

BACKGROUND INFORMATION TO COUNTRY RESEARCHERS
for Study on the Impact of the United Nations Human Rights Treaties on the Domestic
Level by Heyns, Viljoen and Murray
(See: Style and formatting, section 9 below)

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1 Meaning of ‘impact’: What qualifies as ‘impact’?

The concept central to the study is ‘impact’.

‘Impact’ is here understood as the ‘overall effects and influence’ or ‘repercussions’ of the UN human rights system on the domestic level. In other words, for the purpose of the study, the **impact** of the UN human rights treaty system is the overall domestic effect, influence or repercussions of the nine UN human rights **treaties (as well as 3 substantive Protocols)**, and the findings and recommendations emanating from the ten UN **human rights treaty bodies** as well as any normative instruments that they may adopt, such as Concluding Observations or General Comments. In the study, we urge the use of the term ‘finding’ to refer to the judgment/ decision part of the views adopted by a treaty body in an individual ‘communication’ (or complaint); and the use of the term ‘recommendation’ to refer to the remedial ‘instruction’/ operative part of such a finding. Similarly, while the term ‘Concluding Observations’ (COs) refers to the document that a treaty body issues after examination of a state report, the focus in the study is on particular ‘recommendations’ contained in COs.

The impact of the UN treaty system can be classified as **material impact** or **symbolic impact**. **Material impact** entails tangible effects that are in some way attributable to the UN treaty system (treaties and treaty bodies), for example in laws and judicial decisions. **Symbolic impact** is much more intangible and relates to an effect on ideas and understandings.

Direct material impact involves tangible changes that **are specifically required** by the UN treaty system. Direct material impact is usually foreseeable, obvious and clearly

discernible.¹ Direct material impact may relate to treaty provisions, or recommendations of a treaty body. **Examples of direct material impact of a treaty:** The state domesticates a treaty provision in domestic legislation. Or: A treaty requires that states create a particular national institution, and this institution is in fact created. **Examples of direct material impact of a treaty body's recommendation:** A specific recommendation in a finding in respect of an individual communication stipulates that the state should pay compensation, and the required compensation is paid. Or: A COs issued by a treaty body recommends that human rights training programmes for law enforcement officials should be developed and implemented, and such programmes are indeed developed and implemented. **Direct material impact, understood in this way, relates to 'compliance', in the sense that 'conformity' between the treaty provisions or treaty body recommendations and state behaviour is observed.** Put differently, direct material impact comes about because the state 'complies' with treaty expectations or treaty body directives by giving effect to them.

Indirect material impact entails tangible and observable changes that are **not specifically required** by the UN treaty system, but that nonetheless are derived from the UN treaty system.² Indirect material impact may take the form of legislative amendments, policy changes, establishing institutions, or the jurisprudence/ judgments by domestic courts. For example: Courts may in domestic cases place interpretive reliance on a prior UN treaty body finding in respect of that country; or courts in one country may apply/ rely on a treaty body finding in respect of another country (thus accepting the 'erga omnes effect' of the finding.)

Symbolic impact of the UN treaty system relates to a change in attitudes, ideas, thinking processes, perceptions and understanding of norms espoused by the UN treaty system. It relates to cultural or ideological changes in the perception of human rights issues. Symbolic impact alters the logic of appropriateness of stakeholders and the public. **Examples of symbolic impact:** increase in media coverage following a directive from UN treaty bodies on a subject matter; empowerment of civil society organisations to pressurise their government for change at the domestic level; shaping domestic constitutional debates

¹ H Duffy *Strategic human rights litigation* (2018) 40.

² Rodriguez-Garavito 'Beyond enforcement: assessing and enhancing judicial impact' in M Langford et al (eds) *Social rights judgements and the politics of compliance* (2017) 86.

as well as judicial thinking and practice;³ a change of public opinion or perceptions of issues as human rights problems ('reframing' effect); change in public perception as to the gravity and urgency of an issue; improvement of the powers of state bureaucracy (such as NHRIs) dealing with human rights issues in intra-state struggles for policy reforms due to resistance from other sectors of the state; socialisation of state officials involved in human rights processes; deepen democracy and the rule of law; and provision of space for discussion and negotiation between human rights stakeholders.

In this study, we try to **capture all of these forms of impact**. Drawing a clear-cut distinction between the forms of impact is not called for; the point here is that researchers should be aware of and be on the look-out for all these forms of 'impact' of the UN treaties and treaty body recommendations. Keep in mind that the UN treaty-based system may also have an impact on the Constitution, which then has a secondary impact on the adoption/ amendment of ordinary legislation. (The treaty bodies' influence may also come by way of regional mechanisms' reliance on UN treaties/ jurisprudence, which is in turn used at the domestic level.)

2 Impact must be 'discernible'/ observed

The study should to the extent possible identify **correlation** between a treaty provision/treaty body recommendation and a domestic measure. Impact does not necessarily require showing **causality** (meaning it is a dispensable condition) but where such a link can be demonstrated, it should be pointed out clearly, since this is the most concrete and certain way of showing impact.

Although the extent of the linkage may lie along a continuum, ranging from strong or weak, some form of discernible linkage has to be established.

The most obvious form of correlation is **exact similarity/ conformity**. Correlation is stark when there is clear conformity between what the treaty or treaty body demands, and government behaviour (**conformity in domestic measures**). In these instances, the **material domestic effect** (domestic measure) is **similar in nature** or formulation to (or, it is in

³ P Engstrom 'Introduction: rethinking the impact of the Inter-American human rights system' in P Engstrom *The Inter-American human rights system impact beyond compliance* 5.

conformity with) what is required in the treaty or by the treaty body. (Example 1: A treaty body recommends that the legal definition of ‘torture’ be changed, and legislation is adopted, amending the definition **in line with the required wording**. Example 2: A treaty body recommends compensation of a particular amount, and the **exact amount** is paid. Both these are examples of discernible ‘correlated’ effect.)

However, this form of correlation may be infrequent. When there is no clear-cut conformity, correlation should be **deduced from**, for example, the following:

Explicit recognition in documentary form: The influencing role on the treaty or treaty body recommendations is **explicitly ‘acknowledged’** by relevant domestic actors, as reflected in **textual evidence**. Example 3: During a **parliamentary debate**, the relevant Minister states that legal reform has been undertaken to give effect to a treaty body recommendation. Example 4: A **statute invokes a UN treaty in its preamble/ long title** as its/one of its ‘inspirational sources’.

Explicit recognition acknowledged and recorded during interviews: The influencing role on the treaty or treaty body recommendations is **explicitly ‘acknowledged’** by relevant domestic actors, during interviews.

Chronological sequence: The material effect (domestic measure) came about **consequent to** (in temporal sequence) to the treaty ratification, or the adoption by the treaty body of a recommendation. Example 5: In December 2018, the treaty body issued Concluding Observations recommending that certain measures be adopted, and in April 2019, **four months later**, these measures are adopted. Example 6: A treaty body recommends that domestic measures be taken within 6 months; and the state takes a related measure within that period.

It should be considered that the domestic effect may be **minor, or major**. For purposes of our research, any form of discernible effect should be identified or recorded.

3 Impact cannot easily be attributed: Correlation and causation; attribution and contribution

In a qualitative study such as this, a direct causal link between the UN human rights treaty system and legislative / legal / policy reforms on the domestic level might be difficult to establish conclusively. Nevertheless, because this study is investigating impact, it would be important that you keep the issue of causality in mind in your research and interviews. For example, to the extent that it is clear that the UN human rights treaty system was the main driver for domestic reforms (e.g., a treaty is cited in the preamble of new domestic legislation as the main point of reference) this should be pointed out. On the other hand, if it appears that some driver other than the UN human rights treaties led to the domestic reforms (e.g., a court cases where a specific human right is recognized cites to the European Convention or the African Charter, and only passing reference is made to UN treaties); or that the main driver for domestic reforms were other UN mechanisms other than the human rights treaties (e.g., UPR), the relatively weak evidence of causality should also be indicated. If it appears that the UN treaties play a very weak or no role at all in major human rights development in the country, this larger trend should also be noted.

Impact, defined as ‘effects’, ‘influence’ and ‘repercussions’, denotes *some form of a link* between the treaty body system, on the one hand, and the developments at the domestic level, on the other. Pointing out correlation does **not necessarily amount to establishing a causal link** between the treaty system and the observed effects. A link may be identified, but it does not follow that the identified link is one of cause and effect. Social change (legislative reform, policy change, creating new institutions, attitudinal change) is embedded in and ‘impacted upon’ and ‘caused by’ an untold number of varied and overlapping factors. Even if a link between the treaty system and a societal effect has been identified (has been ‘discerned’), the observed change cannot be attributed to the treaty or treaty body recommendation. It is therefore suggested that the study adopts a terminology of identifying instances where the treaty system **contributed** to change/ domestic effects.

‘Impact’ in the form of ‘compliance’ is observed when there is conformity (or similarity) between eg a treaty body recommendation and domestic legislation. There is thus a correlation, suggesting a link between TB and national law. However, the relationship is

not one of an exclusive cause and effect, since it is possible – and would often be the case -- that the change came due to other factors.

In many instances causation may be unacknowledged. Due to for example notions of state sovereignty, the actual driver of change may have been the treaty body system, but the Constitution may be given the credit. For example, the deliberations in a judicial decision or adoption of legislation may centre around the treaty body system, but in the eventual official document reference may only be made to the national Constitution. Such examples, when encountered, should be presented and explained in the study.

4 Be as concrete and illustrative as possible

When considering ‘impact’, a handful of concrete examples, discussed in detail, is likely to be much more illustrative than an abstract/vague generalized picture aiming to be overly comprehensive. For example, when discussing the implementation of the Concluding Observations by the CRC Cttee in the country, do not attempt to provide a picture of the overall implementation of all the many COs. Instead, focus on one or two COs, chosen for their specificity and clarity, and provide as much detail as you can about their implementation. So, if the CRC Cttee required the adoption of legislation curbing child trafficking, and this has been done by the state, identify the legislation by name, provide and discuss the relevant provisions, and show how the legislation ‘domesticated’ the relevant treaty. Avoid generalisations and illustrate with data that is available.

5 Methodology and sources

Direct material impact can be identified by analysing documents; and through interviews.

Indirect material and symbolic impacts are captured through qualitative research methods like in-depth interviews with public officials, activists and beneficiary members of the population to examine their perception of the impact of the UN treaty system.

Quantitative research is **not required**, but can be included. For example, to gauge levels of awareness of a treaty, a survey of some of the main media sources (eg the three main newspapers) could be undertaken. However, it would be preferable to focus on some specific examples of media coverage that raised public awareness/ sparked public debates (positive or negative) about a particular issue related to a treaty/ treaty body finding.

Include at least the following in your research:

- **Documents** (e.g., follow-up reports of treaty bodies to state reporting procedure; follow-up reports of treaty bodies to the complaints procedure)
- **Databases** (eg on OHCHR web site: <http://ap.ohchr.org/Documents/gmainec.aspx>; http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en)
- **The *parliamentary record*** – *Hansard* – scrutinize for reasons given by State why something was done or not done
- **Media** – consult at least 2 major newspapers of different political leanings, as well as a survey of social media, and Twitter, where these shed light on the specific issues under investigation.
- **NGO web sites**
- **Interviews** should be conducted to complement desk study/ documentary evidence, to uncover – or confirm – instances of ‘impact’:

Please ensure that anonymity and confidentiality is guaranteed if desired by the interviewee (especially if the person is a ‘victim’ or at risk). Interviews should be recorded in writing or in audio. Please record/cite the information elicited from interviewees, as follows: name of person being interviewed (or coded name if so required); position of that person; date of interview; place of interview. Footnote reference to interviews should be provided when direct reliance is placed on the interview in the text of your report. Please also add in the Bibliography to your report a list of interviewees. Please take note that a general certification of ‘ethical approval’ has been secured for the project as a whole. See the University of Pretoria ethical approval letter attached.

Be careful not to extrapolate/ generalize if you only interviewed a limited number of respondents; rather draw on specific insightful statements as illustrations.

Interviews should, depending on the circumstances, be conducted with the following respondents/interviewees:

High-ranking government officials who are directly responsible for / involved in the preparation of reports, representing the government as part of its delegation to sessions of the treaty bodies in Geneva, interacting with the NHRI and NGOs on

treaty body-related issues (report preparation and implementation issues), and implementation of recommendations and decisions.

High-ranking staff at the NHRI who are directly responsible for / involved in preparation of reports, interacting with the government on treaty body-related issues, and implementation of recommendations and decisions.

Staff and elected representatives of the country's parliament or other legislative body who are directly involved in drafting domestic legislation in response to decisions of and recommendations by the treaty bodies.

Staff at treaty body-related NGOs who are directly involved in completing complimentary reports, interacting with government and the NHRI with regard to report preparation, as well as implementation of recommendations and decisions.

Leading academics in the fields of public international law, international human rights law, political science and international relations.

Legal practitioners who have relied on treaty body decisions and recommendations in their cases in court, and, if training of legal practitioners include the UN human rights system, members of the legal profession's governing body(ies) responsible for such training.

Victims / complainants who have submitted communications to a UN treaty body.

Journalists and editors of traditional print/online/radio/television news resources who have reported on decisions and recommendations of treaty bodies.

Members of treaty bodies from the country you are studying.

For some general guidelines and strategies with regard to qualitative interviews, please see

http://sociology.fas.harvard.edu/files/sociology/files/interview_strategies.pdf

USE OF INTERVIEWS: Please note that the details of interviews have to be provided in the footnote if reliance is placed on the sentiments/ insights expressed generally by that interviewee. In the Bibliography, the following need to be recorded:

Helander, Petri, Judge, Supreme Administrative Court, ex-council to the Parliament's Constitutional Law Committee, 26 September 2019, Helsinki

If the exact words of an interviewee are used, please ensure that the specific wording has been checked with the interviewee, and ensure that the interviewee agrees explicitly that these views may be ascribed publicly to him/ her. Please ensure that you have a record of that specific permission on file.

Submission of supporting documentation

Please submit the primary documents from the domestic system (such as laws, judgments etc) referenced in the chapter in electronic form. Ideally the original documents, in an official language of the country concerned, must be obtained. Where this documentation is in a language other than English, a translation into English must be provided, if available, also indicating the status of the translation (e.g. is it an official translation or not). Correspondents are not expected to do translations themselves.

6 Considerations/ factors to consider

Impact is not necessarily a once-off event, but is often continuous, and can also change over time. The study should capture the **time-sensitive nature of impact**, indicating the temporal (and related socio-political or other) context in which impact was observed, and recognising its fluctuating nature over time. In other words, impact should not be presented as a final end-point, but as it is observed at a particular time. There may for example over time be regression of impact. *In the study, all these dimensions should be captured.* However, the main point of reference is the present, the last couple of years.

There is a **time lapse** perspective to the impact of the UN treaty system. The power of the process of the UN treaty system is important in impact studies of the UN treaty

system. For instance, the impact of a UN human rights treaty may start before treaty ratification (eg when a compatibility study is done prior to ratification, and domestic legislation is amended to conform with the treaty provisions), or the impact may start before directives of UN treaty bodies are issued, or some time after the directives had been issued.⁴ The process that led to the directive may well have begun to influence change before the directive was finally issued. **Thus, for the purpose of the study, the impact of the UN treaty system should be viewed over time - before the beginning of the process, during the process, and long after the process.**

Impact is **contextual**. Political and social factors can have immense influence on the impact of the UN treaty system. The UN treaty system will usually interact with other agents of change to effect the desired change in the society. In order to fully understand the importance of the UN treaty system, it is very useful to understand the relationship and interaction of the UN treaty system with broader domestic political and social context. This also shows that the UN treaty system is always one of the agents of change alongside other political and social agents of change. The UN treaty system can be a catalyst, contributor or facilitator of change, but it can hardly be the sole trigger of change.⁵ **The study should endeavour to identify the extent to which the UN treaty system contributes to or impedes other processes of change. This process of identification is crucial for the determination of the domestic impact of the UN treaty system.**

Impact **can be positive or negative**. A treaty body recommendation may for example lead to the opposite effect of what has been recommended (eg, it may lead to an increase in violations committed by the government). **The study should be conscious of this fact, and should capture both negative and positive effects.**

The challenges of measuring the impact of the UN treaty system lie in the difficulty in ascertaining indirect material impact as well as (in)direct symbolic impact. For instance, how does one establish that public perception has changed, or a rule of law culture has been reinforced? Even when some changes are ascertainable, it may be difficult to link the changes to the UN treaty system. Notwithstanding the difficulties, valuable insights about

⁴ Duffy (n 1) 38.

⁵ Duffy (n 1) 41.

the domestic impact of the UN treaty system can still be gained by questioning those involved in and affected by the UN treaty system as well as drawing into frame the perspectives of different stakeholders at the domestic level.

In the study, the impact of the UN treaty system is restricted to the influence of the UN treaty system on the actions of state and domestic non-state actors.

7 Terminology

UN human rights system: The 9 UN treaties, including the Protocols thereto; and the outputs (findings and recommendations etc) of the 10 treaty bodies (including the SPT).

Impact, compliance, implementation

Impact: ‘Impact’ is the discernible ‘overall effects and influence’ or ‘repercussions’ of both treaties and treaty body findings, recommendations and jurisprudence. Impact includes ‘compliance’, but extends far beyond that narrow concept, in that impact also captures ‘extra-compliance’ effects.⁶

Compliance: ‘Compliance’ is a state of conformity between an actor’s behaviour and a stipulated rule.⁷ A state has complied with a treaty body recommendation (eg to re-open a criminal trial) if that measure has been taken (that is, the trial has been re-opened). While ‘compliance’ is part of impact, exclusive focus on compliance does not adequately account for the many other significant ways in which treaties/ treaty bodies may influence the thinking and actions of key state actors and domestic institutions.⁸

Implementation: ‘Implementation’ is the process of putting international human rights commitments into practice.⁹ In this sense, implementation is often a feature of (or means to achieve) compliance and direct material impact. In this study, implementation is the process of taking measures at the domestic level in response to obligations arising from UN human

⁶ Engstrom (n 3) 6.

⁷ K Raustiala, ‘Compliance and Effectiveness in International Regulatory Cooperation’ (2000) 32 *Case Western Reserve Journal of International Law* 387, 391.

⁸ O Okafor, *The African Human Rights System: Activist Forces and International Institutions* (Routledge 2007) 415.

⁹ Raustiala (n 7) 392.

rights treaties or directives of treaty bodies.¹⁰ Often, indirect material impact, as well as symbolic impact, occurs without implementation. So, for example, greater awareness and public debate may result from exactly the opposite of implementation (namely, a failure or refusal to implement).

Finding, recommendation, jurisprudence

Finding: The ‘judgment’/outcome of an individual (or inter-state) ‘communication’ before a UN treaty body.

Recommendation: The operative part of a ‘finding’, setting out what the State is expected to do, or the part in COs directing states to take measures (the remedial ‘instruction’/operative part of such a finding).

Jurisprudence: An umbrella term for the normative outputs of treaty bodies: findings, General Comments, recommendations.

Correlation, influence, contribution (v causation, attribution)

For the study purposes, the preferred framing is; Correlation, influence and contribution (rather than causation and attribution)

Correlation: Correlation is the relationship or connection between two or more things.

Influence: Influence is the capacity to have an effect on someone or something. While *causality* postulates that one thing (the cause) *brings about* something else (the effect), influence postulates that one thing /something *has an effect on* another thing/something else.

Contribution: Contribution is the part/role played by a person or thing in bringing about a result. The impact of UN treaties or treaty body recommendations at the domestic level can be described as their discernible contributions to changes at the domestic level.

Causation: Causation is the action of causing something. It is the (‘but for’) relationship between cause and effect.

Attribution: Attribution is the action of regarding something as being caused by a person or thing. Because UN treaties or treaty body recommendations are rarely the sole cause of social changes, ‘attribution’ is a term or concept that is likely to be rarely used in this study.

¹⁰ R Murray & D Long *The Implementation of the Findings of the African Commission on Human and Peoples’ Rights* (Oxford 2015) 27.

8 Useful background information for country researchers on the UN human rights treaty system

General on-line information on the treaty system:

The following two sources provide an excellent overview of the UN human rights treaty system and might be a good starting point:

Fact sheet on the UN human rights treaty system

<http://www.ohchr.org/Documents/Publications/FactSheet30Rev1.pdf>

Handbook for Human Rights Treaty Body Members

http://www.ohchr.org/Documents/Publications/HR_PUB_15_2_TB%20Handbook_E N.pdf

You may also want to sign up for OHCHR's *Weekly Update: News and Events in the UN Human Rights Treaty Body System*. It is issued every Monday and covers the proceedings of the previous week. The *Weekly Update* focal point is: Ms Elena Kountouri Tapiero. Tel: +41 22 917 96 72 E-mail: tbs@ohchr.org

The link to this project, and some additional resources, on the website of the Institute for International and Comparative Law in Africa, University of Pretoria, is:

<http://www.icla.up.ac.za/research/impact-of-the-un-human-rights-treaties-on-domestic-level>

Follow-up procedures:

The follow-up procedures of the various treaty bodies is an invaluable resource in gauging impact, because one will often find explicit statements by States during those processes on whether they have implemented recommendations of COs.

The documents produced by the treaty bodies can be accessed at:

<http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

Particularly useful for follow-up to COs under the ICCPR, where states report on impact, and a potential gold-mine for the question of causality is:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCP&Lang=en

At the following link you can access all the follow-up reports sent by States and additional information by State party to treaty bodies:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/MasterCalendar.aspx

For an enlightening discussion of the implementation by States of the decisions of the Treaty Bodies (particularly the HRCttee), please see the following article: KF Principi, ‘Implementation of Decisions under the UN Treaty Body Complaint Procedures – How Do States Comply? / A Categorized Study Based on 268 Cases of “Satisfactory” Implementation under the Follow-Up Procedure, mainly regarding the UN Human Rights Committee’ (2017) 37 *Human Rights Law Journal* 1.

There have been studies on impact (such as that by Kate Fox Principi). However, these studies are based upon the formal follow-up procedures. For example, Kate Fox Principi’s research indicates that the implementation rate for the combined good responses from all of the treaty bodies is approximately 23%.

We ask that you independently research the implementation rates for adverse decisions from all the treaty bodies with respect to your country from 30 June 1999 to 30 June 2019. Specifically, we request that you point to information to indicate whether the implementation rate for the formal follow-up procedures is reliable – for example, in some cases implementation may not have occurred, while in others there may have been implementation but it was not reported.

9 Style, language and formatting

Footnotes in text:

Please insert footnotes in superscript – place footnote sign after punctuation mark, without leaving a space, eg

‘According to CEDAW,¹¹ there are ...

Footnotes end with a full stop.

Reference to state – please use IT (not her)

Eg: Egypt has respected its (NOT her) obligations ...

For style and formatting, please follow the Oxford University Standard for the Citation of Legal Authorities (OSCOLA) – see

https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf

SUMMARISING OSCOLA:

Primary sources:

¹¹ art 7(1) CEDAW.

Legislation: in text -- section 5(1)(a) of the Race Relations Act 1976; in footnote -- Human Rights Act 1998, s 15(1)(b).

Cases:

IACtHR, *Case of González v Mexico*, Judgment (Preliminary Objection, Merits, Reparations, and Costs), 16 November 2009.

European Court: *Johnston v Ireland* (1986) Series A no 122.

Osman v UK ECHR 1998–VIII 3124.

Balogh v Hungary App no 47940/99 (ECtHR, 20 July 2004) *Omojudi v UK* (2009) 51 EHRR 10.

Subsequent reference in text: *Golder* case.

Secondary sources:

Journal articles: JG Fleming, 'Remoteness and Duty: The Control Devices in Liability for Negligence' (1953) 31 Can Bar Rev 471.

J Waldron, 'The Core of the Case against Judicial Review' (2006) 115 Yale LJ 1346, 1372.

Books: E Fisher, *Risk Regulation and Administrative Constitutionalism* (Hart 2007).

Chapters in books: J Cartwright, 'The Fiction of the "Reasonable Man"' in AG Castermans and others (eds), *Ex Libris Hans Nieuwenhuis* (Kluwer 2009).

Internet sources: G Greenleaf, 'The Global Development of Free Access to Legal Information' (2010) 1(1) EJLT <<http://ejlt.org/article/view/17>> accessed 27 July 2010.

JM Finnis, 'On Public Reason' (2006) Oxford Legal Studies Research Paper 1/2007, 8 <<http://ssrn.com/abstract=955815>> accessed 18 November 2009.

UN documents:

GA Res 832 (IX), 18 December 1954.

SC Res 181, 7 August 1963.

ASPECTS NOT COVERED IN OSCOLA:

- Use UK English (not US English) (so, programme, NOT program, etc)
- Specific words: Shari'a
- Use decapitalised form ('small letters') for generic terms – use capital letters only for specifics/ unique indicators

So, article 32(2) NOT Article 32(2)

human rights NOT Human Rights

country NOT Country

continent NOT Continent

international human rights law/ system NOT International Human Rights Law/System

But: Inter-American Court of Human Rights, Human Rights Council, South African

Constitutional Court etc

Note: Constitution of Zambia; but constitutional arrangement

State

State party, or State parties (NOT States parties)

- **Quotations:** use single quotes -- incorporate quotations of up to three lines into the text, within single quotation marks. Indent quotations of more than three lines.
- Dates: 22 December 2012 eg: On 22 December 2012, Colombia submitted its report.
- Set out the treaty title in full the first time it is used in the TEXT, add abbreviation, and subsequently consistently use the abbreviated form
Eg: International Covenant on Civil and Political Rights (CCPR) ... Then use: CCPR
- For the treaties, use the following abbreviations:
CCPR, CESCR, CERD, CEDAW, CRC, CAT, CRPD, CMW, CED
OP1-CCPR
OP2-CCPR
OP-CESCR
OP-CEDAW
OP-CAT
OP-CRPD
Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OP-CRC-AC)
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC)
Optional Protocol to the CRC on a Communications Procedure (OP-CRC-CP)

- For the treaty bodies, please use the following abbreviations:
HRCttee, CESCR Cttee, CERD Cttee, CEDAW Cttee, CRC Cttee, CAT Cttee, CRPD Cttee, CMW Cttee, CED Cttee

Sub-Committee on Prevention of Torture (SPT)
- In text: According to article 6(3)(a) CEDAW, the state ... ; in footnote: art 6(3)(a) CEDAW.

References:

State reports:

In text: Austria's initial report

In footnote: Initial Report, CRPD, Austria, para 7.

In Bibliography: Initial Report, CRPD, Austria, CRPD/C/AUT/1 (2 November 2010).

Concluding Observations:

In text: CRPD COs (second periodic report of Spain)

In footnote: CRPD Cttee, Concluding Observations on the second periodic report of Spain, para 7.1.

In Bibliography: CRPD Cttee, Concluding Observations on the second periodic report of Spain, UN Doc CRPD/C/ESP/CO/1 (19–23 September 2011).

Make reference to specific paragraph (eg para 7) or page number (eg at 22).

General Comments:

In text: CRPD General Comment 1; CESCR General Comment 15

In footnote: CRPD Cttee, General Comment 1, Article 12: Equal Recognition Before the Law, para 21.

CESCR Cttee, General Comment 15, The Right to Water, para 21.

In Bibliography: CRPD Cttee, General Comment 1, Article 12: Equal Recognition Before the Law, E/C.12/2002/11 (2002)

CESCR Cttee, General Comment 15, The Right to Water, E/C.12/2002/11 (2002)

Individual Communication:

In text: *McCallum v South Africa*

In footnote: HRCtee, *McCallum v South Africa* (2 November 2010), para 3.2.

In Bibliography: HRCtee, *McCallum v South Africa*, CCPR/C/100/D/1818/2008 (2 November 2010)

- Abbreviations in footnotes

part/parts	pt/pts
section/sections	s/ss
subsection/subsections	sub-s/sub-ss
paragraph/paragraphs	para/paras
subparagraph/subparagraphs	subpara/subparas
schedule/schedules	sch/schs

Concluding Observations COs

BIBLIOGRAPHY (You do not have to include the 9 treaties in this ...)

Please add – after your report, and excluding the word count – a list of sources, with the at least the following sub-headings (as appropriate):

Domestic case-law

(chronological according to date of adoption)

Domestic legislation

(chronological according to date of adoption)

Other domestic documents

Reports

(also on internet)

Secondary literature: Journal articles, books, chapters in books

(alphabetical)

UN treaty body jurisprudence: General Comments

(by treaty body)

CRPD Committee

CRPD Cttee, General Comment 1, Article 12: Equal Recognition Before the Law, E/C.12/2002/11 (2002)

UN treaty body jurisprudence: Concluding Observations

(by treaty body)

CRPD Committee

CRPD Cttee, Concluding Observations on the second periodic report of Spain, UN Doc CRPD/C/ESP/CO/1 (19–23 September 2011)

UN treaty body jurisprudence: Communications

(by treaty body)

Human Rights Committee

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