Methods employed by existing global implementation review mechanisms

Briefing Note by the Secretariat

I. Global instruments and their implementation review mechanisms

A. International drug control treaties

Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol: ¹

Entry into force: 1975
Number of parties: 185
Review body: International Narcotics Control Board (established in 1968)
Composition: 13 members, who are elected by the Economic and Social Council and serve in a personal capacity for a period of five years²
Meetings: three a year
Methodology: The International Narcotics Control Board reviews the drug control situation and evaluates measures taken by Governments and progress in

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¹ CTOC/COP/WG.8/2015/1.
² Three members possessing medical, pharmacological or pharmaceutical experience are elected from a list of persons nominated by the World Health Organization and 10 members are elected from a list of persons nominated by Governments.
their treaty compliance on the basis of information provided by Governments, United Nations bodies and specialized agencies or other competent international organizations. Governments are requested to complete questionnaires. The Board maintains a permanent dialogue with Governments to assist them in complying with their obligations under the treaties and recommends, where appropriate, technical or legal assistance to be provided. The Board also conducts an annual evaluation of the implementation of its recommendations pursuant to country visits. The Board provides regular reports to the Economic and Social Council.

**Convention on Psychotropic Substances of 1971:**

- **Entry into force:** 1976
- **Number of parties:** 183
- **Review body:** same as above
- **Composition:** same as above
- **Meetings:** same as above
- **Methodology:** same as above

**United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988:**

- **Entry into force:** 1990
- **Number of parties:** 191
- **Review body:** same as above
- **Composition:** same as above
- **Meetings:** same as above
- **Methodology:** same as above

### B. Instruments for the protection of the ozone layer

**Vienna Convention for the Protection of the Ozone Layer:**

- **Entry into force:** 1988
- **Number of parties:** 197
- **Review body:** Conference of the Parties to the Vienna Convention
- **Composition:** all parties to the Convention
- **Meetings:** Meetings are usually held biannually, in conjunction with meetings of the implementation review body of the Montreal Protocol on Substances that Deplete the Ozone Layer. The Committee meets three times a year.

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4 Ibid., vol. 1582, No. 27627.
5 Ibid., vol. 1513, No. 26164.
Methodology: Compliance by parties is monitored in a peer review process by an Implementation Committee, with the party under review participating in the relevant meeting of the Committee. An Executive Committee of seven developed and seven developing countries, chosen by the parties on an annual basis and in accordance with a balanced geographical representation, reviews the report of the Implementation Committee.

A trust fund finances attendance by developing countries at meetings, provides grants and finances programmes to assist in identifying needs for cooperation, to facilitate technical cooperation to meet those needs, to distribute information and relevant materials and to hold workshops, training sessions and other related activities. The Executive Committee develops and monitors the implementation of operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the fund.6

Montreal Protocol on Substances that Deplete the Ozone Layer:7

Entry into force: 1989
Number of parties: 197
Review body: Meeting of the Parties to the Montreal Protocol, supported by the Implementation Committee
Composition: 10 parties to the Montreal Protocol, selected on the basis of equitable geographical distribution
Meetings: same as above
Methodology: same as above

C. International human rights instruments

International Convention on the Elimination of All Forms of Racial Discrimination:8

Entry into force: 1969
Number of parties: 177
Review body: Committee on the Elimination of Racial Discrimination9 (established in 1969)
Composition: independent experts possessing recognized competence in the area of human rights, who are nominated or elected by States parties
Meetings: usually twice a year

6 In addition, a range of international organizations supports the implementation of the Montreal Protocol through technical assistance to developing countries to comply with treaty obligations; they include the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank.
9 The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.
Methodology: States must submit an initial report, usually one year after acceding to the treaty, and then report periodically in accordance with the provisions of the treaty (usually every 4-5 years). In addition to the Government report, the treaty bodies may receive information on a country’s human rights situation from other sources, including non-governmental organizations, United Nations agencies, other intergovernmental organizations, academic institutions and the press. In the light of all the information available, the Committee examines the report together with Government representatives. Based on this “constructive dialogue”, the Committee publishes its concerns and recommendations. The Committee has adopted guidelines on the form and content of the reports to assist States parties with the preparation of the reports.

The process of preparing the country reports is at the same time an opportunity for Governments to take stock of the state of human rights protection within their jurisdiction for the purpose of policy planning and implementation.

**International Covenant on Civil and Political Rights:**

- **Entry into force:** 1976
- **Number of parties:** 168
- **Review body:** Committee on Human Rights (established in 1976)
- **Composition:** same as above
- **Meetings:** same as above
- **Methodology:** same as above

**Convention on the Elimination of All Forms of Discrimination against Women:**

- **Entry into force:** 1981
- **Number of parties:** 189
- **Review body:** Committee on the Elimination of Discrimination against Women (established in 1982)
- **Composition:** same as above
- **Meetings:** same as above
- **Methodology:** same as above

**International Covenant on Economic, Social and Cultural Rights:**

- **Entry into force:** 1976
- **Number of parties:** 164

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10 General Assembly resolution 2200 A (XXI), annex.
11 The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.
13 General Assembly resolution 2200 A (XXI), annex.
Review body: Committee on Economic, Social and Cultural Rights\(^{14}\) (established in 1987)
Composition: same as above
Meetings: same as above
Methodology: same as above

**Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:**\(^{15}\)
Entry into force: 1987
Number of parties: 158
Review body: Committee against Torture\(^{16}\) (established in 1987)
Composition: same as above
Meetings: same as above
Methodology: same as above

**Convention on the Rights of the Child:**\(^{17}\)
Entry into force: 1990
Number of parties: 195
Review body: Committee on the Rights of the Child\(^{18}\) (established in 1990)
Composition: same as above
Meetings: same as above
Methodology: same as above

**Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict:**\(^{19}\)
Entry into force: 2002
Number of parties: 159
Review body: same as above
Composition: same as above
Meetings: same as above
Methodology: same as above

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\(^{14}\) The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.

\(^{15}\) General Assembly resolution 39/46, annex.

\(^{16}\) The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.


\(^{19}\) The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

Entry into force: 2002
Number of parties: 169
Review body: same as above
Composition: same as above
Meetings: same as above
Methodology: same as above

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families:

Entry into force: 2003
Number of parties: 48
Review body: Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (established in 2004)
Composition: same as above
Meetings: same as above
Methodology: same as above

II. Analysing existing methods for reviewing implementation

A. Common denominators in reviewing implementation

Although the mechanisms discussed above apply a variety of methods for reviewing the implementation of the respective instruments, the following common elements can be identified:

(a) Self-assessment. Most implementation review processes have an initial step in which countries assess their own implementation efforts. That can be done through the completion of questionnaires, self-assessment reports or the preparation of less-structured country reports. Those documents are submitted by the countries to the respective secretariats;

(b) Review. The next step is usually a review that is carried out by the secretariat; by peers in a plenary review; by smaller working groups or committees, composed of designated or elected experts or a group of peers; or any combination of the foregoing;

(c) Dialogue. Many of the review mechanisms allow for dialogue during which questions can be asked and clarifications can be sought while the review

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20 Ibid., vol. 2171, No. 27531.
21 General Assembly resolution 45/158, annex.
22 The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.
process is under way. The dialogue is led either by the respective secretariat or by the reviewing experts and/or peers;

(d) *Other information*. Some review mechanisms consider information obtained from intergovernmental and non-governmental organizations in the review process. In some cases, the reviewers can consider information obtained from open sources. In all cases, the additional information forms part of the dialogue between reviewers and the country under review and is subject to validation as part of the process;

(e) *Country visits*. Some mechanisms include country visits, either to all countries (as is the case with the OECD Working Group on Bribery and with GRECO of the Council of Europe) or only when further clarification is sought (as is the case with the International Narcotics Control Board). Different procedures apply to the country visits, which are mainly conducted by the secretariat together with a reviewing team of experts and/or peers;

(f) *Benchmarking and identifying technical assistance needs*. In several review mechanisms, the outcome of the review is used by the country under review to establish benchmarks against which it can measure its own progress in implementing the relevant instruments. At the same time, such benchmarks assist the State in assessing what has been achieved, what still needs to be accomplished and where assistance is required in addressing those needs;

(g) *Technical assistance*. Some review mechanisms establish close links between the review process and technical assistance. That is specifically a strong element in the instruments for the protection of the ozone layer, where technical assistance financed through a designated trust fund encourages developing countries to join the treaty regime.