



International Covenant on Civil and Political Rights

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Focused reports based on replies to lists of issues prior to reporting (LOIPR): Implementation of the new optional reporting procedure (LOIPR procedure)

I. Introductory remarks

1. At its ninety-seventh session, held in October 2009, the Committee started discussing its draft revised reporting guidelines. In this context, it decided to adopt a new reporting procedure whereby it would send States parties a list of issues (a so-called “list of issues prior to reporting” (LOIPR)) and consider their written replies in lieu of a periodic report (a so-called “focused report based on replies to a list of issues”). Under the new procedure, the State party’s answer would constitute the report for the purposes of article 40 of the Covenant.

A. Potential added value of the LOIPR procedure

1. For States parties

2. The LOIPR procedure will facilitate the reporting process for States. The reporting burden will be alleviated in two ways:

- Lists of issues will provide detailed guidance on the expected content of the report, thereby facilitating the drafting process
- States will no longer be requested to submit both a report and written replies to a list of issues

3. Furthermore, the reporting process will be speedier for those States to which the LOIPR procedure will apply, as focused periodic reports drafted on the basis of an LOIPR will be given priority for consideration over other periodic reports, so as to ensure that they are considered within a maximum time frame of one year after submission.

2. For the Committee

4. The effectiveness of the Committee will be strengthened as follows:

- This procedure will allow the Committee to receive more focused information and therefore assist it in improving its assessment of States parties' compliance with their Covenant obligations
- The Committee will be able to reinitiate a dialogue with States that, owing to lack of financial and human resources, are long overdue in submitting their periodic report

B. Challenges to be taken into account

5. The preparation of LOIPRs will imply a significant increase in the workload of the Committee and the Secretariat. It will be necessary, therefore, at an initial stage, to take this difficulty into account and to assess the capacity of the Committee and the Secretariat in order to decide on the number of LOIPRs to be adopted at each session. In the long term, however, standard lists of issues will need to be prepared and adopted only for initial reports and for a limited number of periodic reports (those for States that have not accepted the new optional reporting procedure or from which the Committee continues to request a full report), and the workload will progressively diminish.

6. As long as both LOIPRs and a large number of standard lists of issues continue to be adopted by the Committee, additional meeting time will need to be provided for the Committee's country report task forces, which will adopt both the standard lists of issues and LOIPRs. Furthermore, additional human resources will also be required from the Secretariat for the drafting of LOIPRs.

II. Principles and methodology underlying the implementation of the new optional reporting procedure

A. Pilot period

7. After a pilot period of five years (from November 2010), the Committee will appoint a working group to assess and review the new procedure in terms of its practicability, effectiveness and capacity to improve the examination of the human rights situation in the State parties.

B. States parties to which the new procedure will apply

8. The new procedure is not to be applied to initial reports of States parties or to periodic reports already submitted and awaiting consideration by the Committee.

9. The new procedure is optional, and States parties may decide to continue to submit their reports under the standard procedure.

10. All periodic reports, irrespective of being long overdue or not, potentially fall under the new LOIPR procedure, which should apply to as many State parties as possible. The Committee may decide, however, not to apply the LOIPR procedure to a State party when it deems that particular circumstances warrant a full report, including when a fundamental change in the State party's political and legal approach affecting Covenant rights has occurred; in such a case a full article-by-article report may be required.

C. Substance and format of the LOIPR

11. The LOIPR should include two sections:

(a) A first section, with standard paragraphs, on “General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant”. This section will also provide the State party with an opportunity to highlight relevant positive developments. If not already provided in the common core document or when the information in the common core document is not up-to-date and if not raised under specific questions in the second section of the LOIPR, States parties may provide detailed information in this section on:

- Relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the previous periodic report, including any relevant case-law decisions
- New political, administrative and other measures taken to promote and protect human rights at the national level that have occurred since the previous report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results
- New measures and developments undertaken to implement the Covenant and the Committee’s recommendations since the consideration of the previous report, including the necessary statistical data, as well as any events that occurred in the State party and are relevant under the Convention;

(b) A second section where questions are organized according to clusters of provisions as in the standard list of issues, highlighting specific issues depending on the situation of the concerned State party and the information available to the Committee, in particular, the recommendations included in the last concluding observations addressed to the State party as well any follow-up information provided by the State.

D. Information to be relied upon for the drafting of LOIPRs

12. It is proposed that, as is currently the case for the drafting and adoption of lists of issues by the Committee, a country file be compiled and provided by the Secretariat to members of the country report task force, which will then adopt LOIPRs. This country file should include, inter alia, the following:

- Previous report of the State party to the Committee
- Core document, including common core document if available
- Constitution of the State party
- Previous concluding observations of the Committee
- Summary records of consideration of last report
- Follow-up information, if available, and assessment by the Committee of this information
- Views under the Optional Protocol, if any, and information on follow-up given by the State party

- Concluding observations of other treaty bodies
- Reports of special procedures
- Universal periodic review documents
- Documents from regional organizations
- United Nations/Office of the United Nations High Commissioner for Human Rights information
- Reports from national human rights institutions (NHRIs) and from non-governmental organizations (NGOs)
- Any other document as deemed relevant by the Committee

E. Principles and methodology underlying the scheduling for adoption of LOIPRs and consideration of LOIPR-based focused reports

1. States parties should be given sufficient time to inform the Committee as to whether they agree to follow the new optional reporting procedure.

13. Notes verbales are to be sent by the Secretariat at the request of the Committee in which States will be given three months to inform the Committee as to whether they agree to follow the LOIPR procedure.

2. All stakeholders, in particular NHRIs and NGOs, should be given sufficient time to provide the Committee with relevant input prior to the drafting and adoption of LOIPRs.

14. The list of countries that will be examined according to the new procedure will be made public on the Office of the High Commissioner for Human Rights website, to the extent possible, at least nine months prior to the session during which the LOIPR is to be adopted by the Committee.¹

3. States parties should be given sufficient time to prepare their LOIPR-based focused reports.

15. States concerned will be given at least one year to reply to the LOIPR, i.e. to prepare their focused report under the LOIPR procedure.

4. LOIPR-based focused reports should be examined no later than one year after their submission.

16. While scheduling reports to be considered for its upcoming sessions, the Committee will prioritize only initial reports over reports based on LOIPR, in order to ensure that the time between the submission of the LOIPR-based report and its consideration is as short as possible, so as to avoid the loss of relevance of the LOIPR-based report, which would lead to the need for another list of issues and set of replies.

¹ NHRIs and NGOs will also be given the possibility to submit updated information to the Committee at the time of consideration of the focused report.

5. Consideration should be given to the capacity of the Committee and the Secretariat in order to determine the number of LOIPRs to be adopted at each session during the pilot period. In addition, both States that report regularly and States that are overdue in the submission of their reports may also be invited to follow the new optional reporting procedure.

17. Bearing in mind the need to continue adopting at each session standard lists of issues as well as LOIPRs, the Committee will only have the capacity to adopt five LOIPRs per session during the pilot period (therefore, country report task forces will adopt at each session 10 lists of issues: five standard lists of issues and five LOIPRs, i.e., 30 lists of issues, standard lists and LOIPRs combined, per year).

18. The five States to which LOIPRs will be sent at each session will be selected according to the following cumulative criteria:

(a) The States concerned will primarily be selected from among the list of States whose report is due in 2013 and beyond and that have informed the Committee of their agreement to follow the new reporting procedure;

(b) LOIPRs may be drafted and sent to those States whose periodic report is at least 10 years overdue and that have agreed to the new reporting procedure;

(c) States will be selected in chronological order with regard to the date upon which their next periodic report is due and, when several reports are due on the same date, according to the date upon which they have informed the Committee of their wish to follow the optional reporting procedure.

F. Timetable for initial implementation of the new optional reporting procedure

19. 1 November 2010: The Committee will inform the following States parties of the initiation of the new optional reporting procedure and will request their agreement to follow this new procedure:

(a) All State parties whose reports are due in 2013 and beyond;

(b) All States parties whose reports are at least 10 years overdue.

20. Deadline for States to respond: 1 February 2011.

21. In case of failure to respond, States parties will be contacted and called for a consultation meeting with the Chairman of the Committee at a time deemed appropriate.

22. March 2011 (101st session): The Committee will make public its decision to adopt an LOIPR for States that have accepted the new optional procedure by the initial deadline of 1 February 2011. Depending on the number of States concerned and taking into account its capacity to adopt a specific number of LOIPRs at each session, the Committee will set a timetable for the drafting and adoption of lists of issues for future sessions.

23. So as to allow time for NHRIs and NGOs to provide relevant information to the Committee, the first five LOIPRs will be adopted at the October 2011 session.²

² Without prejudice to any other opportunity available for NGOs and NHRIs to provide additional information and interact with the Committee.

24. The first five States parties regarding which LOIPRs will be adopted in October 2011 will be requested to submit their LOIPR-based report by 31 March 2013.

25. If received by the deadline (31 March 2013), the first focused reports will be scheduled for consideration in 2014.

Table 1: Periodic reports due in 2013 (as at 30 July 2010)³

<i>State party</i>	<i>Type of periodic report</i>	<i>Date due</i>
Uzbekistan	Fourth	30 March 2013
Rwanda	Fourth	1 April 2013
Australia	Sixth	1 April 2013
Azerbaijan	Fourth	1 August 2013
San Marino	Third	31 July 2013
Cameroon	Fifth	30 July 2013
Israel	Fourth	30 July 2013
United Republic of Tanzania	Fifth	1 August 2013
Denmark	Sixth	31 October 2013
Monaco	Third	28 October 2013
Croatia	Third	30 October 2013
Ecuador	Sixth	30 October 2013
Republic of Moldova	Third	30 October 2013

Table 2: Periodic reports due in 2014 (as at 30 July 2010)

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>
Argentina	Fifth	30 March 2014
Mexico	Sixth	30 March 2014
Colombia	Seventh	1 April 2014
Switzerland	Fourth	20 October 2014

Table 3: State party reports due in 2015 (as at 30 July 2010)

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>
New Zealand	Sixth	30 March 2015

³ This list may be completed further to the consideration of reports at the October 2010 session.

Estonia Fourth 30 July 2015

Table 4: Periodic reports overdue by at least 10 years (as at 30 July 2010)

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Years overdue</i>
Gambia	Second	21 June 1985	25
Saint Vincent and the Grenadines	Second	31 October 1991	18
Niger	Second	31 March 1994	16
Afghanistan	Third	23 April 1994	16
Guinea	Third	30 September 1994	15
Burundi	Second	8 August 1996	13
Malta	Second	12 December 1996	13
Nepal	Second	13 August 1997	12
Romania	Fifth	28 April 1999	11
Nigeria	Second	28 October 1999	10
Bolivia (Plurinational State of)	Third	31 December 1999	10
Lebanon	Third	31 December 1999	10
Iraq	Fifth	4 April 2000	10
Senegal	Fifth	4 April 2000	10

Table 5: Periodic reports overdue by at least five years (as at 30 July 2010)

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Years overdue</i>
Belarus	Fifth	7 November 2001	8
India	Fourth	31 December 2001	8
Lesotho	Second	30 April 2002	8
Cyprus	Fourth	1 June 2002	8
Zimbabwe	Second	1 June 2002	8

Cambodia	Second	31 July 2002	8
Uruguay	Fifth	21 March 2003	7
Guyana	Third	31 March 2003	7
Congo	Third	21 March 2003	7
Gabon	Third	31 October 2003	6
Trinidad and Tobago	Fifth	31 October 2003	6
Peru	Fifth	31 October 2003	6
Democratic People's Republic of Korea	Third	1 January 2004	6
Kyrgyzstan	Second	31 July 2004	6
Viet Nam	Third	1 August 2004	5
Egypt	Fourth	1 November 2005	5
Venezuela (Bolivarian Republic of)	Fourth	1 April 2005	5
Mali	Third	1 April 2005	5
