

The UN Treaty System Impact Database 2020+: Guidelines for contributors

Background

We are delighted that you will be working with us to populate the 'UN treaty system impact database 2020 +', aimed at helping to make the impact of the United Nations treaty body system more visible. If anything is unclear, do not hesitate to contact us. We will also be checking in from time to time to make sure everyone is on board.

As soon as we have agreed on which country you will assume responsibility for, and whether you will cover all ten treaties or only some of them in respect of that country, this will be registered on the 'list of countries and researchers', to be found [here](#). We will provide you with tables to be filled out in respect of the different treaties as they pertain to your country and ask you to submit the supporting documentation on a Google drive.

Please make sure you have read the description of the Pretoria UN human rights treaty system impact study as a whole, which you can [find here](#), as well as the information on 'Impact database 2020 +' which you will find [here](#).

As you would have gathered from the above-mentioned information, we are collecting evidence on the extent to which the UN human rights system (the ten core treaties and the treaty monitoring bodies) has made a difference in all countries of the world and continues to do so. The aim of the database is to make this information, and the supporting documentation, accessible in a systematized way.

The impact database will consist of a set of tables (each one covering the impact of a different treaty in each UN Member State) that capture the actions taken by states or other players on the local level in response to treaty obligations or treaty body outputs. These 'actions' (as described more fully below) may for example be new laws or judicial or executive decisions, but also reliance by NGOs on the treaty system in reports commenting on human rights issues. The question to be asked is: was the treaty system used on the domestic level?

We are interested in the impact of the core treaties in all countries. Such impact will be most pronounced where the state in question has adhered to the treaty, or adopted the complaints procedure, but in some instances unratified treaties also have an impact – e.g. when courts refer to such treaties. This should also be captured.

The best evidence that shows such a link between the treaty system and actions taken on the local level is when country level documentation states that such a link exists. For example, the preamble of a law says 'This law is adopted to comply with the UN Convention Against Torture', or a court relies explicitly on a treaty body General Comment in a judgement, or an NGO report does the same. Where that has happened, we want you to capture information about the actions that have been taken on the database, and make available to us a copy of the relevant country level document.

However, such clear demonstrations of impact may not always be found. In that case, we will also capture in the database any claims by the state to the UN (e.g., in a state report) that the

steps in question had been taken specifically in order to comply with the treaty system, or even merely that these steps more generally show conformity with the treaty system. Also, in this case you should capture in the table the fact that the state has taken such action, and provide a reference to the source of the information. (For example, in Canada's state party report to the Human Rights Committee for their sixth periodic review under the ICCPR, Canada noted that many of the rights protected in this treaty are also protected in Canada's constitution, but there is no explicit reference to the ICCPR included in the constitution.)

In some instances, other sources point out that the language of a particular law is directly taken from a treaty (for example, the definition of torture may correspond verbatim with CAT). Where there can be little or no doubt that the language was transferred in that way, this should also be pointed out.

Information on the treaty system as a whole is available on the UN Office of the High Commissioner for Human Rights (OHCHR) [website](#). This is where you will find information on the treaties themselves, as well as the outputs of the treaty bodies.

Populating the tables

You will receive from us tables that you must populate, one per treaty in the country that you are covering. Some minimum information will already be inserted. For example, at the top of the table you will find the name of the country and the treaty covered in the specific table.

On each table, you will find the following items on the **left hand side**, with the relevant information already provided in drop-down menus. While most of this information will remain hidden, it will become 'live' when selected.

First, the articles of the treaty itself are listed in the menu. If a specific article has been referenced in the country in question, you should click on the number of the article to activate it.

Below that, the following outputs of the applicable treaty body are listed, with the relevant background information provided in drop-down menus:

- The documentation related to the different **reporting cycles**. All treaties require state parties to submit regular reports on their compliance with the treaties to the treaty bodies. Together with these reports you will find relevant parallel reports submitted by the National Human Rights Institutions (NHRI), civil society organizations, and others, as well as the concluding observations adopted by the treaty body at the end of each reporting cycle;
- Where the state in question has accepted this procedure, the **views** (similar to judgments) on individual communications (or complaints) against the state that the treaty body has adopted;
- The **general comments** or other similar documents in which the treaty body has set out its interpretation of the obligations of states under the treaty; and
- Where the treaty allows for it, **reports on inquiries**.

At the **top of the table**, the **actions taken by domestic players** to give effect to the treaty and the treaty body outputs in the country are listed (the name of only one of these role players will appear on the screen at a time, the others are hidden). It is in the empty boxes that appear under these headings that you have to provide the information that you gather. We want you to list the actions taken by the various role players in the relevant boxes and indicate your source(s).

- The **legislature** (e.g., Bills; acts; subordinate legislation; extracts from debates in the legislature, for example in Hansards, etc. This also includes information showing the impact of the treaty system on the drafting of the constitution or constitutional amendments.)
- The **courts** (judicial decisions; guidelines issued by courts; heads of argument used by the lawyers, etc.)
- The **executive** (e.g., government policies; ministerial reports; significant comments by politicians, etc. showing why treaties were ratified or not ratified by the state or reflecting governmental reaction or inaction to the views or concluding observations of the treaty bodies (e.g., proof that someone in detention was released because of what a treaty body has said.)
- Documents of **independent state institutions** (e.g., relevant NHRI reports; ombudsman reports; commissions of inquiry, etc.). In countries with National Mechanisms for Reporting and Follow up (NMRFs), it will be important to track their work as well.
- Reports of **NGOs** making references to the system.
- **Academic studies** referencing the system.
- Reports in the **media**, such as newspaper reports, or videos referring effect of the treaty system in the country in question.
- **Others** – instances where the treaty or treaty body output is mentioned which does not belong under the above heading.

We are interested in steps taken and supporting documents (and in the case of the media, other sources such as videos) which cover the situation since the start of the treaty system, though if you have to choose, focus on the more recent (last 10) years. Someone else will take over after you and look for more or newer documents, so please keep track of where you have searched.

At the end of this document, you can find an example of a table that has already been populated. The country in question is Canada and the treaty is the ICCPR. In the end, with your help, there will be such a table covering the impact of each one of the ten treaties in each one of the 193 UN member states, meaning that 1 930 tables will make up the database.

Where do I start?

Step 1 – Get to know the lay of the land

We will provide you with the tables you must use, with the articles of the treaties and the outputs of the treaty bodies already inserted on the drop-down menus on the left hand side. Make sure you are familiar with how these tables work, what is included and what not, and the story it is trying to tell. Also, make sure that you know how to find the information you are going to need on the OHCHR website. Further down in this document we provide information on how to navigate the OHCHR website. Perhaps start by double-checking that the information that we have provided in the drop-down menus is correct (and let us know if it is not!).

Step 2 – Look for evidence of impact on the OHCHR website

Now we are getting to the real work. Start with the OHCHR website (see the discussion below on how to navigate it) to find evidence of actions that have been taken in response to the treaty you are dealing with. Start with the documents on state reporting, from the latest state reporting cycle, to the earlier ones. Note that some treaty bodies have follow up procedures in respect of reporting, which can be very helpful. Once you find evidence of such actions, record it on the table, together with your source.

For example, in an idealised scenario, you may find that the state says in a report: “In its last concluding observations the Committee has recommended that we change our law on the death penalty. This has now been done by means of the Death Penalty Abolition Act of 2020”. The Committee may endorse this claim in the first paragraphs of its concluding observations. Or the state may say: “In its views on *A v The State* the Committee has found that the following three people were unlawfully detained. They have now been released”. The results are not often as clear, but you get the point.

Do not spend much time on the views at this stage, you are not likely to get much information on impact there. The exception is where (as with the Human Rights Committee) there is a follow up-procedure on views – this is a valuable tool. You will likewise not find much on the impact of the General Comments and reports on inquiries on the OHCHR website. (We hope, however, that you will find more information in your country.)

Step 3 – Look for evidence of impact and original documents on the country level

The fun starts when you start looking for evidence of impact on the domestic level. By now you should have some entries on the table, based on the OHCHR documentation. Start by looking for copies of the original documents that are referenced in the OHCHR documentation. (In the example above, look for a copy of the Death Penalty Abolition Act.) Does it say in the Act that it was adopted in response to the treaty in question? If so, add that information to the information you already have in the relevant box.

Once you have covered all the documentation to which you have found links on the OHCHR website, start looking for evidence of domestic references to the treaty system that are NOT available on that website. In this way you will probably find more information on the impact of

treaty outputs such as views and general comments than could be found on the OHCHR website.

You may start by looking for the record of the adoption of the constitution - does it show that the treaty system had an influence? Or is there perhaps a reference to it in the constitution itself? If you have not yet picked this up through the UN system, add this new information to the table. Then look for other legislation showing impact, going through the Hansards, preambles of the laws, etc. Thereafter, start with judicial decisions. You may be able to find references to the treaties in judicial decisions by using an electronic search function, or collections listing tables of sources used by the courts.

Did the independent state institutions such as the Human Rights Commission (if there is one in the country) rely on the treaty or treaty body outputs? Did any commissions of inquiry use the treaty system in their work? What about the country's academics – did they quote it in their research? To what extent does the media – whether printer or electronic, including television and blogs – refer to the system? Are there other players who engage with the system?

Step 5 – What should be inserted into the table?

Drawing on the information available on the OHCHR website as well as the information you have found on the domestic level, the following information must be inserted under each 'potential area of impact', in the relevant box in the table:

A description of the actions taken by the various players on the domestic level in response to the treaty system. (E.g., 'The following law was adopted to comply with article 19 of the Covenant, and with the 2014 Concluding Observations of the Human Rights Committee:' [Provide the name and the reference, in English and where applicable in the original language.]) Where the steps taken took the form of a document that was adopted, and the link with the treaty system is recognized in the document itself, the exact quote of where the document refers to the treaty system (in English and, if applicable, in the original language) must be provided. Where the document in question does not explicitly recognize its link to the treaty system, provide the external information showing such a link (e.g., make reference to the relevant UN documentation).

Also provide your own brief observations, where required, on the relevance of the information provided.

Step 6 - Submit the supporting country level documentation

Please follow the following steps:

- All documents should be sent to us in electronic format. Make a digital copy of hard copy documents. Material on the internet should be downloaded.
- Documents should be properly named and sent to the us.
- Please provide us separately with an index of all documents you have submitted.
- Please send the documents in English, if possible. If the documents are not available in English, you are not required to translate the whole document, but please highlight the relevant part in yellow.

Please note

- For the purposes of this study, we are interested only in the impact of the UN human rights treaty system; we are NOT covering the impact of the other UN human rights mechanisms, such as the Universal Peer Review or the Special Procedures. However, in dealing with a particular country, these other mechanisms often refer to the compliance (or lack thereof) of the state with obligations imposed by the treaty system, and as such it may be a useful source of information on what to look for in your country or it may contain a claim that the document was adopted in compliance with treaty obligations.
- We are NOT asking you to send us copies of documents that are already available on the UN website, such as the reports submitted by the state or NGOs to the treaty bodies, or the concluding observations of the treaty bodies in respect of the country. We already have access to those documents. We are only asking you to send us the country documents that are not already available on the UN system. At the same time, as suggested above, we do encourage you look at the treaty system documents that are already available on the OHCHR website when you start your work.

Requirements to be a country researcher

Country researchers should have at least a foundational understanding of the UN human rights system. They must understand the language in which official documents are published in the country and have personal experience with the country they are researching. In most cases they will be covering their home countries.

Intellectual property

The nature of the project dictates that country researchers or their home institutions will allow the database to use the information they provide, but the country researchers are also welcome to use it themselves in their own subsequent studies or publications.

How to navigate the OHCHR website

Within the OHCHR website, there are two useful “landing” pages:

- The **country-specific information page**, which provides country-specific information on:
 - The ratification of international human rights treaties
 - The reporting cycles

- documents related to reporting cycle (not complete, often only the State Party report)

The screenshot shows the United Nations Human Rights Office of the High Commissioner website. The main navigation bar includes 'HOME', 'ABOUT US', 'ISSUES', 'HUMAN RIGHTS BY COUNTRY', 'WHERE WE WORK', 'HUMAN RIGHTS BODIES', 'NEWS AND EVENTS', and 'PUBLICATIONS AND RESOURCES'. The 'HUMAN RIGHTS BY COUNTRY' menu is highlighted. The main content area is titled 'Argentina' and features a map of the country. Below the map, there are sections for 'Argentina and UN Charter-based Bodies' (including 'Universal Periodic Review' and 'Special Procedures') and 'Argentina and UN Treaty Bodies' (including 'Most recent concluding observations' and 'Committee on Migrant Workers'). A 'Contact Information' sidebar on the right provides details for the Headquarters and Field Operations and Technical Cooperation Division (FOTCD).

- Next you should visit the **committee-specific page**, which provides the complete set of documentation stemming from all relevant procedures (State Reporting, Individual Communications, Inquiries, etc.). With regards to the State Reporting procedure, all relevant country information (not just the State Party report) is to be found under the *Sessions* tag, on the right-hand side bar under “meeting and deadlines”. Within the Sessions page, you will then be able to scroll to the country you are covering. It is here that it will be possible to look at the latest reporting cycles for each of the different treaties that the country has adhered to, and in particular 'the list of issues (prior to reporting),' the 'state report', and the 'concluding observations'. It will also be possible to look at all parallel reports that were submitted (e.g., by the NHRI, CSOs, etc.). For those treaties for which this is available on the website, also look at the 'follow-up reports'.

The screenshot shows the United Nations Human Rights Office of the High Commissioner website, specifically the 'HUMAN RIGHTS COMMITTEE' page. The main navigation bar includes 'HOME', 'ABOUT US', 'ISSUES', 'HUMAN RIGHTS BY COUNTRY', 'WHERE WE WORK', 'HUMAN RIGHTS BODIES', 'NEWS AND EVENTS', and 'PUBLICATIONS AND RESOURCES'. The 'HUMAN RIGHTS BY COUNTRY' menu is highlighted. The main content area is titled 'HUMAN RIGHTS COMMITTEE' and features a section for 'Monitoring civil and political rights'. Below this, there is a 'Country-specific information' section with a dropdown menu for 'Select a country' and a 'GO' button. The 'Meetings and deadlines' section is also visible, with a 'Sessions' tag highlighted.

The screenshot shows the United Nations Human Rights Office of the High Commissioner website, specifically the 'UN Treaty Body Database' page. The main navigation bar includes 'HOME', 'ABOUT US', 'ISSUES', 'HUMAN RIGHTS BY COUNTRY', 'WHERE WE WORK', 'HUMAN RIGHTS BODIES', 'NEWS AND EVENTS', and 'PUBLICATIONS AND RESOURCES'. The 'HUMAN RIGHTS BY COUNTRY' menu is highlighted. The main content area is titled 'UN Treaty Body Database' and features a table of sessions. The table has columns for 'Session No.', 'Start Date', 'End Date', and 'States'. The 'States' column is circled, and the word 'Argentina' is highlighted in the list of states. Below the table, there is a list of states and a search bar.

Session No.	Start Date	End Date	States
112	20 Jun 2016	15 Jul 2016	ARGENTINA, BAHAMA, BANGLADESH, BELARUS, BELGIUM, BULGARIA, CANADA, CHINA, DENMARK, ECUADOR, GERMANY, GUATEMALA, HONG KONG, HUNGARY, INDIA, INDONESIA, ITALY, JAPAN, JORDAN, KAZAKHSTAN, KENYA, KUWAIT, LIBERIA, MALTA, MEXICO, MOROCCO, NETHERLANDS, NIGERIA, NORWAY, OMAN, PAKISTAN, PANAMA, PERU, POLAND, PORTUGAL, ROMANIA, SAUDI ARABIA, SERBIA, SLOVAKIA, SLOVENIA, SOUTH AFRICA, SOUTH KOREA, SWEDEN, SWITZERLAND, THAILAND, TIMOR-LESTE, TURKEY, UKRAINE, UNITED STATES OF AMERICA, VIETNAM, YEMEN
118	19 Mar 2014	28 Mar 2014	ARGENTINA, BAHAMA, BANGLADESH, BELARUS, BELGIUM, BULGARIA, CANADA, CHINA, DENMARK, ECUADOR, GERMANY, GUATEMALA, HONG KONG, HUNGARY, INDIA, INDONESIA, ITALY, JAPAN, JORDAN, KAZAKHSTAN, KENYA, KUWAIT, LIBERIA, MALTA, MEXICO, MOROCCO, NETHERLANDS, NIGERIA, NORWAY, OMAN, PAKISTAN, PANAMA, PERU, POLAND, PORTUGAL, ROMANIA, SAUDI ARABIA, SERBIA, SLOVAKIA, SLOVENIA, SOUTH AFRICA, SOUTH KOREA, SWEDEN, SWITZERLAND, THAILAND, TIMOR-LESTE, TURKEY, UKRAINE, UNITED STATES OF AMERICA, VIETNAM, YEMEN
98	09 Mar 2010	28 Mar 2010	ARGENTINA, BAHAMA, BANGLADESH, BELARUS, BELGIUM, BULGARIA, CANADA, CHINA, DENMARK, ECUADOR, GERMANY, GUATEMALA, HONG KONG, HUNGARY, INDIA, INDONESIA, ITALY, JAPAN, JORDAN, KAZAKHSTAN, KENYA, KUWAIT, LIBERIA, MALTA, MEXICO, MOROCCO, NETHERLANDS, NIGERIA, NORWAY, OMAN, PAKISTAN, PANAMA, PERU, POLAND, PORTUGAL, ROMANIA, SAUDI ARABIA, SERBIA, SLOVAKIA, SLOVENIA, SOUTH AFRICA, SOUTH KOREA, SWEDEN, SWITZERLAND, THAILAND, TIMOR-LESTE, TURKEY, UKRAINE, UNITED STATES OF AMERICA, VIETNAM, YEMEN

The screenshot shows the OHCHR.org website header with the UN Human Rights Treaty Bodies logo and the text 'UN Treaty Body Database'. Below the header, there is a navigation bar with language options: English, Français, Español, العربية, 中文. The main content area is titled 'COUNTRY' and lists two countries: Argentina and Burkina Faso. For each country, there is a 'Document type' section with a list of document categories, each with a checkbox. The 'State party report under LoIPR' category is highlighted in blue for Argentina. The document dates are listed as 'Wednesday 29 Jun 2016 AM, Thursday 30 Jun 2016 AM' for Argentina and 'Tuesday 28 Jun 2016 AM, Wednesday 29 Jun 2016 AM' for Burkina Faso.

While this, record country

doing keep of

documents that you think may be relevant. Also look at the 'views' of the treaty bodies on individual communications, where appropriate.

*The Impact Database 2020+ Team
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