

**Sample Questionnaire for National Consultants**

*Explanatory Notes:*

*The following questions are to be answered separately for each treaty ratified.*

*Provide concrete examples with concrete references to sources whenever possible.*

*Copies of supporting documents, such as legislation, references to court decisions, newspaper clippings, NGO "shadow reports", brochures or government publications should accompany responses.*

*Interviews with participants, such as government officials, NGOs and the media, should be conducted in order to answer questions where relevant. Information submitted which is based on interviews should indicate the source (name and position of the person interviewed and date of interview).*

**1. GENERAL**

**1.1 Government**

What is the general level of awareness of and commitment to the treaty among officials of the state? Explain.

**1.2 NGOs**

What is the current level of awareness of NGOs (which should be understood here to include, where appropriate, civil society at large and individuals) of the treaty and its mechanisms? Differentiate where necessary between international, national and local NGOs. Assess the awareness by consideration of media references, NGO press statements, NGO submissions to government, conferences and continuing public education programmes in schools.

**1.3 Media**

What is the level of interest of the media in the existence of the treaty in question and its mechanisms? Is the media coverage negative, positive or neutral? Provide examples and attach clippings.

**2. THE RATIFICATION / ACCESSION PROCESS**

**2.1** What was the motivation for ratification? How was the decision to ratify communicated to the public at large: By written announcement, media coverage, spoken statements? Include dates, citations, clippings. Evaluate.

**2.2** Describe the steps taken in the country by the government, or other structures, towards ratification.

**2.3** If there were any reservations entered by or interpretive declarations made by your country, what was the motivation? If any reservations have been withdrawn, describe. Have there been any objections to such reservations, and if so, what was the reaction in the country? Has your country objected to reservations by other states in respect of the same treaty? If so, describe.

2.4 Was a compatibility study made comparing domestic law with the provisions of the treaty?

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### 3. USE OF THE TREATY

3.1 What is the legal status of the treaty in domestic law? If there is a bill of rights, are the norms of the treaty reflected in the Bill of Rights?

3.2 Describe any effort taken to incorporate the treaty into domestic law.

3.3 Are domestic laws required to be interpreted in conformity with treaty obligations?

3.4 Describe the use of/reference to the treaty in legislation, legislative proceedings, constitutional initiatives, law reform reports, courts, tribunals, ombudsperson reports, national human rights institutions and reports or policy reform initiatives of NGOs or individual advocates. Uses/references should include references to:

- provisions of the treaty itself
- general comments or recommendations or concluding observations/comments of the treaty body on state reports (submitted by your country or any other country)
- decisions of the treaty body on individual communications (regarding your country or other countries)

3.5 Are there any other ways that the treaty has been used, such as developing public policy?

3.6 Describe governmental/institutional arrangements for implementing the treaty. Who is responsible for implementation? Is there co-ordination in this respect between various departments? What are the strengths/weaknesses of these arrangements? What are the difficulties in implementation (eg. local conditions)?

3.7 Have government officials/NGOs/individuals received any guidelines and training on the substance of the treaty and the enforcement mechanisms? Who provided these and in what forms?

3.8 Identify which categories of people are using the treaty in any particular way, including for educational purposes (eg. academics). For what purposes? Provide references to scholarly and non-academic writings in which the treaty is dealt with; attach copies.

3.9 Are there other factors influencing the impact of the treaty in the country, such as the existence of state reservations, education needs, advocacy needs, perceptions about the gender or membership of a particular social group of the victims of human rights violations, or the fact that certain NGOs focus on specific issues? Describe in full.

3.10 Is the treaty available in the local languages? If so, who was responsible for the translation and how is the translation disseminated/distributed?

3.11 Has your country nominated members for the treaty body? If so, when? Were they elected? Describe the process followed to select nominee/s. Has this had an influence on the effect of the treaty in your country?

#### 4. REPORTING TO THE UN

Provide a list indicating how many country reports have been due under the treaty, when they were due and when they were submitted. Also indicate when these reports were considered by the treaty body. Your answers to the questions in this section should deal with each one of these reports separately, clearly indicating which report is under discussion at any given time.

##### 4.1 Government participation

###### 4.1.1 Preparation of the reports

4.1.1.1 Who prepared the report? Has this person(s) received any training in this regard? How was the report prepared? Who was consulted?

4.1.1.2 How readily was the country report made available to individuals or NGOs and when was that done - before or after submission to the treaty body? How many copies were made available? Who gave the final approval for the report? Was it tabled in the legislature/cabinet etc?

4.1.1.3 In what language(s) was the report prepared? What is the relation of the language of the report to the language of the national population? Was the report up-to-date? Did it deal with substantial issues? Was it critical?

4.1.1.4 To what extent did the state respond to the concluding observations/comments made by the treaty monitoring body which had considered the country's previous report under the treaty in question (if applicable)?

###### 4.1.2 Presentation of the report

Who presented the country report? How were their qualifications and areas of responsibility related to the substance of the treaty?

###### 4.1.3 Concluding observations/comments

4.1.3.1 Were concluding observations translated, published or circulated by the state? Were they discussed publicly, or within government? In what forum and by whom?

4.1.3.2 What was the level of awareness of concluding observations in response to the country's report? What was done to publicize the concluding observations?

4.1.3.3 Have the concluding observations been implemented? How?

#### 4.1.4 Written questions

Were written questions posed by the treaty body, either before or after the report was presented? If so, discuss the process of answering these questions.

#### 4.1.5 The role of national institutions

Were national institutions, such as human rights commissions or ombudspersons, involved in input into the report; drafting shadow reports; initiating or assisting in the writing of complaints under the communication procedure; and implementing concluding observations?

### 4.2 NGO participation

#### 4.2.1 Preparation of reports

4.2.1.1 What was the level of NGO and public participation and/or consultation in the preparation of the country report?

4.2.1.2 Were there any NGO shadow/alternate reports? If yes, which NGOs were involved in their preparation? Include copies where possible.

4.2.1.3 If NGOs participated in the preparation of the country report, what are the areas of information provided by NGOs? Was the information provided by the NGOs itself included? Was anything provided by NGOs excluded?

#### 4.2.2 Presentation of country reports

Did the NGOs preparing shadow/alternate reports attend the country's presentation of its report to the treaty body? Did other national NGOs attend the presentation? Did international NGOs attend? What were the reasons for attendance or non-attendance? Did they have meetings with treaty body members? Were issues raised by NGOs covered in questions of treaty body members or in concluding observations?

#### 4.2.3 Concluding observations/comments

How readily accessible were the treaty body's concluding observations from the point of view of NGOs? What use did NGOs make of the concluding observations?

### 4.3 Media participation

#### 4.3.1 Presentation of country reports

What was the level of interest of the media in the presentation of the country report? Did national media attend or report on this event? Did the international media do this?

#### 4.3.2 Communication of concluding observations

What was the level of interest of the media in the release of the concluding observations of the treaty body? Were they reported?

4.4 Reports not submitted, or not submitted on time (where applicable)

In respect of each country report that was submitted late, please indicate what the reasons were. In respect of those reports that are overdue and have not been submitted, please indicate what the reasons are. Evaluate these reasons. What has been the reaction to this on the part of the NGOs and the media?

5. INDIVIDUAL COMMUNICATIONS (CERD, ICCPR, CAT)

5.1 If the state has accepted the individual communications procedure, please answer the questions under 5.1. If not, answer 5.2.

5.1.1 Describe the background to the state's decision to subject itself to the individual communication procedure. Was it done simultaneously with the decision to ratify the treaty in question? What motivated the decision to subject the state to the communication procedure? How was this decision communicated to the population at large?

5.1.2 What factors limit the communications sent? For example, language, information, absence of legal resources (including legal aid) or gender or membership of a particular social group of the alleged victims? What factors encourage the use of the communications procedure?

5.1.3 Does the domestic legal system provide any remedy to give effect to the decisions of the treaty body?

5.1.4 How many individual communications have been sent concerning the country in question? List the, also indicating the individuals/groups who sent them and the issues involved.

5.1.5 In what follows, please deal separately with each one of the communications listed in 5.1.4 above.

5.1.5.1 Provide all available information on the impact of the decisions taken by the treaty body. In particular, all cases where findings of violations have been made should be investigated. Provide details of all steps that were taken by the state in response to such findings, both as far as the individuals involved are concerned, as well as the laws and policies of the country in general.

5.1.5.2 Has the UN secretariat been of assistance in formulating the communication within the terms required by the relevant treaty?

5.1.5.3 If the state was required to report to the treaty body on the implementation of a particular decision, was this done and was it done in time? Evaluate the response.

5.1.5.4 Would you describe the effect of the procedure as a whole as positive or negative? Explain.

5.1.5.5 Were the issues involved the most significant human rights issues in the state?

5.1.5.6 Did the treaty body at any time request the state to take interim measures to protect the author of a communication? If so, was this request observed and what were the consequences?

5.2 If the state has not subjected itself to the individual communications procedure, please indicate why not. Has there been any reaction to this decision?

## 6. EVALUATION AND CONCLUSION

How would you assess the impact of the treaty and its enforcement mechanisms in your country? Please provide any further information which might be relevant in making this assessment.

### **Additional Questions Posed**

- Does reporting make a difference? How should (a) governments, (b) NGOs approach this to make it more meaningful?
- Does the individual complaints system help?
- What would make the concluding observations more useful?
- What should the committees include in their concluding observations?
- What should (a) governments (b) NGOs do with the concluding observations?
- What would make the judiciary take the treaties more seriously?
- What would make the media take the treaties more seriously?
- Based on your experience, why are some treaties taken more seriously than others?
- Would it make a difference if the treaty bodies met in your region/country?