

Contents

Acknowledgements 9

Preface..... 11

Abbreviations and Legal Citation Format 13

Part One: Introduction..... 17

I. Scope and Aim of the Thesis 20

II. Research Method and Application 21

Part Two: Unravelling a Confused System..... 25

Chapter 1: The State Reporting Obligation 27

I. Human Rights Monitoring through State Reporting 27

II. State Reporting Obligations and their Procedures 32

1. United Nations Human Rights System..... 33

a. Procedure of Reporting to the United Nations Treaty Bodies..... 34

aa. Standard Reporting Procedure..... 35

(1) Common Core Document 36

(2) Treaty Specific Report 37

bb. Simplified Reporting Procedure 37

2. Regional Human Rights Systems and the State Reporting Obligation ... 39

a. European Human Rights System..... 39

aa. Provisions that Prescribe State Reporting..... 39

bb. Procedure of State Reporting in Europe 40

b. Inter-American Human Rights System 43

aa. Provisions that Prescribe State Reporting..... 43

bb. Procedure of State Reporting in the Americas..... 45

c. African Human Rights System 47

aa. Provisions that Prescribe State Reporting..... 47

bb. Procedure of State Reporting in Africa 50

d. Arabian Human Rights System 52

3. Conclusion..... 53

Contents

III. What is the Content, Purpose and Nature of the State Reporting
Obligation?..... 53

1. Content of the State Reporting Obligation in Relation
to the Written Report 53

2. Object and Purpose of the State Reporting Obligation..... 59

3. Dogmatic Classification of the State Reporting Obligation 61

 a. The Legal Nature of the State Reporting Obligation 61

 b. The Obligee of the State Reporting Obligation 63

4. Conclusion..... 65

IV. Challenges of the State Reporting Procedure as Violations
of International Law. 65

1. The Violation of the Principle *Pacta Sunt Servanda*. 68

2. Fragmentation of International Law and the State Reporting Obligation 69

3. Conclusion..... 72

Chapter 2: Previous Reform Proposals 73

I. The Alston Proposals, 1988–1997 75

 1. The Initial Report, 1989 76

 2. The Interim Report, 1993 76

 3. The Final Report, 1997 78

II. Single State Report, 2002–2006..... 79

 1. Coordination..... 80

 2. Global Approach 81

III. Unified Standing Treaty Body, 2006 82

IV. Harmonized Reporting Guidelines, 2006 84

V. Treaty Body Strengthening Process, 2009–2014..... 85

 1. Report of the Secretary-General, 2011..... 86

 2. Consultations with Stakeholders, 2010–2012..... 87

 a. National Human Rights Institutions..... 87

 b. Treaty Bodies..... 87

 c. Non-Governmental Organizations..... 88

 d. State Parties 89

 e. Academia 91

 f. United Nations Entities 92

 g. Multi-Stakeholder Meetings..... 92

 3. Report of the High Commissioner for Human Rights, 2012..... 93

VI. Review 2020. 96

1. General Assembly Resolution 68/268, 2014 96

2. Biennial Reports. 97

 a. First and Second Biennial Report 97

 b. Preparation for the Third Biennial Report. 98

 c. Third Biennial Report. 102

VII. Conclusion. 103

**Chapter 3: Integrative Reporting ‘Bottom-Up’ and Sanctions
under International Law for the Breach of the State
Reporting Obligation. 107**

I. Integrative Reporting. 108

1. The Concept of Integrative Reporting 109

2. Rationale of Integrative Reporting 114

3. Content Components of an Integrative Report. 116

 a. Baseline Report. 117

 b. Bottom-Up Review 120

 aa. Identification of Relevant Legislation 122

 bb. Procedure of the Bottom-Up Review. 124

 c. Periodic Q&A 128

4. Evaluation of the Integrative Reporting Procedure. 130

II. Sanctions for the Breach of the State Reporting Obligation under
International Law 134

1. International Treaties 136

 a. International and Regional Human Rights Treaties
 and their Supplements 136

 b. Vienna Convention on the Law of Treaties (1969) 139

 c. Conclusion. 141

2. Draft Articles on Responsibility of States for Internationally
Wrongful Acts 142

3. Evaluation of Sanctioning According to the Rules
of International Law. 144

III. Résumé on the Considerations Made in this Chapter 146

Contents

**Part Three: Conclusion – Call to Uphold and Advance the State
Reporting Procedure..... 149**

Index of Authorities..... 155