State Reports

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Introduction

In 1993 the United Nations (UN) World Conference on Human Rights initiated a global focus on the implementation of human rights. Moving from an era of setting standards and establishing international machinery, this new era has been driven by a demand to see norms and standards transformed into domestic realities.\(^1\) As a consequence of this shift in the international agenda, increased emphasis has been placed on State reporting to human rights mechanisms at regional and international levels. When States ratify an international convention, they become accountable not only to the people within their jurisdiction, but also to the international community regarding implementation of the provisions of the convention. State reporting is a tool of accountability to international monitoring mechanisms, but it is also an important element in a State's requirement to respect, protect and fulfil its commitment under the convention at the national level.

There are numerous monitoring mechanisms with different tasks and working methodologies. The most common ways of operating are: (1) analysing the approach adopted by the State Party to implement its obligations under the convention; (2) dealing with individual complaints; and/or (3) issuing general recommendations. Some mechanisms can operate on all three levels, others on only one or two. In the present context of State reporting, it is primarily the State Party approach to implementation (1) which is of relevance.

Not all mechanisms analysing the State's approach to implementation request a report from the State Party. Most significant in this context are the special rapporteurs established by the former UN Human Rights Commission and some regional mechanisms, such as the Council of Europe Committee Against Torture and the European Commission Against Racism and Intolerance (ECRI). These bodies and the special rap-
porteurs gather information on their own initiative regarding the situation in the State concerned, which often includes a visit to the State itself. The fact that the information gathering is done by the monitoring mechanism does not exclude information being received from the relevant ministries and other public institutions.

State reports are an integral part of the examination of State Parties under eight of the existing nine UN human rights treaties, including most recently the International Convention on the Rights of Persons with Disabilities (ICRPD) of 2006. The International Labour Organization’s conventions as they have developed since the early 20th century have been an important source of inspiration in the development of State reporting procedures and standards under the human rights treaties. The International Convention for the Protection of All Persons from Forced Disappearance, also of 2006, is somewhat different from the other treaties in this regard since State Parties are not required to submit general reports.

**The legal framework for State reports**

The obligation to submit a State report is laid down in each treaty. Following the entry into force of the convention, the State Party has to submit an initial report within a fixed time period, normally one to two years. The initial report must be comprehensive to give the members of the treaty body an in-depth understanding of the situation in the country regarding the specific area or areas covered by the convention. As provided for in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as a minimum the report should contain information on the legislative, judicial, administrative or other measures which the State Party has adopted to give effect to the provisions of the Convention. The International Covenant on Civil and Political Rights (ICCPR) adds an important dimension that “reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Convention”. This language is repeated in the Convention on the Rights of the Child (CRC). However, in

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*3* Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Article 40 of the International Covenant on Civil and Political Rights (ICCPR); Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); Article 18 of the Convention on the Elimination of Discrimination Against Women (CEDAW); Article 19 of the Convention Against Torture and Other Cruel, Inhuman or Degrading treatment and Punishment (CAT); Article 44 of the Convention on the Rights of the Child (CRC); Article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW); Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; Article 12 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; Article 35 of the International Convention on the Rights of Persons with Disabilities (ICRPD); and Article 29 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICED).