BODY REPORTING PROCESS IN PAKISTAN

6.1 ICCPR

Pakistan submitted its first report under Article 40 of the ICCPR in October 2015. The report detailed the state's commitment to upholding rights enshrined under the covenant by providing an overview of the existing constitutional, legal and Policy framework along with institutional mechanisms and the implementation of specific provisions under the covenant.¹⁵

The report detailed that since the 18th Constitutional Amendment which decentralized specific legislative and implementation functions to the provinces, the overall supervision and monitoring of Human Rights implementation has been retained by the Federal Government as state responsibility. Even prior to the Devolution, matters covered by ICCPR fell partially within the domain of executive and legislative jurisdiction of the provincial governments and the respective provincial assemblies. This required the provincial governments' active involvement in systematically collecting and maintaining relevant data and information for the compilation of this report.

In compliance with the Convention's Reporting Guidelines, a series of extensive provincial and national consultations were conducted with a range of relevant stakeholders including the respective government departments, the civil society and academia, and further information was gathered that has also been included in this report after due scrutiny and analysis of the information received. Written responses to questionnaires developed in line with the Articles of the Covenant were sought and received from all concerned quarters by the Reporting Unit of the Ministry of Human Rights that have also been included in this Report and shared during the consultations.

The report also made specific mention to the creation of Treaty Implementation Cells at the provincial level, that are coordinated and monitored by the National Treaty Implementation Cell at the Federal Government level which is mandated to monitor and ensure treaty implementation, coordinate information, and undertake data collection for the country reports. The measure was taken for making the reporting mechanism prompt and more effective.

The state was also given a list of issues which is provided detailed answers to. Further, multiple organisations and NGOs also submitted shadow reports which detailed the state of human rights in the state-based data gathered and analysed through various reports.

¹⁵ UN Human Rights Committee (HRC), *Consideration of reports submitted by States parties under article 40 of the Covenant, Initial reports of States parties due in 2011 : Pakistan*, 24 November 2015, CCPR/C/PAK/1

The Human Rights Committee issued its concluding observation and recommendations to the state based on its report and shadow reports. Largely, it was advised that the State party should widely disseminate the Covenant, its initial report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and NGOs operating in the country, and the general public. It also recommends that the State should ensure that the report and the present concluding observations are translated into the official language of the State party.

The Committee, while acknowledging the positive aspect of the report, issued 43 recommendations for the state to further work on. The Committee also requested the State to submit its next periodic report by 28 July 2020 and to include in that report information on the implementation of the recommendations made in the concluding observations. The Committee also requested the State, in preparing the report, to broadly consult civil society and NGOs operating in the country, as well as minority and marginalized groups. Alternatively, the Committee invited the State party to agree, within one year of the adoption of the present concluding observations, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its periodic report. The State party's replies to that list will constitute its next periodic report to be submitted under article 40 of the Covenant.

6.2 CAT

Pakistan submitted its first report under Article 19 of CAT in January 2016. The report detailed the state's commitment to upholding rights enshrined under the covenant by providing an overview of the existing constitutional, legal framework along with constraints and challenges and the implementation of specific provisions under the covenant.¹⁶

The report had been prepared in close coordination with relevant line ministries and departments of the Government at the national and provincial levels. A number of key stakeholders, relevant Non-Governmental Organizations (NGOs)/Civil Society Organizations (CSOs), individual experts, and academia were consulted, and their contribution was sought through an inclusive and participatory approach.

In compliance with the Convention's Reporting Guidelines, a series of extensive provincial and national consultations were conducted with a broad range of relevant stakeholders including the respective government departments, civil society, experts and academia. Detailed questionnaires were developed and circulated by the Reporting Unit of the Ministry of Human Rights with the view to seek required information from all relevant quarters within the government departments and organisations. The received responses to the

¹⁶ UN Committee Against Torture (CAT), *Consideration of reports submitted by State parties under article 19 of the Covenant, Initial reports of States parties due in 2011: Pakistan*, 11 February 2015, CAT/C/PAK/1

questionnaire were consolidated and shared with the stakeholders during consultations. Subsequently, the information gathered during consultations and the feedback of the participants has been duly reflected in the Report.

The report also made specific mention to the creation of Treaty Implementation Cells at the provincial level, that are coordinated and monitored by the National Treaty Implementation Cell at the Federal Government level which is mandated to monitor and ensure treaty implementation, coordinate information, and undertake data collection for the country reports. The measure was taken for making the reporting mechanism prompt and more effective.

The state was also given a list of issues which is provided detailed answers to. Further, multiple organisations and NGOs also submitted shadow reports which detailed the state of human rights in the state-based data gathered and analysed through various reports.

The Committee issued its concluding observation and recommendations to the state based on its report and shadow reports. The Committee, while acknowledging the positive aspect of the report, issued 43 recommendations for the state to further work on.

The Committee recommended that the State should collect and submit statistical data, disaggregated by the age and sex of the victim, that would allow the Committee to more effectively assess the State party's implementation of the Convention at the national level, particularly data on complaints, investigations, prosecutions and convictions related to acts of torture and ill-treatment attributed to law enforcement personnel. Statistical data should also be collected and submitted on physical and sexual violence against girls and women, domestic violence, refugees and enforced disappearances.

The Committee requested the State to provide, by 12 May 2018, information on follow-up to the Committee's recommendations on prosecutions of police officers found guilty of acts of torture, the establishment and operation of effective police oversight bodies and measures to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body. In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations

The state submitted a follow up report on May 2019 addressing the concerns of the Committee.

6.3 ICESCR

Pakistan submitted its first report under Articles 16 & 17 of ICESCR in October 2015. The report contained information and developments from 2008 to 2014 which have been obtained from various stakeholders through detailed consultative meetings and through information made available by the Government. Furthermore, this report has been prepared in coordination with the Ministry of Law, Justice and Human Rights along with the

contributions of various Ministries and Departments both at the Federal and the Provincial levels. The guidelines adopted by the CESCR on 18th November 2008 were followed for the preparation of the report. The report contained information regarding the implementation of Articles 1 to 15 of the Covenant with emphasis on legislative, administrative and policy measures taken by the Government to ensure full realization of rights mentioned in the Covenant as well as the progress achieved.¹⁷

The state was also given a list of issues which is provided detailed answers to. Further, multiple organisations and NGOs also submitted shadow reports which detailed the state of human rights in the state-based data gathered and analysed through various reports.

The Committee issued 90 recommendations and further requested the government to submit a follow up report. Subsequently a follow up report was submitted by the state. Concluding observations and recommendations were provided by the committee which shall be taken up by the state in the next reporting period of ICESCR.

6.4 CEDAW

Pakistan submitted 5 reports under Article 18 of CEDAW. The report was the outcome of an elaborate national consultative process during which many drafts were prepared, modified and refined. The report was discussed at many inter-ministerial and civil society fora. Recognizing the right of Pakistani citizens, the report was displayed on the Ministry's website and comments from public were invited through advertisements in national press on e-mail. A lot of debate was generated which helped in polishing the final version. The report attempts to profile factual status on ground and showcases governmental perspectives on the sixteen operative articles of CEDAW. Finally, the report was placed before the Standing Committee of the National Assembly on Women which endorsed it after due discussion and consideration in a meeting held on 7th February 2005.¹⁸

The state was also given a list of issues which is provided detailed answers to. Further, multiple organisations and NGOs also submitted shadow reports which detailed the state of human rights in the state-based data gathered and analysed through various reports.

The Committee issued 52 recommendations and further requested the government to report on them in the next reporting cycle (4th Report).

4th Report

¹⁷ UN Committee on Economic, Social & Cultural Rights, *Consideration of reports submitted by State parties under articles 16 and 17 of the Covenant, Initial reports of States parties due in 2010: Pakistan*, 4 February 2016, E/C.12/PAK/1

¹⁸ UN Committee on the Elimination of Discrimination Against Women, *Fifth Periodic report submitted by Pakistan under article 18 of the Convention*, 23 October 2018, CEDAW/C/PAK/5

Pakistan submitted its 4th periodic report under Article 18 of CEDAW in September 2011. The fourth periodic report covered the period from January 2005 to 30 April 2009, as the combined initial, second and third report (CEDAW/C/PAK/1-3) covered the period from 1997 to 30 December 2004.

In accordance with the Harmonized Guidelines on Reporting, this report has two sections. Section I addresses the concerns raised by the CEDAW Expert Committee during its deliberations in 2007. It also includes, where available, the impact of laws revised or enacted to eliminate discrimination against women since 2005.

The report provided responses to each article of the Convention, as well as updates on legislation and programs intended to improve the legal and socio-economic situation of women. It also included information on new initiatives undertaken since the combined initial, second and third report was submitted in 2005. Information on the response to the situation of women and girls in the 2005 earthquake was also provided. The report also takes account of the UN Expert Committee's General Recommendations.

The state was also given a list of issues which is provided detailed answers to. Further, multiple organisations and NGOs also submitted shadow reports which detailed the state of human rights in the state-based data gathered and analysed through various reports.

The committee issued 36 recommendations to the state and requested the state to address them in the next reporting cycle. The state submitted a follow-up report on November 2015 addressing a number of recommendations issued in the 4th report.

6.5 CRC

Pakistan has submitted 5 state reports under Article 44 of the Convention. The process adopted for the 5th Report was: after presentation of 4th Periodic Report before UNCEDAW Committee, the Ministry of Human Rights (MOHR) printed and disseminated the report and Concluding Observations amongst all relevant federal and provincial government departments, academia, civil society organizations and mass media for information and necessary action.¹⁹

After 18th Amendment, Provincial CEDAW Committees (PCC) were revitalized/reconstituted to ensure implementation of CEDAW at provincial level according to the priorities and requirements of each particular province.

Similarly, an Inter Provincial Ministerial Group (IPMG) had also been constituted to help the provinces harmonize their gender equality policies and legislations, and to encourage the sharing of best practices.

¹⁹ UN Committee on the Rights of Child, *Consideration of reports submitted by States parties under Article 44 of the Convention*, 4 May 2015, CRC/C/PAK/15

PCCs, IPMG, Treaty Implementation Cells (TICs), Provincial Women Development Departments (WDDs) and women Commissions also played a significant role in monitoring implementation of the Convention and in providing relevant data on measures adopted throughout Pakistan. For monitoring and reporting on treaty body recommendations, MOHR followed a systematic and institutionalized process. Matrices were designed and circulated among key line Federal Ministries and Provincial Departments for furnishing of detailed information. MOHR also held meetings at provincial headquarters wherein all relevant departments were sensitized regarding implementation and reporting of the Convention. Meetings were also held with Civil Society Organizations and NGOs to discuss and share measures taken in collaboration with federal and provincial governments.

A national level consultation was also held at Islamabad to share the draft report with all relevant federal and provincial stakeholders and CSOs seeking their comments/suggestions and improvements. The report was finalized in close collaboration with Ministry of Foreign Affairs and is an outcome of broad-based, inclusive and participatory consultative process.

The state was also given a list of issues which is provided detailed answers to. Further, multiple organisations and NGOs also submitted shadow reports which detailed the state of human rights in the state-based data gathered and analysed through various reports.

A number of recommendations were made by the Committee in its concluding observations which the state was requested to address in its 6th report.

6.6 ICERD

Pakistan has submitted 23 reports under Article 9 of the Convention. Two action Matrixes were derived from ICERD text and the General Recommendations of the Expert Committee, tailored specifically for each relevant ministry and provincial government departments. The matrix spelt out requirements under ICERD Articles and elaborated necessary obligations. A set of questions was also developed and disseminated for the responsible entities for providing requisite updated information. The above material was circulated amongst the key Line Ministries, Provincial Government Departments and other relevant stakeholders, to solicit information and data on the Concluding Observations²⁰

The responsible state entities were requested to provide updated information on initiatives for the elimination of racial discrimination in the Country. The correspondence solicited information on institutional, legal and administrative measures initiated by the Government of Pakistan during the reporting period. A series of Consultative meetings at the Provincial

²⁰ UN Committee on the Elimination of Racial Discrimination, *Consideration of reports submitted by States parties under Article 9 of the Convention*, 26 November 2015, CERD/C/PAK/15

and Federal Level, intended to enhance awareness on ICERD and to solicit information for the combined 21st, 22nd & 23rd report, were subsequently held with the key Line Ministries, Provincial Departments and Civil Society Organizations. The National Consultative meeting was chaired by Secretary of the Ministry of Law, Justice and Human Rights to personally share and discuss the ICERD reporting mechanism. A series of Consultative meetings at the Provincial and Federal Level, intended to enhance awareness on ICERD and to solicit information for the combined 21st, 22nd & 23rd report, were subsequently held with the key Line Ministries, Provincial Departments and Civil Society Organizations. The National Consultative meeting was chaired by Secretary of the Ministry of Law, Justice and Human Rights to personally share and discuss the ICERD reporting mechanism.

More than two dozen organizations from CSOs and NGOs attended the consultative meetings at the Federal and the Provincial levels. An overall view that emerged from the consultations was that there are clear constitutional dictates and penal provisions which strictly prohibit and criminalize the offense of Racial Discrimination and its propaganda. Racism is a rare phenomenon in Pakistan and, therefore, has little or no impact on the lives of the peoples of Pakistan as such.

The state was also given a list of issues which is provided detailed answers to. Further, multiple organisations and NGOs also submitted shadow reports which detailed the state of human rights in the state-based data gathered and analysed through various reports.

A number of recommendations were made by the Committee in its concluding observations which the state was requested to address.

6.7 ICPRD

Pakistan has only submitted one under Article 35 of the Convention in October 2019. This Initial Country Report on UNCRPD explains relevant policies, programs, legal and institutional measures undertaken by Pakistan to ensure human rights of Persons with Disabilities (PWDs) which demonstrate commitment of GoP to ensuring the rights of PWDs. The report details that the Government devotes significant resources to ensure that PWDs in Pakistan are able to enjoy equal human rights, fundamental freedoms, and inherent dignity in accordance with the Convention and Constitution of Pakistan. The report was prepared in consultation with various stakeholders through detailed consultative meetings, having representative on from Federal and Provincial Departments as well as Non-Government Organizations (NGOs), Civil Society Organizations (CSOs), and Disabled People's Organizations (DPOs). The stakeholders provided valuable feedback and some additional information, which was duly incorporated in the final report. Although Pakistan has ratified the UNCRPD in 2011, yet, it has been adopting a range of constitutional, policy, legal, and institutional measures since the 1980s for ensuring the rights of PWDs in line with Constitutional guarantees.



1) Pakistan has not submitted reports under the 7 core international human rights conventions:

- a) True
- b) False

2) How many reports has Pakistan submitted under ICCPR?

- a) 3
- b) 2
- c) 5
- d) 1

3) Pakistan has not reported on CEDAW Committee recommendations in previous reports.

- a) True
- b) False

4) Reports are prepared in coordination with:

- a) Ministry of Foreign Affairs & Ministry of Human Rights
- b) Ministry of Commerce & Ministry of Defense
- c) Attorney General
- d) National Commission of Human Rights

7 GOOD PRACTICES IN STATE BODY REPORTING

This section contains good practices for treaty-specific submissions of state reports. The section includes guidelines established by the HRC, the General Assembly, and other Committees as well as recommendations by OHCHR for the purposes of submitting a comprehensive report on the condition of human rights and compliance with international human rights obligations. Timely submission of accurate reports serves two purposes: fulfilment of reporting obligations, and further commitment to the treaty and its articles for the protection of human rights. Through the process of reporting, states are also able to assess the situation of human rights and plan initiatives to address gaps that remain.

Reports are to be the result of inclusive multi-stakeholder consultations and data collection. As states are reviewed and provided feedback on their implementation of and adherence to international law, it is imperative that reports provide a holistic and accurate representation of conditions on the ground pertaining to human rights. Reviews can impact a state's reputation and standing at the global level, as well as eligibility for international trade concessions such as the GSP+ in the case of Pakistan. Reports should mention steps taken for implementation of observations and recommendations, as well as achievements since the last respective review and their impact on the citizenry through disaggregated data.

7.1 Format

Similar to the UPR, reports for treaty bodies must also be concise and structured and abide by the rules established by General Assembly Resolution 68/268, which states that common core documents should not exceed 42,400 words, initial treaty-specific reports should not exceed 31,800 words, and treaty-specific periodic reports should be limited to 21,200 words. Reports should be written on a A4-size paper, single spaced. Paragraphs should be numbered, and the text should be 10-point Times New Roman. State parties should submit their reports in electronic format by email to registry@ohchr.org in Word format.

The common core document should be structured using the headings numbered consecutively from A to J in accordance with the Harmonized guidelines listed below:

- A) Demographic, economic, social and cultural characteristics of the State
- B) Constitutional, political and legal structure of the State
- C) Acceptance of international human rights norms
- D) General legal framework within which human rights are protected at the national level
- E) General framework within which human rights are promoted at the national level
- F) Role of the reporting process in promoting human rights at the national level
- G) Other related human rights information
- H) Non-discrimination and equality

- I) Effective remedies
- J) Procedural guarantees

7.2 Content

As the content for each report differs, the Harmonized Guidelines on Reporting Under the International Human Rights Treaties, HRI/MC/2004/3, compiled by the UN Secretary General provide information on what each report should contain.

7.2.1 Common Core:

The common core document should contain all information relating to the implementation of each of the treaties to which the reporting State is party and which may be of relevance to all or several of the treaty bodies monitoring the implementation of those treaties. It also allows each committee to view the implementation of its treaty in the wider context of the protection of human rights in the State in question.

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

The common core should provide a general overview of the data to assist the treaty bodies in assessing the State's implementation of the treaties, presented and explained in an accessible manner. In addition, states may provide demographic, economic, social and cultural characteristics, 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. States should provide accurate information about the main ethnic and demographic characteristics of the country and its population; the standard of living of the different segments of the population, as well as common economic statistics; crime figures and the administration of justice.

States should provide a description of the constitutional structure and the political and legal framework of the State, on the status of all of the main international human rights treaties. States may wish to include information relating to their acceptance of other international norms related to human rights, further information should be provided on:

- Which judicial, administrative or other competent authorities have jurisdiction affecting human rights matters and the extent of such jurisdiction.
- The remedies available to an individual who claims that any of his or her rights have been violated, and the systems of compensation and rehabilitation that exist for victims.
- Whether any of the rights referred to in the various human rights instruments are protected either in the constitution, a bill of rights and other basic law and, if so, what provisions are made for derogations and in what circumstances.
- How human rights treaties are incorporated into the national legal system.

- Whether the provisions of the various human rights instruments can be invoked before, or directly enforced by, the courts, other tribunals or administrative authorities, or whether they must be incorporated into domestic laws or administrative regulations in order to be enforced.
- Whether any institutions or national machinery exist with responsibility for overseeing the implementation of human rights, and what human and financial resources are available to that machinery.
- 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 should be provided where possible.

States should mention efforts made to promote respect for human rights in the State, including the role played by civil society. The following information should be included:

- The role and activities of the national parliament and other sub-national, regional, provincial or municipal assemblies or authorities in promoting and protecting human rights in general and the international human rights treaties in particular.
- The existence and role of national human rights institutions and whether such institutions are regarded as independent in accordance with the “Principles relating to the status of national institutions” (Paris Principles).
- 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 in all national, local, minority or indigenous languages, including in simplified and accessible versions.
- Steps taken for the promotion of human rights awareness for public officers.
- Promotion of human rights awareness through educational programmes and Government-sponsored public information.
- Promotion of human rights awareness through the mass media.
- Role of civil society, including non-governmental organization, and 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.
- Budget allocations and trends.
- The extent to which the State receives development cooperation or assistance or other support, which is linked to human rights promotion, including budgetary allocations. Information on the extent to which the State provides development cooperation or assistance to other States which is linked to the promotion of human rights in that country.

The reporting State should describe the process by which its reports are prepared including:

- Participation of governmental departments at the federal and provincial levels.

- Independent participation of National Human Rights Institutions constituted in accordance with the Paris Principles in the reporting process, in monitoring government reports to the treaty bodies and in actively monitoring the implementation of concluding observations/comments of treaty bodies at the national level.
- Participation of non-governmental organizations and other elements of civil society at any stage of the reporting process at the national level,
- Participation of those most affected by specific provisions of the relevant treaties, including women, children and other marginalized and vulnerable groups,
- The steps taken to publicize the report to everyone in the State, including by translating and disseminating it in the national, local, minority and indigenous languages and making it available to those with sensorial impairment.
- 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.

States should indicate the measures and procedures adopted or foreseen, if any, to ensure wide dissemination of and effective follow-up to the concluding observations or recommendations issued by any of the treaty bodies after consideration of the State's reports.

Reports should present information on measures taken to eliminate discrimination in all its forms in the enjoyment of civil, political, cultural, economic and social rights, and promote equality for everyone within the State and whether the principle of non-discrimination is included as a general binding principle in the constitution or bill of rights or in domestic legislation; whether all the possible grounds for discrimination are reflected in such legal provisions; and whether such provisions specifically apply to each of the groups identified as requiring protection in any of the conventions. States should indicate measures, including educational programmes and public information campaigns, which have been taken to prevent and eliminate negative attitudes to, and prejudice against, protected groups preventing them from fully enjoying their human rights, and describe the impact of these measures.

States should describe the effective remedies that are available to any individual through the competent national tribunals for acts violating the fundamental rights granted by the constitution or by law. States should indicate the extent to which each person in the State, including members of the groups mentioned above as being subject to discrimination, is recognized as a person before the law. States should indicate what guarantees exist to ensure that everyone in the State is free from arbitrary arrest, detention or exile.

7.2.2 Treaty-Specific:

The treaty-specific document should contain information relating to the implementation of the treaty which is of specific interest to the committee monitoring the implementation of that treaty, as well as any issues of particular concern which may be raised by the committee on a case-by-case basis.

The document should include the following information:

- Information requested by the relevant treaty body in its guidelines on the treaty-specific document which is specific to the treaty in question and therefore not included in the first part of the report (common core document).
- Information requested by the relevant treaty body designed to supplement information submitted in the common core document where the committee requires more specific information.
- Where applicable, information on the specific steps taken to address issues raised by the treaty body in its concluding observations/comments on the State party's previous report.

7.3 *ENGAGEMENT OF NHRIS & CSOS ALONG THE REPORTING CYCLE*

National Human Rights Institutions (NHRI) and Civil Society Organizations (CSO) have imperative roles when it comes to UPR and treaty body reporting. As independent organizations, NHRIs and CSOs are able to provide information on the impact of the implementation of treaties and their recommendations through first-hand knowledge gathering. CSOs, as they work directly with target groups and populations mentioned in treaties, can accurately depict the situation on the ground. Similarly, the mandate of NHRIs under the Paris Principles and their status as independent institutions of the State, NHRIs work towards the domestic application of international human rights norms and standards, with full understanding of the local context, and they can be the trusted and legitimate partners to report to the treaty bodies the human rights situation on the ground.²¹

Engagement of both is highly recommended by the UN for UPR and treaty body reporting. Guidelines and safeguards such as the Guidelines against Intimidation or Reprisals, known also as the “San José Guidelines” adopted in July 2015 for the involvement of NHRIs and CSOs exist in order to underline their importance in a state's structure and framework and the importance of their contribution to reporting. States are encouraged to include NHRIs and CSOs in the multi-stakeholder consultations prior to drafting the state report.

²¹ SIMPLE GUIDE TO THE UN TREATY BODIES - ISHR.” http://www.ishr.ch/sites/default/files/article/files/ISHR_Simple_Guide_to_the_UN_Treaty_Bodies.pdf.

The NHRIs' and CSOs' reports to the treaty bodies aim at informing a) the preparation of List of Issues or List of Issues Prior to Reporting and questions (under both the Standard and Simplified Reporting Procedures); b) the consideration of a State party report; or c) the follow-up procedures to concluding observations. NHRIs and CSOs can also meet with the members of the treaty bodies to present them with country-specific oral information, either during the process of drafting the List of Issues and List of Issues prior to Reporting, along with any questions (pre-sessional working group), or during the session at which the relevant state party is going to be considered. The modalities of these meetings (open or closed) vary between the treaty bodies. NHRIs' and CSOs' involvement in the reporting process continues after consideration of a State party report; through follow-up activities they can play an important role in advocating for implementation on the ground of the recommendations emanating from the treaty bodies, thereby contributing to the advancement of human rights.

7.3.1 NHRIs

NHRIs submit credible, independent evidence and information about the local application of international human rights norms and standards and provide the treaty bodies with knowledge about where progress has been made and where implementation gaps remain. In turn, this information assists the treaty bodies in developing a list of issues and in assessing the national situation based on which they can develop targeted and detailed recommendations. NHRIs also work to increase awareness of and involvement by national-level institutions and actors of the work of the treaty bodies, helping to make the processes more relevant to the national and grassroots level, including to rights-holders themselves. Based on their monitoring and reporting mandates, NHRIs monitor the implementation of international human rights norms and standards and their states' commitments. Many NHRIs use their annual reports, which are public and regularly submitted to Government and Parliament, or special thematic reports to inform about progress made in the implementation.

In 2011, the then National Institutions and Regional Mechanisms Section (NIRMS; now: National Institutions, Regional Mechanisms and Civil Society Section, NRCS) of the OHCHR developed an information note which sets out some of the then existing opportunities for NHRI engagement in the work of treaty bodies.²²

As outlined in the note, NHRIs may:

- Submit written contributions in relation to the development of list of issues.
- Submit alternative reports prior to the examination of state party reports.

²² Reporting To The UN Human Rights Treaty Bodies - Training Guide," 2017.
<https://www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx>

- Meet privately or publicly with committee members, either separately or jointly with other
- Stakeholders including NGOs and/or UN country teams.
- Attend the interactive dialogues between the committees and states examined.
- At two committees, deliver oral statements during such interactive dialogues:25 and
- Submit written contributions to the follow-up to the concluding observations issued by the committees.

The following treaty bodies have included the participation of NHRIs in their rules of procedures:

- The Committee Against Torture (CAT).
- The Committee on the Elimination of Racial Discrimination (CERD).
- The Committee on the Rights of Persons with Disabilities (CRPD); and

The Committee on the Elimination of Racial Discrimination (CERD), the CESCR and the Committee on the Rights of the Child (CRC) have developed General Comments/General on NHRIs, which further formalise the respective Committee's recognition of the contributions NHRIs can make in their procedures.

7.3.1.1 Role of NHRIs in treaty body reporting:

Prior to Review

- Submit own reports (i.e. parallel reports) to a Treaty Body prior to adoption of List of Issues and/or prior to the plenary consideration by the Treaty Body of the State party report

During Review

- Attend the Treaty Body plenary sessions as observers
- Brief Treaty Body members, either during formal or informal meetings

Following Review

- Advocate for, track and monitor implementation of the concluding observations (COBs)
- Interact and cooperate between NHRI and civil society (public reporting)

7.3.2 CSOs

CSOs promote awareness of rights, assist communities in articulating concerns, shape strategies, influence policy and laws, and press for accountability. CSOs collect and channel views of communities so that decision-making on public policies can be informed more fully.

CSOs also fulfil services for those who are at risk and vulnerable. Similar to NHRIs, CSOs are able to provide important information on the implementation of recommendations and treaty obligations at the grassroots level. Through their work and engagement, they are able to assess and highlight gaps and partner with the government and lobby for further initiatives to protect and promote human rights. Their role in the national consultations on state reporting is vital in providing knowledge on what in the system is working and what is not. This can lead to the state submitting a holistic and accurate depiction of human rights in its report.²³

States have been acknowledged for their engagement with CSOs in the drafting and submission of state reports:

- CEDAW (Turkey, 2010)
 - The Committee notes with appreciation that the report was prepared in a participatory process involving Government bodies and non-governmental organizations.
- CEDAW (Republic of Korea, 2011)
 - The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, and to consult a variety of women's and human rights organizations during that phase.

CSOs are also able to submit alternative reports to the following committees:

- The Committee Against Torture (CAT).
- The Committee on Migrant Workers (CMW); -
- The Committee on the Elimination of Racial Discrimination (CERD).
- The Committee on the Rights of Persons with Disabilities (CRPD).
- The Committee on Enforced Disappearances (CED).
- The Committee on the Elimination of Racial Discrimination (CERD).
- The Committee on Economic, Social and Cultural Rights (CESCR); and
- The Committee on the Rights of the Child (CRC)

7.3.2.1 Role of CSOs in treaty body reporting:

Prior to Review

- Submit own reports (i.e. parallel reports) to a Treaty Body prior to adoption of List of Issues and/or prior to the plenary consideration by the Treaty Body of the State party report

²³ A Practical Guide for Civil Society: CIVIL SOCIETY SPACE AND THE UNITED NATIONS HUMAN RIGHTS SYSTEM," n.d. https://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSystem_Guide.pdf.

During Review

- Attend the Treaty Body plenary sessions as observers
- Brief Treaty Body members, either during formal or informal meetings

Following Review

- Advocate for, track and monitor implementation of the concluding observations (COBs)
- Interact and cooperate between NHRI and civil society (public reporting)

7.4 *Test your Knowledge*



- 1) NHRI's & CSO's should not play a role with respect to state reporting.
 - a) True
 - b) False
- 2) How do CSO's assist the state in promoting human rights and with respect to human rights treaty body reporting?
- 3) NHRIs submit credible, independent evidence and information about the local application of international human rights norms and standards and provide the treaty bodies with knowledge about where progress has been made and where implementation gaps remain.
 - a) True
 - b) False
- 4) List the treaty bodies which have included the participation of NHRIs
- 5) CSOs cannot submit alternate reports to UN treaty body commitments
 - a) True
 - b) False**

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