



Schweizerische Eidgenossenschaft
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ICRC

**Preparatory Discussion in view of the Third Meeting of States on Strengthening
Compliance with IHL of mid-2014**

Reporting and Thematic Discussions on IHL and Overview of a Meeting of States

December 16 and 17, 2013

BACKGROUND DOCUMENT

GENEVA, NOVEMBER 2013

Contents

1. Introduction	1
2. Periodic Reporting on National Compliance with IHL.....	2
3. Thematic Discussions on IHL Issues.....	13
4. Overview of the Meeting of States	21

ANNEX I: Chairs' Conclusions of the Second Meeting of States on Strengthening Compliance with IHL, Geneva, June 17-18, 2013.....	28
ANNEX II: Extract on Reporting Function from Background Document for Second Meeting of States of June 2013	33
ANNEX III: ICRC Advisory Service, Regular Reporting Requirements under IHL and Other Relevant Instruments.....	40

Reporting and Thematic Discussions on IHL and Overview of a Meeting of States

1. Introduction

The purpose of this document is to facilitate discussion among States in follow up to the Second Meeting of States on Strengthening Compliance with International Humanitarian Law that was held in Geneva on June 17-18, 2013. The preparatory discussion of December 2013, for which this document has been drafted, is taking place within the joint initiative launched by the Government of Switzerland and the International Committee of the Red Cross (ICRC) with a view to implementing Resolution 1 adopted at the 31st International Conference of the Red Cross and Red Crescent in December 2011.

By way of reminder, Resolution 1 which is devoted to “Strengthening Legal Protection for Victims of Armed Conflicts” recognizes “the importance of exploring ways of enhancing and ensuring the effectiveness of mechanisms of compliance with IHL, with a view to strengthening legal protection for all victims of armed conflict” (OP 5). It invites the ICRC “to pursue further research, consultation and discussion in cooperation with States and, if appropriate, other relevant actors, including international and regional organisations, to identify and propose a range of options and its recommendations to (...) enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law” (OP 6). The resolution also expresses its appreciation to the Government of Switzerland for its commitment “to explore and identify concrete ways and means to strengthen the application of international humanitarian law and reinforce dialogue on international humanitarian law issues among States and other interested actors, in cooperation with the ICRC” (OP 7).

Pursuant to the mandate given by Resolution 1 and based on the Second Meeting of States, Switzerland and the ICRC were to design, in continued discussions and consultations with States, concrete proposals and options regarding:

- the form and content of a periodic reporting system on national compliance;
- the form, content and possible outcome of thematic discussions on IHL issues;
- modalities for fact-finding, including possible ways to make use of the International Humanitarian Fact-Finding Commission (IHFFC);
- the features and tasks of a Meeting of States.¹

The relevant proposals and options listed above are to be presented to the Third Meeting of States that will be held in the summer of 2014. In order to allow appropriate preparations for the Third Meeting of States, Switzerland and the ICRC have scheduled two preparatory meetings in the meantime. The primary focus of the December 16-17, 2013 discussion will be reporting on national compliance with IHL and thematic discussions on IHL issues. The December preparatory meeting will also examine, in overview form, some features and tasks of a regular Meeting of States. This topic will be revisited at the next preparatory meeting scheduled for April 3-4, 2014, when questions related to fact-finding will also be discussed.

As facilitators, Switzerland and the ICRC are fully committed to ensuring that their joint initiative in follow-up of Resolution 1 is conducted in a transparent, inclusive and open manner.

¹ See Annex 1, Chairs’ Conclusions of Second Meeting of States on Strengthening Compliance with IHL, Geneva, June 17-18, 2013.

In addition to transparency, inclusivity and openness, the Swiss-ICRC initiative is premised on several key principles that were enunciated in the discussions and consultations held thus far and were reaffirmed at the Second Meeting of States. It was emphasized that the following principles should serve as the overall framework within which the search for possible solutions to the challenges of improving compliance with IHL should be pursued:

- the need for an IHL compliance system to be effective;
- the importance of avoiding politicization;
- the State-driven character of the process;
- the avoidance of unnecessary duplication with other compliance systems;
- the requirement to take resource considerations into account;
- the need to find appropriate ways to ensure that all types of armed conflicts and the parties to them are included.

This Background Document is structured as follows: Section 2 is devoted to a reporting system on national IHL compliance. Section 3 deals with thematic discussions on IHL issues, while Section 4 provides an overview of some of the features and tasks that a regular Meeting of States might have. Each section contains, or is followed by, a list of questions with a view to focusing the debate at the forthcoming preparatory meetings and to identifying responses to the issues presented for examination.

Given the great degree of inter-linkage between the subjects addressed in the Background Document, it is suggested that the text be first read in its entirety, before responses to the specific queries posed are approached.

2. Periodic Reporting on National Compliance with IHL

Discussions among States within the Swiss-ICRC initiative held thus far have shown that establishing periodic reporting on national compliance with IHL was generally believed to be essential to the goal of crafting an improved IHL compliance system. The Second Meeting of States held in June 2013 reviewed the debates that had previously taken place and confirmed that certain aspects of a reporting function deserved to be examined in more depth:

It was pointed out that reporting on national compliance serves as a basis for self-assessment by States, but also provides a baseline of information that allows for exchanges with other States on compliance issues. A reporting function should not entail a detailed overview of States' implementation of the applicable IHL treaties according to their provisions, but could be more focused, for example grouped according to topics or issues. It should be structured so as to also allow the sharing of relevant information on questions related to prevention such as IHL dissemination, the incorporation of IHL into domestic law, the training of armed forces and others. It should enable exchanges among States on their practical experiences and challenges in IHL implementation, as well as best practices. (...) It was also noted that further consideration could be given to whether non-governmental organisations should be involved in the preparation of reports. In addition, it was noted that the inclusion of non-State armed group actions should be the subject of further examination and that reporting should not create new legal obligations.

A range of other aspects related to the reporting [and fact-finding] functions deserving of attention in the process were noted. These include the body to which these functions would be attached, their periodicity, the public or confidential nature of the function, voluntariness,

*sources of information relevant to the function, resourcing, interface with other actors including NGOs and civil society, and others.*²

The aim of the subsections below is not to repeat the exchanges that have taken place thus far, but to enable a more detailed discussion of some of the issues flagged above. For ease of reference, Annex 2 to this Background Document contains an extract on “Periodic Reporting” from the Annex to the Background Document prepared for the Second Meeting of States,³ which already outlined some of the salient questions. Attention is also called to Annex 3, a document drafted by the ICRC’s Advisory Service which provides an overview of the periodic reporting function contained in a range of relevant treaties, and is submitted for the purposes of reminder and comparison.

2.1. Purpose and scope of periodic reports on national compliance with IHL

2.1.1. Purpose

Under existing compliance systems, States regularly submit reports on measures they take to ensure the proper implementation of and respect for their obligations with regard to specific treaties or bodies of law. The reporting exercise serves a self-monitoring function as it allows a State to gather, collate and analyze domestic law and practice. It also provides an opportunity for external actors - other States or expert bodies - to engage in a dialogue with the reporting State in order to identify ways of improving its level of implementation with the relevant law. The general aims of a reporting system are the identification of challenges and the evaluation of developments in the implementation of a State's obligations, with a view to enabling strengthened compliance at the national level. An important characteristic of a reporting system is that it establishes a continuous process and allows the input of a variety of actors in the different phases: the collection of data, its analysis at the national level, the compilation of the report, the formulation of recommendations by the relevant review body,⁴ and then follow up action in response to those recommendations.

As noted in the discussions held so far within the Swiss-ICRC facilitated process, IHL is the only body of international law related to the protection of persons that does not have a dedicated forum for regular dialogue among States, and thus also does not provide for a periodic reporting function on national compliance with its norms.

While IHL is on occasion and increasingly being examined by international human rights bodies, IHL is not part of their mandate, or the primary focus of their attention.⁵ IHL issues are taken up inconsistently, i.e. most often when political urgency - or expediency - demands it, which is an approach that should be avoided. As stressed by many participants at the 2013 Second Meeting of States, compliance systems under other bodies of international law cannot fill the IHL compliance system gap due to their focus on different sets of norms and the lack of requisite IHL expertise.

² Idem.

³ Hereafter “Annex, Second Meeting of States 2013”.

⁴ This para. is based on the Annex, Second Meeting of States 2013.

⁵ The Universal Periodic Review of the Human Rights Council “shall take into account” applicable IHL. See Annex of Resolution 5/1, “Institution-building of the UN Human Rights Council”, adopted by the Council on 18 June 2007: “1. The basis of the review is: (a) The Charter of the United Nations; (b) The Universal Declaration of Human Rights; (c) Human rights instruments to which a State is party; (d) Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter “the Council”). 2. In addition to the above and given the complementary and mutually interrelated nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law”.

An IHL reporting process as outlined above is also not part of the functions of the International Conference of the Red Cross and Red Crescent that takes place every four years, and involves other actors in addition to States parties to the 1949 Geneva Conventions. The International Conference is without a doubt an important venue for raising awareness of the need to enhance respect for IHL, but it is not an IHL compliance review body as such, and does not have an IHL reporting review system with the features outlined in this Background Document.

The main output of an International Conference is a resolution on IHL implementation and four-year programs of action/actions plans, the substantive focus of both of which is necessarily different each time. At the 31st International Conference, for example, Conference members were “invited to inform the ICRC on progress made on implementation of the Action Plan” and were “requested to report to the [next Conference] on the follow-up to their pledges” (to implement the Action Plan, if any).⁶ In practice, it is the ICRC which collates all the relevant information, whether on implementation of the IHL resolution or on the program of action/action plan and pledges, in a single report, based on a questionnaire. According to the last such report, 38 States responded to the questionnaire, while 24 governments provided information on implementation of their pledges.⁷ Synergies between a dedicated IHL reporting review process and the International Conference of the Red Cross and Red Crescent need to be examined going forward.

An issue that should be mentioned in this context is UN General Assembly resolution 65/29 of 2010. It requests the UN Secretary-General to submit biannual reports on the status of the Additional Protocols to the 1949 Geneva Conventions and on measures taken to strengthen the existing body of IHL, with respect to its dissemination and full implementation at the national level, based on information from member States and the ICRC. It encourages States and the ICRC to focus on new developments and activities during the reporting period. As may be deduced, this is not a compliance system, or a reporting review process, but a vehicle for the provision of information, if any.

In discussions prior to and at the Second Meeting of States in 2013, it was emphasized that a reporting function on national compliance with IHL should not be limited to just a review of the implementation of States’ legal obligations, but should also allow for:

- 1) exchanges among States on their practical experiences in this area;
- 2) the identification of challenges to IHL implementation;
- 3) the sharing of best practices; and
- 4) the flagging of capacity-building needs by States, where appropriate.

These and other similar proposals that may be made in the future constitute important aspects to be taken into account in establishing a reporting system. They would permit a realistic assessment of IHL implementation on the ground and allow for joint action among States in relation to recurring issues. Common issues identified could also serve to determine the subjects of thematic debates on IHL issues that States have also called for as part of an improved IHL compliance system (see Section 3).

⁶ See, e.g., 31st International Conference of the Red Cross and Red Crescent, Geneva, Switzerland, 28 November – 1 December 2011, 4-Year Action Plan for the Implementation of International Humanitarian Law, Resolution, Document prepared by the International Committee of the Red Cross, paras 8-9, available at: http://www.rcrcconference.org/docs_upl/en/R2_4-Year_Action_Plan_EN.pdf.

⁷ See 31st International Conference of the Red Cross and Red Crescent, Geneva, Switzerland, 28 November – 1 December 2011, Reaffirming and Implementing International Humanitarian Law (Follow-up to Resolution 3 of the 30th International Conference), Report on Implementation, Document prepared by the International Committee of the Red Cross, Geneva, October 2011, p. 3, available at: <http://www.icrc.org/eng/assets/files/red-cross-crescent-movement/31st-international-conference/31-int-conference-implementation-report-ihl-11-7-4-en.pdf>.

2.1.2. Scope

Existing reporting systems usually deal with general or thematic issues and not with specific cases or situations.⁸ The vast majority of reporting systems deal with a single treaty⁹ and require States to report on measures they have adopted to ensure the full implementation of that treaty. However, certain reporting systems deal with a range of treaties,¹⁰ while others deal with a whole branch of law,¹¹ or with specific provisions of a treaty.¹² Other systems¹³ monitor specific violations.¹⁴

It is submitted that, for the purposes of establishing a periodic reporting function for national compliance with IHL, the scope of the review should, at least initially,¹⁵ be co-extensive with a State's obligations under the four Geneva Conventions of 1949, which have been universally ratified, and under their three Additional Protocols of 1977 and 2005, respectively, provided the State is a party to the latter. The 1949 Geneva Conventions and their Additional Protocols may be said to be the general treaties of IHL for which no reporting function currently exists, and the establishment of which would not duplicate reporting requirements under other treaties or bodies of international law.

The reporting function under examination would thus not specifically encompass obligations under other specific IHL treaties that already have a compliance system which includes reporting on national compliance by States. Examples are treaties regulating specific weapons, or the 1954 Hague Convention on cultural property and its protocols.

In this context it should be recalled that, in distinction to some other bodies of international law, customary IHL remains an important source of legal obligations for States due to the way in which IHL historically developed. For example, a number of treaties adopted at the Hague Peace Conference in 1907 pertaining to IHL¹⁶ are today widely accepted to reflect

⁸ There may be exceptions to this approach. By way of example, the Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights had, in the 1990s, requested several States (Bosnia and Herzegovina, Croatia, The Federal Republic of Yugoslavia, Burundi, Angola, Haiti, Rwanda, and Nigeria), to present their overdue initial/periodic report without delay or to prepare *ad hoc* reports on specific issues.

⁹ Anti-Personnel Mine Ban Convention (hereafter "APMBC"), article 7; 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; all UN Human Rights Conventions.

¹⁰ The Committee of Experts on the Application of the Conventions and Recommendations of the ILO deals with all ILO Conventions. See: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang--en/index.htm>.

¹¹ E.g., the Universal Periodic Review within the UN Human Rights Council. See Annex of Resolution 5/1, "Institution-building of the UN Human Rights Council", adopted by the Council on 18 June 2007.

¹² The Group of Experts established under the European Convention on Action against Trafficking in Human Beings. Under this Council of Europe Convention, a Group of Experts on Action against Trafficking in Human Beings ("GRETA"), evaluates the implementation of the treaty following a procedure divided in rounds. At the beginning of each round GRETA selects the specific provisions on which the evaluation will be based.

¹³ The Monitoring and Reporting Mechanism on Children Affected by Armed Conflict (MRM). It is based on Resolution 1612 (2005) of the UN Security Council, supplemented by Resolution 1882 of 2009 and Resolution 1998 of 2011.

¹⁴ This para. is based on the Annex, Second Meeting of States 2013.

¹⁵ It is submitted that provision should be made for a reporting function to encompass other IHL treaties that may in the future be linked to the Geneva Conventions, or which a Meeting of States may decide that States should report on in the future.

¹⁶ See, e.g., Dieter Fleck (ed.), *The Handbook of International Humanitarian Law*, Second Edition (Oxford: Oxford University Press, 2008), at paras 126 and 128. These include:

customary law. Many of the relevant norms were not updated in later IHL codifications and remain a source of valid legal obligations. Customary IHL, as determined by the International Court of Justice and other international judicial bodies, is likewise a significant source of legal obligations for parties to non-international armed conflicts. States should also report on their customary law norms obligations when deemed relevant.

Questions for discussion:

- a) Has the scope of a possible national compliance periodic reporting function been properly articulated above?
- b) Are modifications to the proposed scope necessary and, if so, what would they be? Should other treaties be included? If so, which ones?

2.2. Voluntary or mandatory reports

The great majority of reporting review systems set up under international treaties are mandatory. This is, put simply, because States are more likely to undertake a certain activity if it constitutes a legal obligation than if that is not the case; the fact of the mandatory nature of reporting systems under other bodies of law/treaties must be recognized to have been key to their performance.

A reporting review process established as a result of State deliberations within the current Swiss-ICRC initiative cannot be mandatory as matter of law unless States were to agree to an amendment to the 1949 Geneva Conventions, and/or the Additional Protocols, or to another protocol. This, at present, seems unlikely. The current challenge is thus how to establish a reporting system that, while voluntary as a matter of law, would be effective and allow for improved compliance with IHL, given that that is the mandate conferred by the 31st International Conference of the Red Cross and Red Crescent.

An example of a non-treaty reporting system is the Universal Periodic Review (UPR) of the UN Human Rights Council, which, although established by means of a UN General Assembly resolution, has been successful: States feel politically compelled to submit reports and take part in the process even though the UPR itself was not brought into being by means of a legally binding instrument.

It is submitted that establishing an effective IHL reporting system which would not be legally binding *per se* is an issue that requires careful consideration in discussions at the December 16-17, 2013 meeting and in the time ahead.

Questions for discussion:

- a) How can a non-treaty IHL reporting system be made effective?
- b) What specific measures can be envisaged to ensure that States fulfil a reporting requirement as may be agreed on?

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- Hague Convention IV Concerning the Laws and Customs of War on Land (HC IV), and Annex to the Convention: Regulations Concerning the Laws and Customs of War on Land (Hague Regulations);
 - Hague Convention V Concerning the Rights and Duties of Neutral Powers and Persons in Case of War on Land (HC V);
 - Hague Convention XIII Concerning the Rights and Duties of Neutral Powers in Naval War (HC XIII).

2.3. Modalities/features of reports

2.3.1. Types of periodic reports on national compliance with IHL

Some reporting functions, particularly those established under a single treaty, provide that States are to report on the legal (and in many cases other types of measures) undertaken to give effect to their obligations under each article of the relevant treaty. Given that several IHL treaties are involved here, as explained above, and that the combined number of their articles is several hundred, some States have indicated that an article-by-article approach to national IHL compliance reports would likely be unworkable and should not be attempted.

Provided below are - briefly formulated - possible types of reports on national compliance with IHL, keeping that approach in mind. The typology is based on the premise that while the application of IHL is triggered only in armed conflict, the relevant IHL treaties contain provisions of different temporal application. There are measures that States are to take already in peacetime and are essentially aimed at the creation of an environment conducive to respect for IHL - such as IHL dissemination, the training of armed forces, the adoption of national legislation incorporating and implementing IHL treaties where necessary, and others. There are other obligations that are incumbent on the parties to an armed conflict, both international and non-international, whose application is triggered by the occurrence of armed conflict (the bulk of the Geneva Conventions and of Additional Protocols I and II). Finally, there are IHL obligations that survive an armed conflict and cease once their protective function is no longer necessary (e.g. the application of the Third Geneva Convention until the final release of a prisoner of war). This “three box approach” to examining IHL compliance was proposed and deemed useful by some States in the discussions thus far, and is believed to be a workable way of delineating IHL obligations whatever typology of reporting may be adopted.

The options outlined below are not necessarily mutually exclusive and can also be combined or exist in parallel.

Option 1: Initial report followed by subsequent updates

An initial, first report, would aim at outlining the legal, practical and other measures a State has taken or is taking to implement its obligations under the 1949 Geneva Conventions and their Additional Protocols, in the latter case for those who have ratified them. The aim of such a report would be to provide a baseline of fairly comprehensive information on the basis of which other States and/or a review body (see subsection 2.4. further below), could engage with the relevant State on the implementation of its obligations. As noted above, this type of report would not necessarily entail an article-by-article review of implementation of the treaties in question but could be grouped according to topics or issues. Subsequent periodic reports would serve to update the initial report.

Option 2: Focused thematic reports

Under this option, States would submit a focused thematic report on measures taken to implement one or more select IHL obligations related to a chosen topic or topics. This option would allow for the submission of a report by all States, and could be tailored to take into account, as appropriate, obligations based on States' experience of and/or involvement in armed conflict. Discrete sections of a report could be devoted to the issues also mentioned above, such as practical measures taken in IHL implementation, best practices, challenges to implementation, and the possible need for capacity-building assistance.

2.3.2. Other types of reports

In addition to the regular reports submitted by States outlined above, other types of reports could be considered. These reports could be adopted in addition – but not alternatively – to the above options of periodic reports on national compliance with IHL.

Ad hoc reports

It may be useful and necessary to the goal of improving IHL compliance to foresee that States or an expert body (such as one of those outlined below under the review bodies) could be called on to submit *ad hoc* reports outside of the regular timeframe in particular circumstances, and the criteria for such requests. The specific modalities would, of course, have to be the subject of further discussion among States.

Overview report on the state of IHL compliance

A separate but related question that may be posed in this context is whether an expert body could be tasked with compiling a report/review on the state of IHL compliance globally, or on different specific IHL issues, at regular intervals. Such a report could provide a useful overview of the main IHL issues and challenges identified and would be able to present cross-cutting topics that could serve as basis for further common action by States. Such a report could similarly be presented for examination by a Meeting of States.

Questions for discussion:

- a) Do the following two options of reports on national compliance with IHL adequately reflect the possible types of periodic reports that could be submitted by States?
 - Initial report followed by subsequent updates;
 - Focused thematic reports.
- b) Should the options or some aspects of them be combined? If so, which?
- c) Would the following other reports usefully complement the periodic reports on national compliance with IHL?
 - *Ad hoc* reports;
 - Overview report on the state of IHL compliance.
- d) Has a specific reporting option been overlooked? If so, which?

2.3.3. Format of reports

The format of national IHL compliance reports would depend on the type of report adopted, but, as already mentioned above, would not need to rely on an article-by-article review of the implementation of relevant IHL treaties. Each of the options outlined would allow for a grouping of select questions or issues to which answers could be provided. This could be done by means of a standard template or a questionnaire. It is likewise possible to establish a page-limit to State reports.

Questions for discussion:

- a) What would the preferred format of a State report be:
 - to be determined by each State;
 - to be provided in template form based on specific pre-established guidelines;
 - to be provided based on a pre-established questionnaire?

- b) What other reporting formats could be envisaged?
- c) Should reports have an established page or word limit?

2.3.4. Periodicity of reports

The periodicity of a reporting process should be distinguished from the periodicity of a Meeting of States. In most reporting systems the period within which State reports are due is several times longer than the period within which a review body meets, particularly if reporting review is not carried out by the Meeting of States itself (but is, for example, entrusted to a committee of experts or a subsidiary body that may be established for that purpose).

Several reporting systems - such as those established by the UN human rights treaties - require a State to submit an initial report to the relevant treaty body one or two years after the treaty's entry into force for it and then periodically thereafter (usually every four or five years).

Under the UPR, the human rights situation in all UN member States is reviewed every 4 1/2 years. States are also encouraged to provide an intermediary report to the Human Rights Council.

Under certain weapons treaties the reporting periodicity is more regular, even annual, given the more precise and technical subject-matter involved.¹⁷

The reporting system under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is distinct from those mentioned above in that it leaves States a certain liberty to decide when they will report ("at least" once every four years).¹⁸

It is submitted that the periodicity of State reports under a non-treaty IHL reporting system would need to be staggered over a certain period of time with respect to the first reports States would be due to provide. This is because the reporting requirement would not start separately for each State as of a particular point in time (such as the coming into force for it of a treaty), but would essentially be triggered for all States simultaneously on a certain date. In those circumstances, a review body would be hard pressed to review successfully the reports of all States at once. The criteria for staggering could be determined by the review body or by other agreement reached among States. Periodic reports could then be due every four years after the initial report. It is hoped that this periodicity should be feasible having in mind the streamlined nature of State reports envisaged, as outlined above.

Questions for discussion:

- a) How should a review of first State reports be organized and within what time period should such reports be due? Should the first reporting cycle be staggered?
- b) Is a four-year period for the submission of subsequent periodic reports feasible? If not, what periodicity is suggested?

¹⁷ See, e.g., Articles 7 of both the APMBBC and of the Convention on Cluster Munitions (hereafter "CCM").

¹⁸ 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, Article 26 (2).

2.4. Review of reports: bodies and follow-up

This subsection of the Background Document does not aim to outline in detail the various models of national compliance reporting review bodies that exist. Provided below is a brief reminder of certain models, with a view to facilitating debate on the type of reporting review that would be most suitable with regard to IHL as defined above and which could also address some of the other issues States have indicated would be desirable: exchanges among States on practical measures taken in IHL implementation, best practices, challenges to implementation, and the possible need for capacity-building assistance.

Option 1: Committee of Independent Experts

In some compliance reporting systems, States report to a committee composed of independent experts selected by States but serving in their personal capacity (as is the case, for example, with the committees of experts established by the UN human rights treaties). The committees are tasked to collect information and data, receive State reports, act as a forum for reviewing the performance of States, and to take other measures as may be necessary to accomplish their task. Annual reports of human rights treaty bodies are submitted to the UN, but could also be submitted, in the case at hand, to a Meeting of States. The specificity of this type of review is that it enables an expert discussion on national implementation reports and allows for a focused outcome, as well as follow up by the relevant State of specific recommendations that may be made.

Option 2: Committee of Governmental Experts

A reporting review model on national compliance that currently appears not to be provided for in an international compliance system dealing with the protection of persons is one in which a smaller review body, composed of State representatives, would undertake the review. Its members could be elected on a rotating basis – and serve either in their official or private capacity – from different geographic regions of the world, for a mandate of specified duration. It could also be envisaged that the composition of the Committee of Governmental Experts would have to conform to criteria that would ensure the requisite representation of experts (e.g. military, legal, etc.) in its ranks. The committee could also engage with States by making recommendations and undertaking follow up action that is necessary. The Committee could present annual reports for examination by a Meeting of States and have the ability to request action from it on issues of common concern that it may identify.

Option 3: Rotating Review Groups

The review mechanism adopted by the United Nations Convention against Corruption (UNCAC)¹⁹ provides for each report being reviewed by two other States parties to that treaty. The reviewing States, one of which should be from the same geographical region as the State under review, are drawn by lots. The reviewing States carry out a desk review which focuses on the measures taken to implement the UNCAC as well as on successes in and challenges of such implementation. If the reviewing States require further clarity, they can enter into a dialogue with the State under review to address supplementary questions. The reviewing States draft a country report, including an executive summary. These documents are finalized upon agreement between the reviewing States and the State under review; only the executive summary is made available to all States for information purposes only. The

¹⁹ This mechanism was adopted at the 3rd UNCAC Conference of States Parties in 2009, see resolution 3/1 of the Conference of the States Parties to the UNCAC and the annexed terms of reference. More information on the mechanism can be found here: [http://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism for the Review of Implementation - Basic Documents - E.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism%20for%20the%20Review%20of%20Implementation%20-%20Basic%20Documents%20-%20E.pdf).

secretariat compiles the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country review reports for submission to the Implementation Review Group.²⁰

Option 4: Meeting of States

The Meeting of States could be entrusted with the reporting review in various ways:

- Some treaties, particularly in the weapons area, provide for States reports to be circulated among the States in advance of a Meeting of States Parties²¹ (see also Annex 3). Such meetings are authorized to consider matters arising from the reports submitted by States under the relevant treaty. This review model does not provide for specific follow up to national reports submitted. Moreover, the reports submitted under these frameworks are often not systematically considered by the competent meeting as States rarely bring forward matters arising from them. Therefore, procedures would need to be established for this option to match the purposes for an IHL reporting system outlined above. (It should be recalled, however, that some of the weapons treaties contain detailed provisions on additional options to ensure compliance.²²)
- Another procedure is peer-review. Within the UN Human Rights Council it is known as the Universal Periodic Review and is carried out by a UPR Working Group which consists of the 47 members of the Council (but any UN Member State can take part in the discussion/dialogue with the State being reviewed). Every review is managed by groups of three States, known as “troikas”, chosen by lot, who serve as rapporteurs. The specificity of a peer-review system is that it allows engagement with the State being reviewed and permits all members of the body to engage with the relevant State. It too provides for recommendations, the implementation of which a State should report on in follow up, in the next reporting cycle.

Questions for discussion:

- a) Bearing in mind that the principle aim of a reporting system on national compliance with IHL is to strengthen implementation of this body of norms and that it should also permit States to exchange on practical measures taken in IHL implementation, best practices, challenges to implementation and the possible need for capacity-building assistance, which of the following review bodies would be most suitable:
 - Committee of Independent Experts;
 - Committee of Governmental Experts;
 - Rotating Review Groups;
 - Meeting of States.
- b) Should any of the options outlined above exist in parallel? Alternatively, should different aspects of the options above be combined in one?
- c) Is there another option for review, not mentioned above, that could be envisaged? If so, what would it be?
- d) What types of follow-up to national reports should be envisaged?

²⁰ The Implementation Review Group was also established at the 3rd UNCAC Conference of States Parties in 2009, see resolution 3/1 of the Conference of the States Parties to the UNCAC and the annexed terms of reference. Among other functions, it shall have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the UNCAC.

²¹ APMBC, Article 11(1)(b) and CCM, Article 11(1)(b).

²² See Annex, Second Meeting of States 2013.

2.5. Contribution of other actors to the reporting review process

The contribution of other actors to a reporting review process may be said to be twofold. First, as a matter of domestic practice some States involve other actors (NGOs, National Red Cross and Red Crescent Societies, civil society, independent experts, and others) in the internal process of preparing a report for review before an international review body. The second aspect relates to the openness of an international review system itself to receive input from external actors, in addition to State reports. Well-known examples are the review processes at the UPR and by the human rights treaty bodies.²³

Reliance on complementary sources of information in both of the aspects mentioned above appears to be gaining acceptance over time for a variety of reasons, only some of which can be briefly mentioned here. Non-State contributions to national reports, as well as complementary reports to an international review body, may encourage different sectors of society to engage in reflection on IHL compliance, which might otherwise not be the case. They may help shed light on additional issues that need examination at the domestic or international level. They may also enable reliance on knowledge and expertise that could be relevant for a fuller comprehension of particular domestic and international issues.

The subject to be discussed in this context is which external actors could possibly contribute to an IHL reporting review system and under what modalities, based on the fact of increased acceptance of such contributions. The questions below are posed keeping in mind that further examination of specific aspects is necessary.

Questions for discussion:

a) International organizations

Would international organizations have a role to play in contributing to a reporting review process? How?²⁴

b) Regional organizations

Would regional organizations have a role to play in contributing to a reporting review process? How?²⁵

c) NGOs and civil society

Would NGOs and civil society have a role to play in contributing to a reporting review process? How?

²³ In the UN human rights treaty body system information may be received from UN partners and NGOs and may be taken into account in the issuance of concluding observations/recommendations to a State. For example, the Committee of the Rights of the Child and the Committee on Economic, Social and Cultural Rights invite written information from NGOs and provide them with an opportunity to present oral information before the respective Committee and its pre-sessional working group. The Human Rights Committee for, example, allows a range of non-state actors to submit complementary reports to that of the State. The UPR process directly involves civil society. The review is based on the national report established by the State, on information contained in the reports of UN entities: independent human rights experts and working groups (i.e. the Special Procedures), human rights treaty bodies and others, and on information from other stakeholders, including national human rights institutions and NGOs.

²⁴ Reporting on obligations that international organizations themselves may have in situations of armed conflict is another topic that will need careful consideration going forward.

²⁵ Reporting on obligations that regional organizations themselves may have in situations of armed conflict is likewise another topic that will need careful consideration going forward.

d) The ICRC

In discussions thus far, some States have invoked a possible role for the ICRC in the reporting process. It is submitted that, due its operational activity and its specific working modalities certain reporting would be difficult for the ICRC to take part in. Provision could, however, be made for a review body (or a Meeting of States if separate from such a body), to seek the ICRC's input, or for the ICRC to provide it on its own, when matters of common concern are involved, as may be appropriate. Other forms of ICRC engagement could be envisaged as well, based on the organization's current practices, particularly those associated with the ICRC's Advisory Service on IHL. This issue will be subject of further reflection within the process.

Keeping in mind its specific mandate and working modalities how do you see a possible contribution to the reporting review process by the ICRC, if any?

e) National Red Cross and Red Crescent Societies

Would National Red Cross and Red Crescent Societies have a role to play in contributing to a reporting review process? How?

f) National IHL Committees

Would National IHL Committees have a role to play in contributing to a reporting review process? How?

2.6. Reporting on non-State party obligations

At the Second Meeting of States held in 2013 it was pointed out that the process of enhancing the effectiveness of IHL compliance mechanisms should be undertaken so as to ensure that the solutions arrived at are of added value.

In this context it was noted, among other things, that current IHL compliance mechanisms do not envisage ways in which compliance with IHL by non-State parties could be considered. It was stressed by many States that such a need exists. This is because of the prevalence of non-international armed conflicts in reality and because of the humanitarian consequences of this type of armed conflict, which are caused in no small part by lack of compliance with IHL by non-State parties. As a result, and as reiterated above, one of the principles that should serve as the overall framework within which the search for possible solutions to the challenges of improving IHL compliance will be undertaken is: "the need to find appropriate ways to ensure that all types of armed conflicts and the parties to them are included".

In accordance with the purposes of the reporting system outlined above, the primary focus of the preparatory discussions of December 2013 will be to clarify the outlines of a system of State reports on national compliance with IHL. The issue of compliance with IHL by non-State parties to armed conflicts will thus have to be addressed going forward, once the contours of this system are better known.

3. Thematic Discussions on IHL Issues

Thematic discussions on IHL issues are another possible function of an IHL compliance system that States suggested should be examined within the Swiss/ICRC facilitated process. The Second Meeting of States held in June 2013 confirmed that further consideration should be given to "discussions of States on thematic issues, including policy-related concerns

common to States”.²⁶ Examples of topics that were mentioned include: detention in non-international armed conflict, new technologies of warfare, and others. It was also noted that a regular Meeting of States could be a venue for thematic discussions.

Provided below, for the purpose of reminder and with a view to facilitating discussion of this topic at the December 16-17, 2013 meeting, is a non-exhaustive listing of thematic debates that are organized within certain international and regional fora:

- Thematic discussions held by the UN Commission on Crime Prevention and Criminal Justice;²⁷
- “Round-table discussions” of the UNODC’s Commission on Narcotic Drugs (formerly known as “Thematic Debates”);²⁸
- “Thematic debates” of the UN General Assembly;²⁹
- UN Security Council “Open Debates” on thematic issues;³⁰
- UN Security Council informal dialogues;³¹

²⁶ Chairs’ Conclusions of Second Meeting of States on Strengthening Compliance with IHL, Geneva, June 17-18, 2013, p. 4.

²⁷ The Commission is a functional commission of the UN Economic and Social Council (ECOSOC), and is a governing body of the UN Office of Drugs and Crime (UNODC), as well as the preparatory body to the UN crime congresses. For further information see: “Thematic Discussion”, in UNODC, Secretariat to the Governing Bodies Section, “Compilation on the Methods of Work of the United Nations Commission on Crime Prevention and Criminal Justice” (1 August 2013), pp 16-21. A recent example is the “Thematic Discussion on the Challenge Posted by Emerging Forms of Crime that have a Significant Impact on the Environment and Ways to Deal with It Effectively” (22-26 April 2013), available at: http://www.unodc.org/documents/commissions/CCPCJ_session22/ECN152013_NGO2_eV1382526.pdf.

²⁸ UNDOC, “Commission on Narcotic Drugs: Thematic debate/Round table discussions”, available at: <http://www.unodc.org/unodc/en/commissions/CND/04-debate.html>. Participants are nominated by regional groups based on their expertise, to ensure a focused and interactive discussion. Ibid.

²⁹ The UNGA holds numerous thematic debates on diverse topics. These are informal meetings of the UNGA convened by the President of the UNGA. They are also called “interactive dialogues” or “interactive debates”. Most take place during the resumed part of the session (January to mid-September). They are usually one-day events, but occasionally have lasted several days. They often include keynote speakers and panel discussions followed by interventions from the floor. Most thematic debates are initiatives of the President of the UNGA, but occasionally are mandated by a UNGA resolution/decision. See Government of Switzerland, *The UNGA Handbook: A Practical Guide to the United Nations General Assembly* (2011), available at: http://www.unitar.org/ny/sites/unitar.org/ny/files/UN_PGA_Handbook.pdf; section 4.5, pp 81-82, and Appendix VI, with details of “The Organization of Thematic Debates”. Just two examples are the July 2013 “Thematic Debate on Inequality”, available at: <http://www.unwomen.org/en/news/stories/2013/7/un-general-assembly-thematic-debate-on-inequality/> and the June 2012 “Thematic Debate on Drugs and Crime as a Threat to Development”, available at: <http://www.un.org/en/ga/president/66/Issues/drugs/drugs-crime.shtml>.

³⁰ A UNSC “Open Debate” is held in the UNSC Chamber, and non-UNSC members may be invited to participate in the discussion. A briefing by the Secretariat may be conducted, and official records of the debate are published. See “Note by the President of the Security Council”, (UN Doc. S/2010/507), para. 36 and UN, “Formats of Meetings Related to the Security Council”, available at: <http://www.un.org/en/sc/inc/pages/pdf/methods/meetings.pdf>. Recent examples include the Open Debate on “Women, Rule of Law and Transitional Justice in Conflict-Affected Situations” (18 October 2013), and the Open Debate on the “Protection of Civilians in Armed Conflict” (19 August 2013).

³¹ A UNSC “Informal Dialogue” is held in the UNSC Conference Room, and is by invitation only. A briefing by the Secretariat may or may not be made, and Official Records are not made. See, “Note by the President of the Security Council”, (UN Doc. S/2010/507), para. 59, and list of “Informal Interactive Dialogues and Other Informal Meetings of the Security Council”, available at: <http://www.un.org/en/sc/inc/pages/pdf/methods/dialogues.pdf>.

- The annual “Humanitarian Affairs Segment” of the UN Economic and Social Council (ECOSOC);³²
- “Days of general discussion” or “thematic discussion” held by some of the UN human rights treaty bodies;³³
- Panel discussions held by the UN Human Rights Council;³⁴
- The “Public Forum” of the World Trade Organization (WTO);³⁵
- “Thematic debates” held by UNESCO, during the biannual Council sessions of the International Programme for the Development of Communication;³⁶
- The forum of the African Union (AU) on International Law and AU Law;³⁷
- Thematic debates held as part of AU Summits;³⁸

³² The Humanitarian Affairs Segment is described as having become, since 1998, “an essential platform for discussing the activities and issues related to strengthening the coordination of humanitarian assistance of the United Nations. This forum enables Member States to engage with the UN and non-UN humanitarian and development community, the private sector, affected people and other actors from a range of geographic groups on current humanitarian challenges”, see ECOSOC, “Humanitarian Affairs Segment”, available at: <http://www.un.org/en/ecosoc/julyhls/has2013.shtml>. The 2013 Segment focused on “The Future of Humanitarian Affairs: Looking Towards Greater Inclusiveness, Coordination, Interoperability and Effectiveness”, and included two main high-level panel discussions, as well as some 20 side events. Ibid.

³³ The UN Committee on Economic, Social and Cultural Rights (“ICESCR Committee”); the Committee on the Elimination of Racial Discrimination (“CERD Committee”); the Committee on the Rights of the Child; the Committee on the Rights of Persons with Disabilities; and the Committee on Migrant Workers. The processes are not standardised across these bodies.

³⁴ See, e.g., “Panel on the Human Rights of Children of Parents Sentenced to the Death Penalty or Executed” (11 September 2013), available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/ConceptNoteChildr/enHRC24.pdf>, and “Panel Discussion on the Negative Impact of Corruption on the Enjoyment of Human Rights” (13 March 2013), available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session22/Pages/22RegularSession.aspx>.

³⁵ This is the “WTO’s largest annual outreach event, which provides a platform for participants to discuss the latest developments in world trade and to propose ways of enhancing the multilateral trading system. The event regularly attracts over 1,500 representatives from civil society, academia, business, the media, governments, parliamentarians and inter-governmental organizations”, WTO, “Public Forum”, available at: http://www.wto.org/english/forums_e/public_forum_e/public_forum_e.htm

³⁶ These thematic debates “provide an opportunity for Member States, experts and professional organizations to discuss media development issues and priorities”. For example, in 2008 and 2010 the thematic debates were on “The Safety of Journalists”, available at: <http://www.unesco.org/new/en/communication-and-information/intergovernmental-programmes/ipdc/special-initiatives/thematic-debates/>.

³⁷ The African Union Commission on International Law (AUCIL) was created in 2009 as an independent advisory organ with the mandate of undertaking the progressive development and codification of international law in the African continent. The AUCIL’s “Forum on International Law and African Union Law” seeks “to bring together African scholars, legal experts and practitioners from the continent as well as from the Diaspora and serves as a platform for discussing and interacting on matters of interest for Africa through the prism of international law and the African Union law”, African Union, “The 2nd Forum of the African Union on International Law and African Union Law”, <http://legal.au.int/en/2nd-forum-african-union-international-law-and-african-union-law-headquarters-african-union>. The 2nd Forum (11-12 November 2013) is on the theme of “Law of Regional Integration in Africa”.

³⁸ E.g., the Seventeenth Ordinary Session of the Summit of the African Union was on the theme of “Accelerating Youth Empowerment for Sustainable Development” (23 June-1 July 2011), available at: <http://www.au.int/en/content/17th-ordinary-session-summit-african-union>. The summit theme for the Sixteenth Ordinary Session of the African Union was “Towards Greater Unity and Integration through Shared Values”, African Union, Sixteenth Ordinary Session of the Assembly of the Union (30-31 January 2011), available at: <http://www.au.int/en/content/sixteenth-16th-ordinary-session-assembly-union>.

- Annual “special meetings” held by the Organization of American States (OAS), such as the annual special meetings on the promotion of and respect for IHL, held by the OAS Permanent Council’s Committee on Juridical and Political Affairs;³⁹ and
- The Council of Europe’s (CoE) “thematic debates” of the Committee of Ministers,⁴⁰ and other “thematic discussions”.⁴¹

3.1. Purpose and scope of thematic discussions

3.1.1. Purpose

There is no template from which the specific purpose(s) of a thematic discussion may be drawn. That will depend on whether there is a pre-agreed framework by States for such debates, but also on other factors such as the body of law/issue involved, the context of the discussion, the type of body holding the debate, the participants, and others. Generally speaking, thematic discussions permit States to regularly debate on issues of common concern related to the implementation of and compliance with the body of law at hand with a view to strengthening their capacities to uphold their obligations and increase their common understanding of their obligations.

At present there is no dedicated specifically mandated IHL forum of States within which such discussions could take place. As noted above, the International Conference of the Red Cross and Red Crescent takes place every four years, and its composition and remit are broader than the thematic discussion of IHL issues being envisaged here. While questions of IHL are occasionally discussed in other international fora, this examination generally occurs as part of, or incidental to, a focus on another issue (e.g. threats to international peace and security in the context of the UN Security Council; human rights issues in the context of the UN Human Rights Council; issues relating to disarmament and specific weapons in the context of other international bodies, etc.).

It is submitted that thematic discussions on IHL serve the following purposes:

- ensuring that States are better informed about (a) particular current or emerging IHL issue(s). This in turn could enhance the quality of multilateral and bilateral discussions on it (which may be happening in other fora);
- enabling a better mutual understanding of States’ legal and policy positions on current and emerging IHL issues;
- enabling an exchange of views on a current or emerging IHL issue(s) and the key legal, practical and policy questions, challenges and/or opportunities it may present;

³⁹ OAS, Department of International Law, “International Humanitarian Law: Special Sessions”, available at: http://www.oas.org/dil/international_humanitarian_law_special_sessions.htm.

⁴⁰ In February 2011 the Ministers’ Deputies supported a proposal to hold regular thematic debates in the context of their meetings, and have held at least nine thematic debates since then. The aim of the thematic debates is “to enhance the role of the Committee of Ministers as a political forum, as part of the on-going reform process of the Organisation, by holding on a regular basis substantial discussions on topical questions of pan-European significance”, Council of Europe, “Thematic Debates of the Committee of Ministers - Procedure and Modalities” (21 June 2013), available at: <https://wcd.coe.int/ViewDoc.jsp?id=2076095&Site=CM>. An example was the 2012 Thematic Debate on “The Safety of Journalists”, CoE, “Thematic Debate on the ‘Safety of Journalists: Discussion Paper Presented by the Secretary-General”, Information Document SG-Inf (2012)6, (22 March 2012), available at: [http://www.coe.int/t/dghl/standardsetting/media/CDMSI/SG%20Inf%20\(2012\)6_en.pdf](http://www.coe.int/t/dghl/standardsetting/media/CDMSI/SG%20Inf%20(2012)6_en.pdf)

⁴¹ E.g., CoE, “Thematic Discussion on Human Rights in Education”, hosted in 2011 by the Directorate of Democratic Citizenship and Participation of the Council of Europe, in cooperation with the Division of Communication of the European Court of Human Rights and academic experts, available at: <http://explorehumanrights.coe.int/thematic-discussion/?lang=en>.

- development of a deeper and more comprehensive understanding of the body of international law that is IHL, of practical measures taken by States to implement it, and of good practices in its implementation;
- strengthening existing networks of communication/contact and opening up further networks for discussion by bringing together IHL experts from different States;
- enabling other potential beneficial flow-on effects (e.g. building links between stakeholders for other forms of engagement regarding the issue under discussion, such as capacity-building).

3.1.2. Scope

Some States participating in the Swiss-ICRC facilitated process have expressed an interest in thematic discussions on *IHL issues*. This may be understood to mean questions arising in the interpretation and application of this body of norms, and its possible development, as may be deemed necessary. Given that IHL applies only to armed conflict, whether international or non-international, the scope of thematic discussions would not extend to issues related to situations not constituting armed conflict, or to natural disasters.

In the consultations thus far, some States have also expressed an interest in discussing *IHL policy-related concerns*. These may be understood to mean issues relating to the policy positions adopted by States on how to interpret and apply particular IHL obligations in practice, or the identification of emerging IHL issues and the legal and practical challenges posed.

Questions for discussion:

- a) Apart from those listed above, are there additional general purposes that thematic discussions on IHL could or should serve?
- b) Are there any other matters that need to be taken into account regarding the substantive scope of thematic discussions, which are not mentioned above?

3.2. Format

The format of thematic discussions in international and regional fora varies. In very general terms, they tend to involve a discussion on a selected topic relevant to the mandate of the body in question and may involve either States alone, or both State and non-State participants. To ensure that the discussion is focused, they are usually chaired and/or moderated, and structured according to an agenda. The agenda may include an opening segment, presentations by certain participants on particular issues (e.g. invited experts), time for short prepared statements by participants, and/or free-flowing discussion. Discussions often conclude with a summary overview by the chair/moderator of the key issues raised. Sometimes the format and modalities for thematic discussions are set out clearly in a set of guidelines or procedural rules. The minimum time for thematic discussions tends to be around half a day, but they are usually longer and may extend over several days. Background documents and other information may be circulated in advance to participants to help inform the discussion. These can vary considerably in their level of detail and depth. The organization of thematic discussions and the distribution of relevant materials may be coordinated and supported by a secretariat or other body.

Some examples of different formats are outlined below:

- For thematic discussions of the Commission on Crime Prevention and Criminal Justice, the Secretariat issues a note with a detailed discussion guide.⁴² This includes relatively detailed background information, issues and questions for discussion. The format for thematic discussions is based on a set of Guidelines.⁴³
- The CERD Committee's "thematic discussions" involve an informal meeting to allow State parties, intergovernmental organizations and NGOs to express their views on particular issues relating to racial discrimination and the CERD. They may involve a number of presentations by invited panellists on specific themes, followed by an inter-active dialogue involving panellists and participants.⁴⁴
- Some of the General Discussion Days of the ICESCR Committee are structured according to the kind of participants - with, for example, one session devoted to discussions with international organizations, another to international experts, a further session to "official non-State actors in the ILO system", and another to "regional perspectives".⁴⁵
- The format for UN Human Rights Council panel discussions can vary, but very generally the format comprises the following features.⁴⁶ An agenda is set, and the specific

⁴² See e.g., "Note by the Secretariat containing the discussion guide for the thematic discussion on the challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively", UN Doc. E/CN.15/2013/2 (12 February 2013).

⁴³ Member States and regional groups must put forward their nominations for panellists no later than two months in advance of each Commission session, and panellists must be selected one month before the session, with five seats to be allocated to regional groups. Independent experts (such as private sector representatives and academics), may be invited to contribute to the thematic discussions, pursuant to ECOSOC rules of procedure. Each thematic discussion is moderated under the authority of the Chairperson and bureau of the Commission and conducted under the Chairperson's authority as set out in ECOSOC rules of procedure. Introductory presentations by panellists must be brief (not exceeding 10 minutes), and panellists are encouraged to share their presentations in advance. Participants should be prepared to focus on the agreed theme and subthemes, to allow for a dynamic and interactive exchange. In their statements, speakers should touch upon national experiences of their Governments in relation to the subthemes. Within the framework of the applicable rules of procedure, the views of intergovernmental organizations and NGOs are welcome. Statements by participants are limited to a maximum of 5 minutes. The moderator intervenes to enforce time limits and should keep a list of speakers, but may use his/her discretion to select speakers according to the thrust of the discussion. At the end of the thematic discussion, the Chairperson should prepare a summary including the most salient points discussed. See "Guidelines for the thematic discussions of the Commission on Crime Prevention and Criminal Justice", Decision 18/1, available at: http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ-ECOSOC/CCPCJ-ECOSOC-00/CCPCJ-ECOSOC-09/Decision_18-1.pdf.

⁴⁴ Panellists may be asked to submit a written paper in advance, including both a summary and a written submission. This format is intended "to allow participants to exchange views in a frank and open dialogue" and the Committee therefore asks participants to avoid reading out formal statements. See e.g., CERD Committee, Thematic Discussion on "Racist hate speech" (28 August 2012), available at: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/RacistHateSpeech.aspx>. The Committee receives written information from NGOs on the subject under discussion and NGOs wishing to make a 5-minute oral intervention should inform the Secretariat and provide an electronic version and multiple hard copies of their intervention. See: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/Discussions.aspx>.

⁴⁵ See e.g., "Excerpt from the Report on the Thirty-Sixth and Thirty-Seventh Sessions (E/2007/22 - E/C.12/2006/1), paras. 607-610, "Day of General Discussion: The Right to Social Security (Article 9 of the Covenant)", (2006), available at: <http://www.ohchr.org/Documents/HRBodies/CESCR/Discussions/RightToSecuritySocial2006.pdf>.

⁴⁶ See e.g., description of the formats of the "Panel Discussion on the Negative Impact of Corruption on the Enjoyment of Human Rights", available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session22/Pages/22RegularSession.aspx>;

objectives of the discussion are established. Background documents are circulated to participants in advance. The Chair opens and closes the panel and there is also a moderator who guides the interactive debate. Introductory remarks may be made by an invited expert (e.g. a UNSG Special Representative). The panellists are given a short period of time to present followed by discussion; alternatively, panellists do not make separate statements but may be asked to have an exchange of views. The discussion adopts an interactive format, which may comprise two rounds of discussion. Each round provides an opportunity for interventions from delegations and other participants. Member States and observers are given the floor for their statements/interventions and are encouraged to formulate these in terms of questions and sharing of experiences and challenges, as well as suggested recommendations on the way forward.

Questions for discussion:

- a) What are the desired features of possible thematic discussions on IHL? Should they be interactive? Other?
- b) What should be the overall format of possible thematic discussions on IHL?
- c) What should be the length of the thematic discussions?

3.3. Selection of topics

The selection of topics for thematic discussions requires procedures that ensure a sufficient number of States are involved and that all geographical regions are adequately represented. This task could, for example, be entrusted to the Bureau or another subsidiary body of the Meeting of States (see below, Section 4) that fulfils these requirements. This body could draw up proposals that are either adopted by that same body or submitted to the preceding Meeting of States for approval.

Furthermore, criteria could be established to guide this procedure. Such criteria could include the requirement for avoiding politicization and consideration could be given to whether topics that are the subject of thematic discussions should or should not be directly related to specific situations. Furthermore, in order to increase coherence and efficiency of the IHL compliance system as a whole, it could be examined whether the challenges and other issues identified through the reporting system on national compliance with IHL could serve to determine the subjects of thematic discussions.

Questions for discussion:

- a) Who could choose the topic for thematic discussions on IHL?
- b) Should a thematic discussion involve one or more topics?
- c) On the basis of what criteria should topics for thematic discussions on IHL be selected?

and
<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/ConceptNoteChildr enHRC24.pdf>.

3.4. Possible outcomes of thematic discussions

The outcomes of a thematic discussion may vary, and will obviously reflect the specific and overall purposes it may be intended to serve, as outlined above. Not surprisingly, in the thematic discussions currently held by international or regional bodies, the outcomes also tend to be linked to or shaped by the other functions of the convening body.

In practice, there are a range of outcomes for thematic discussions within international fora. A thematic discussion may, for example, have *no specific result other than the discussion itself*. That is, in some cases, a discussion as such is deemed beneficial by the participants for a variety of reasons (e.g. for awareness raising, improving understanding, sharing information, etc). In such a case a summary report of the discussion is often produced in order to capture the key points discussed, and/or the general views expressed by participants. The summary report can vary in length and level of detail and has the “incidental” outcome of serving as a record of the discussions, which may be distributed for the benefit of wider audiences and thereby promote broader international understanding of an issue.⁴⁷

A different outcome of thematic discussions to the above is when participants produce an *agreed outcome document* which can take many different forms, such as chair’s conclusions, statements, programs, declarations, plans of action, reports, principles, or other.⁴⁸

This type of document may achieve one or more of the following (the options are non-exhaustive):

- reflect key points of understanding and/or agreement reached by participants;

⁴⁷ An example is the UN General Assembly “Thematic Debate on Drugs and Crime as a Threat to Development” held on June 26, 2012. Its overall purpose was described as being “to unite in common endeavour Member States, the UN System, international organizations, and civil society, to emphasize the value of a comprehensive approach and inclusive international partnerships in effectively fighting organized crime and drugs in order to facilitate achievement of the Millennium Development Goals”. The planned outcome of the debate included a President’s Summary, to be transmitted to the Thirteenth UN Congress on Crime Prevention and Criminal Justice, scheduled for 2015 in Doha. (Available at: <http://www.un.org/en/ga/president/66/Issues/drugs/drugs-crime.shtml>) Further examples may be found in some of the thematic discussions held by various UN human rights bodies. Thus, the CERD Committee has described the intended outcome of some of its thematic discussions as being to “raise awareness” about particular issues relating to discrimination, and to “stimulate reflection” on how to address them (available at: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/Racisthatespeech.aspx>). Similarly, in a thematic panel discussion of the UN Human Rights Council, an expected outcome was that: “States and relevant stakeholders will learn from shared experiences; the Council will be better informed of issues relating to the [particular topic under discussion]”; the “OHCHR and other relevant stakeholders will be better informed of the needs of States in this area”; and “[a] report on the outcome of the panel discussion will be submitted to the Council”. (Available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/ConceptNoteChildr enHRC24.pdf>).

⁴⁸ E.g., following the UNSC’s Open Debate on “Women, Rule of Law and Transitional Justice in Conflict-Affected Situations” (18 October 2013), the UNSC unanimously adopted a resolution on women and peace and security (Resolution 2122) UN Doc.S/RES72122 (18 October 2013). Resolution 2122, *inter alia*, spells out specific measures to protect women’s rights and to implement commitments set out in UNSC resolution 1325 (2000) (the first UNSC resolution calling for women’s engagement in conflict resolution), available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2122\(2013\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2122(2013)). The resolution calls for particular actions to be taken by different actors, including States, the UN Secretary-General, other UN entities and financial institutions.

- provide a series of recommendations relating to the issue under discussion;
- include an expression of intention on the part of participants to take particular action in relation to the issue under discussion.

It may also be provided that an outcome document is to be taken forward by either the body convening the thematic discussion, or referred to one or more other fora for further action. For example, it could be:

- used as the basis for the development of further activities by the convening body;
- submitted to a larger body for further action if the convening body is subsidiary to a plenary body (e.g. a meeting of all States);
- referred to an internal expert body for further study and action;
- submitted to an external body for information and /or possible action.

Questions for discussion:

- a) Have the two broad possible outcomes of a thematic debate on IHL issues been properly articulated above?
- b) On what basis would the desired outcome to a specific debate be established?
- c) What other outcomes could be envisaged?

General question for discussion:

Apart from the aspects addressed here, are there other issues related to the thematic discussions on IHL issues that require further discussion?

4. Overview of the Meeting of States

The Second Meeting of States on Strengthening Compliance with IHL in June 2013 affirmed that there is strong general support among States for establishing a forum for regular dialogue on IHL, that is, a regular Meeting of States. Such a Meeting would enable States to examine a range of issues related to implementation of and compliance with IHL. It was also suggested that a Meeting of States could serve as an anchor for other elements of an IHL compliance system.

A range of aspects related to the Meeting of States were noted as meriting further consideration:

They include the periodicity of the meetings, the possible means of initiating and institutionalizing the meetings, and whether a body could be created, such as a Bureau and/or a Secretariat, that could serve to prepare the Meetings and perform possible intersessional and administrative functions. Other issues identified for further examination included [...] the outcomes of the Meetings, the means by which a Meeting could include engagement with international organizations, non-governmental organizations and civil society, and the question of resourcing. It was also noted that, given the prevalence of non-international armed conflict, further consideration needs to be given to appropriate means of addressing the issue of compliance with IHL by non-State armed groups, to ensure their perspectives are taken into account.

It was felt that the function of periodic reporting should be linked to the Meeting of States, regardless of its exact configuration. Another issue raised as meriting further consideration is

*the relationship a Meeting of States could have with fact-finding functions, including the International Humanitarian Fact-Finding Commission. It was generally emphasised that the potential role the ICRC could play as an expert body in the Meeting of States should also be considered further.*⁴⁹

This section aims to provide a brief outline of the main purpose and possible structure of a Meeting of States. The subsections below hence serve as a basis for a preliminary discussion on the Meeting of States with the understanding that more detailed consultations will be necessary to devise its concrete features.

4.1. Overall purpose of the Meeting of States

The Second Meeting of States in June 2013 highlighted the fact that the Geneva Conventions and their Additional Protocols are an exception among international treaties related to the protection of persons in that they do not provide for the opportunity for the States parties to meet on a regular basis to discuss issues of common concern and to perform a variety of functions related to implementation of and compliance with that body of law. In addition, it was noted that the existing compliance mechanisms provided for in the four Geneva Conventions of 1949 and their Additional Protocols lack the necessary institutional support to be fully operational and relevant for parties to a conflict – the absence of such a support was acknowledged to be one of the reasons why the existing compliance mechanisms have never or rarely ever been used in the past.

A regular Meeting of States will constitute the lynchpin of a future IHL compliance system, the establishment of which is at the centre of the current process facilitated by Switzerland and the ICRC. Apart from providing States an opportunity to meet regularly to exchange on issues and to take measures related to implementation of and compliance with IHL, the Meeting of States would serve as an *institutional anchor* for the other elements of an IHL compliance system. In that regard, it would carry out specific tasks in relation to each compliance function with a view to making them effective and operational.

The IHL compliance system as it can be envisaged on the basis of the past consultations will involve different compliance functions. Therefore, it is important to ensure, first, that these elements are complementary and coherent, and second, that they remain relevant and useful over time. In that regard, the Meeting of States would have the role of overseeing the smooth functioning of the compliance system as a whole.

Based on the above, the overall purposes of a Meeting of States to be established could be described as follows:

- To serve as a dedicated forum for States to discuss issues of common concern and to perform a variety of functions related to implementation of and compliance with IHL with a view to strengthening respect for that body of law;
- To serve as an institutional anchor for the other elements of the future IHL compliance system.

4.2. Structure of the Meeting of States

This subsection aims at providing a short overview of the possible structure of a Meeting of States. It draws on a number of existing Meetings of States established under other

⁴⁹ Chairs' Conclusions of Second Meeting of States on Strengthening Compliance with IHL, Geneva, June 17-18, 2013.

treaties⁵⁰ that were considered in previous consultations within the Swiss-ICRC facilitated process. The focus is on the basic structure regardless of the specific compliance functions that the Meeting of States may be tasked to perform, but specific reference is also made to questions related to the operationalization of the functions discussed in Sections 2 and 3.

4.2.1. Plenary sessions

The plenary sessions⁵¹ of the Meeting of States will be the main forum for States to take actions for the promotion of a culture of respect for IHL and will serve to facilitate the exchange of information on IHL in general and implementation and compliance with it in particular. The sessions will have to be structured in a way as to enable the Meeting of States to perform a number of tasks assigned to it, in relation to its specific compliance functions (see below).

4.2.2. Bureau

Many existing Meetings of States provide for a Bureau that is composed of a Chairperson, Vice-Chairpersons and sometimes additional members.⁵² Such Bureaus are usually tasked with procedural and organizational matters of the meetings. They assist the Meeting of States in general and the Chairperson in particular in the discharge of their responsibilities.⁵³ The Chairperson, with the support of the Bureau, presides over the Meeting.

In the present context, the Chairperson and the other members of the Bureau could be elected at the beginning of each Meeting of States and hold office until their successors are elected at the next regular session;⁵⁴ in that case, procedures must be established to ensure that the members of the Bureau are involved in the preparation of the programme of work and agenda of the meeting during which they effectively hold their function.⁵⁵ Longer terms

⁵⁰ Notably: Assembly of States Parties to the Rome Statute of the International Criminal Court (Rome Statute); Conference of the States Parties of the Organization for the Prohibition of Chemical Weapons (OPCW); Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as amended on 21 December 2001 (CCW); Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (APMBC); Meeting of States Parties to the Convention on Cluster Munitions (CCM); Conference of States Parties to the Arms Trade Treaty (ATT); Meeting of the High Contracting Parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict; UN Human Rights Council; International Conference of the Red Cross and Red Crescent.

⁵¹ The term “plenary sessions” is used here for ease of understanding. In future consultations, the set-up and program of work will need to be discussed in order to assess whether the Meeting of States would hold its sessions in plenary only or whether some parts would take place in parallel committees and/or other set-ups.

⁵² See, e.g., the Bureau of the Assembly of the States Parties to the Rome Statute (consisting of a President, two Vice-Presidents and 18 members); the General Committee of the Meeting of the High Contracting Parties to the Convention on Conventional Weapons (consisting of the President, ten Vice-Presidents, the Chairpersons and Vice-Chairpersons of other committees); the Bureau of the Human Rights Council (consisting of a President and four Vice-Presidents).

⁵³ See, e.g., para. 114 of Human Rights Council resolution 5/1.

⁵⁴ See, e.g., Rule 35 of the Rules of Procedure of the Conference of the States Parties to the Organization for the Prohibition of Chemical Weapons.

⁵⁵ For example, in accordance with an established practice, the President of the Meeting of the States Parties to the APMBC is designated in each previous Meeting. In the year ahead of the respective Meeting, the President-Designate draws up the agenda in consultation with the Standing Committee on the General Status and Operation of the Convention (see, for example para. 2 of the Final Report of the 12th Meeting of the States Parties to the APMBC, APLC/MSP.12/2012/10).

might also be considered to ensure continuity.⁵⁶ In the election of the members of the Bureau, attention will have to be paid to equitable geographical distribution.

In between two meetings, the Bureau could meet, as often as necessary⁵⁷ or according to a pre-established schedule, in order to ensure the substantive preparation of the next Meeting and consider political and other issues that may arise in the preparation of the meetings. Such tasks would notably include the drawing up of the provisional agenda, organizing the preparation of background documentation or considering issues related to participation.

Furthermore, a number of specific tasks highlighted in Sections 2 and 3 could be entrusted to the Bureau, notably those that involve political considerations. In particular, if it is decided that States submit focused thematic reports under the reporting system, the Bureau could select the topic for each reporting cycle in consultation with other relevant bodies, such as the review body or another expert body – with or without submitting that proposal to the plenary session for approval. Similarly, the Bureau could select the themes for the thematic discussions to be held at the Meeting of States (see above).

4.2.3. Secretariat

A range of administrative tasks are required for the holding of a Meeting of States.⁵⁸ For that purpose, a secretariat could be established. At a minimum, the secretariat would carry out conference services properly speaking (including making necessary arrangements for the holding of the Meeting of States, translation and distribution of documentation ahead, during and after the Meeting, providing for interpretation, etc.), and, in between two Meetings of States, carry out the indispensable administrative tasks that are required for the Meeting of States to perform its functions. This could include administrative support to the reporting function (such as receiving and distributing reports, sending requests for the submission of reports, and keeping records of which States have submitted their report) and to the organization of thematic discussions (such as distributing documentation, inviting panellists and arranging their participation logistically, in addition to the regular conference services outlined above). Additional tasks could be entrusted to the secretariat, notably providing assistance to the Bureau and other organs in the discharge of their duties. This could include administrative support such as arranging for meetings, coordinating dates, liaising with involved actors, and keeping records of the meetings. Furthermore, the secretariat could also provide limited substantive support to the officers (in particular the Chairperson or the Vice-Chairpersons) for the preparation of their meetings or activities related to the planning, support or carrying out of follow up activities regarding formal and informal meetings.⁵⁹

⁵⁶ E.g., the framework of the Assembly of States Parties to the Rome Statute provides for three-years-terms (Rule 29 of the Rules of Procedure).

⁵⁷ See, e.g., Art. 112(3)(c) of the Rome Statute.

⁵⁸ Conference secretariats are usually components of the Meetings of States established under other treaties and frameworks (see, e.g., Rule 15 of the Rules of Procedure of the Fourth Review Conference of the High Contracting Parties to the CCW, which applies *mutatis mutandis* to the Meetings of the High Contracting Parties to the CCW). Some Meetings of States rely on the services of a permanently operational secretariat, such as the Technical Secretariat of the Conference of States Parties to the OPCW (Art. VII(38) of the CWC); the Permanent Secretariat of the Assembly of the States Parties to the Rome Statute (established by resolution ICC-ASP/2/Res.3 of 12 September 2003); the Office of the UN High Commissioner for Human Rights acts as secretariat of the Human Rights Council (Rule 14 of the Rules of Procedure of the Human Rights Council, annexed to its resolution 5/1); the Implementation Support Unit of the Meeting of the States Parties to the APMBC (established at the third Meeting of the States Parties to the APMBC, see para. 33 of the Final Report, APLC/MSP.3/2001/1).

⁵⁹ See, e.g., the Directive by the States Parties to the APMBC to the Implementation Support Unit, annexed to the Agreement between the States Parties to the APMBC and the Geneva International

4.2.4. Subsidiary bodies

In Sections 2 and 3, a number of options included the possibility of entrusting subsidiary bodies with certain tasks in relation to the functions of periodic reporting and thematic discussions. The options outlined included the establishment of a subsidiary body to review the reports (i.e. a Committee of Independent Experts, a Committee of Governmental Experts, Rotating Review Groups, alternatively); in addition, this body could also be entrusted or otherwise involved with the selection of topics if States prefer focused thematic reports.

The establishment of further subsidiary bodies, such as committees with limited membership for reviewing the working modalities of the reporting system and other functions, could be examined as the consultations move forward.

A number of issues will require further examination depending on the tasks of the subsidiary bodies, such as their working modalities, the schedule of their meetings, their relationship with the Meeting of States (including the preparation of regular reports for consideration by all States), their resourcing, their size, and similar questions.

Questions for discussion:

- a) What aspects of the features of the Bureau, the Secretariat and possible subsidiary bodies will need to be addressed as a matter of priority?
- b) Are there other possible organs that have been overlooked? If so, which?

4.3. Tasks and functions of the Meeting of States

4.3.1. Institutional tasks

With regard to the institutional tasks, the Meeting of States would have the competence to establish subsidiary bodies as may be required (see above) and elect their members. In addition, it would nominate those officers that are necessary for organizing the work of the meetings, such as the Chairperson and Vice-Chairpersons. Finally, the Meeting of States would be required to adopt its budget and agenda. Rules of Procedure would have to be established to regulate the conduct of these meetings and to lay down the procedures for decision-making.

4.3.2. Compliance functions

The Meeting of States would serve as the institutional anchor for the components of the IHL compliance system to be established. In addition to the reporting system and thematic discussions, fact-finding was identified as another element of such a system at the second Meeting of States in June 2013; the issues to be examined in that regard will be the subject of further discussions in April 2014 and not addressed here.

A number of activities must be performed to operationalize the reporting system and the thematic discussions as outlined in sections 2 and 3. Aside from the specific activities that could be performed by subsidiary bodies, the Bureau or the Secretariat as discussed above, the Meeting of States could hold regular thematic discussions and/or take decisions on their outcome and follow-up as outlined in Section 3; review the national reports, consider matters

arising from them and matters that are submitted to it by the competent review body or decide on follow-up activities in relation to the reporting system as outlined in Section 2.

In the past consultations, other functions were also examined. They include the following:

- Good offices.⁶⁰ the Meetings of States could serve itself as a body to suggest ways and means to resolve disputes that may arise between one or more States.⁶¹ It could also be considered that the Meeting of States could mandate a subsidiary or other body that may exercise its good offices to facilitate the clarification of such matters or the re-establishment of a situation of respect for IHL.⁶²
- Early warning/urgent appeal.⁶³ the Meeting of States could mandate, on an *ad hoc* or permanent basis, an individual expert, an expert committee or a political body to monitor situations or areas of crisis, for the purpose of identifying and developing strategic options for preventive measures to be submitted to the Meeting of States or a subsidiary body for consideration, in order to avert a (further) deterioration of the situation or to take immediate action aimed at contributing to a change in behaviour.
- Country visits.⁶⁴ with a view to observing the implementation and compliance with IHL by States, the Meeting of States could mandate individual experts, expert bodies or a political body to carry out country visits. Such visits would require the consent of the concerned State.

Further functions were also considered, namely the adoption of non-binding legal opinions, State inquiries, dispute settlement and complaint procedures. Such functions could be performed in various ways by a Meeting of States (or its subsidiary bodies) and might be examined in further consultations if they are considered to be useful by States for the purpose of strengthening States' as well as non-State armed groups' adherence to IHL.

Questions for discussion:

- a) Apart from a reporting function, thematic discussions and fact-finding, which of the following functions are considered useful for the purpose of strengthening compliance with IHL and should be considered in further consultations?
- good offices;
 - urgent appeal/early warning;
 - country visits;
 - non-binding legal opinions;
 - State inquiries;

⁶⁰ Generally speaking, good offices are particular steps usually undertaken within procedures established for the purpose of the settlement of disputes. Good offices can take many forms and may include facilitating contacts between the parties, the communication of conclusions to them on the points of fact, comments on the possibilities of a friendly settlement, the receipt of written and oral observations by the States concerned, etc. In the context of strengthening compliance with IHL, these activities may first and foremost be aimed at restoring an attitude of respect of IHL in the case of allegations to the contrary.

⁶¹ See, e.g., the procedure established by Art. 8 of the CCM.

⁶² Under the framework of the Meeting of States Parties to the CCM, the UN Secretary-General is mentioned as a possible actor who exercises his/her good offices (Art. 8(4) CCM).

⁶³ Early warning may be understood as the process of collecting and analyzing information in relation to situations or areas of crisis for the purpose of identifying and recommending strategic options for preventive measures that could help avert a possible (further) deterioration. Urgent appeals aim at enabling immediate action in response to allegations of violations of the law and to allow a rapid dialogue with the authorities concerned aimed at clarifying the situation and contributing to a change in behavior.

⁶⁴ Country visits are usually carried out by a body or an individual expert with a view to observing the implementation of the relevant body of law. These visits serve as a basis for dialogue with the relevant State interlocutors on ways of improving their implementation.

- dispute settlement;
- complaint procedures.

4.4. Periodicity

The periodicity of the meetings has implications for the periodicity of other functions of the compliance system which need to be considered, in particular the reporting system and thematic discussions.

The Meetings of States under most of the treaties referred to within the current consultations take place annually.⁶⁵ The UN Human Rights Council holds three regular sessions per year.⁶⁶ The International Conference of the Red Cross and Red Crescent takes place every four years.⁶⁷

In the past consultations as part of the Swiss-ICRC facilitated process, proposals were made for the Meeting of States to hold its session annually or, alternatively, biennially. Holding meetings on an annual basis allows important and pressing issues relating to IHL to be given a permanent place on the agenda of the international community. Annual meetings also increase the likelihood that IHL issues of a pressing or situational nature are dealt with within a forum that has a dedicated IHL mandate. It would also provide the positive momentum required for sustainable solutions to be developed. Furthermore, a number of tasks in relation to the reporting system might need to be performed at relatively short intervals. For example, should the Meeting of States serve as a review body of the national reports or in other ways play a role in that context according to the options outlined in Section 2, care must be taken to minimize the time between the submission of the report and its review. In that context, the number of reports to be reviewed or considered should be distributed in a way that the agenda of each meeting is not overburdened.

Questions for discussion:

- a) Do annual meetings permit the Meeting of States to achieve its purposes?
- b) What other periodicity may be suitable? What are its advantages?

4.5. Issues for further discussion

In the past consultations, States identified a number of issues with regard to the Meeting of States that require further consideration. These questions will be the topic of further discussions in upcoming consultations. They include:

- Ways and means to institutionalize the Meeting of States;
- Relationship with the International Conference of the Red Cross and Red Crescent;
- Participation of observers; and
- Resourcing.

Question for discussion:

- a) Apart from the issues for further discussion noted above, are there other issues that require further discussions?

⁶⁵ Rome Statute, Article 112(6); CWC, Article 8(11); Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996, Article 13(1); APMBBC, Article 11(2); CCM, Article 11(2).

⁶⁶ UN General Assembly resolution 60/251, para. 11.

⁶⁷ Statutes of the International Red Cross and Red Crescent Movement, Articles 8 and 11.

ANNEX I: Chairs' Conclusions of the Second Meeting of States on Strengthening Compliance with IHL, Geneva, June 17-18, 2013

Context

In its Resolution 1, the 31st International Conference of the Red Cross and the Red Crescent held in 2011 stressed that greater compliance with international humanitarian law (IHL) is an indispensable prerequisite for improving the situation of victims of armed conflict.

The Conference invited the International Committee of the Red Cross (ICRC) to pursue further research to identify possible means to enhance the effectiveness of mechanisms of compliance with IHL and requested that a report, proposing a range of options and recommendations, be submitted to the 32nd International Conference in 2015. It also expressed its appreciation to the Government of Switzerland for its availability to facilitate a process to explore ways and means to strengthen the application of IHL and to reinforce dialogue on IHL issues among States, in cooperation with the ICRC.

In 2012 the Swiss Government and the ICRC launched a series of discussions on strengthening IHL compliance. An initial Informal Meeting with all States was convened on 13 July 2012 in Geneva. The purpose of that meeting was to inform States of the initiative, to raise awareness of the challenges of IHL compliance, and to enable a first survey of States' views. The meeting showed that there was general concern about lack of compliance with IHL, as well as broad agreement on the need for a regular dialogue among States on improving respect for IHL, and on compliance issues in particular. It was also noted that an examination of specific thematic issues should be the next step.

Following the July 2012 meeting, Switzerland and the ICRC continued consultations and discussions with a broad range of States, in order to identify the main substantive issues of relevance to moving the process forward. The facilitators also remained open for bilateral consultations with any interested State. Given that it is difficult to have a meaningful discussion on questions of substance in a format that would encompass all States at all times, a discussion with a number of States, representing all regions, was held in Geneva on 8/9 November 2012. This discussion was focused on a review of existing IHL compliance mechanisms, the reasons why they did not work, and whether some could be resuscitated. Lessons that could be learned from other bodies of law for the purpose of envisaging an effective IHL compliance system were also examined. There were also preliminary discussions on the functions that such a system would need to have, regardless of what its eventual institutional structure might be.

As more in-depth discussions were deemed necessary to prepare for the meeting of States of 17/18 June 2013, a second discussion with a number of States representing all regions took place in Geneva on 8/9 April 2013. The discussion in April 2013 was aimed at examining the possible functions of an IHL compliance system in more depth. The functions considered were periodic reporting; fact-finding; early-warnings; urgent appeals, non-binding legal opinions and others. An important topic of discussion was the format that a regular dialogue on IHL compliance among States should have, given that the lack of an appropriate forum was underlined at the 31st International Conference and at the Meeting of States held in July 2012. 2

Purpose of the Second Meeting of States

The purpose of the June 17/18, 2013 Meeting of States was to present all States with an overview of the discussions and consultations that have taken place thus far and to seek guidance on the substantive questions that have arisen, as well as on possible next steps.

This second Meeting of States dealt with:

- - an Overview and Inadequacies of Existing IHL Compliance Mechanisms;
- - the Possible Functions of an IHL Compliance System; and
- - the Possible Tasks and Features of a Meeting of States.

General comments by States

States reiterated their concerns about the lack of compliance with IHL and agreed that this is an important and serious issue that needed to be addressed. The participants expressed strong support for the Swiss-ICRC initiative aimed at exploring ways of strengthening IHL compliance mechanisms and expressed appreciation for their joint efforts in facilitating the process of consultation and discussion among States on how this could be done. The Background Document prepared for the Meeting was believed to be useful in outlining the questions to be addressed and in focusing deliberations on options that could be considered for moving the process forward.

There was general recognition of the need for a regular and structured dialogue among States on IHL issues, with a particular emphasis on the usefulness of establishing a Meeting of States as platform within which such a dialogue could take place. It was acknowledged that compliance systems under other bodies of international law cannot fill the IHL compliance system gap due to their focus on different sets of norms and the lack of requisite IHL expertise. In this context it was noted that a regular Meeting of States could serve as point of anchorage for specific IHL mechanisms, such as the IHFFC, which was a subject subsequently addressed in more detail.

It was recognized that a regular dialogue on IHL among states should focus on a range of other possible ways of enhancing compliance with IHL. Such a dialogue should showcase steps undertaken by States in the area of prevention of possible breaches of IHL. It should likewise enable exchanges of experiences among States in IHL implementation, allow the sharing of best practices among them, and highlight the need for capacity building where it exists. The dialogue should also include issues related to the challenges faced by States in implementing their IHL obligations, as means of seeking cooperative solutions to issues of common concern. It was understood that mechanisms of criminal justice aimed at establishing individual criminal responsibility, whether at the domestic or international level, were not within the scope of the process.

States were likewise of the view that the process of enhancing the effectiveness of IHL compliance mechanisms should be undertaken so as to ensure that the solutions arrived at were of added value. In this context it was pointed out, among other things, that current IHL compliance mechanisms do not envisage ways in which compliance with IHL by non-State armed groups could be considered. It was stated that such a need exists, given the increasing number of non-international armed conflicts and the humanitarian consequences of this type of armed conflict.

In their general comments, delegations expressed support for striving for concrete, pragmatic and meaningful outcomes of the consultation process. It was recalled that the results achieved are to be reported to the next International Conference of the Red Cross and Red Crescent scheduled for 2015.

Guiding principles of the process

As facilitators, Switzerland and the ICRC are fully committed to ensuring that their joint initiative in follow-up of Resolution 1 is conducted in a transparent, inclusive and open manner.

In addition to transparency, inclusivity and openness, the Swiss-ICRC initiative is premised on several key principles that were enunciated in the discussions and consultations held thus far and were reaffirmed at the Second Meeting of States. It was emphasized that the following principles should serve as the overall framework within which the search for possible solutions to the challenges of improving compliance with IHL should be pursued:

- The need for an IHL compliance system to be effective;
- The importance of avoiding politicization;
- The State-driven character of the process;
- The avoidance of unnecessary duplication with other compliance systems;
- The requirement to take resource considerations into account;
- The need, as already mentioned above, to find appropriate ways to ensure that all types of armed conflicts and the parties to them are included.

Existing IHL compliance mechanisms: overview and inadequacies

The need to “enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law”, which was recognized in Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent, is based on the assessment that existing IHL compliance mechanisms are inadequate.

In the session of the Second Meeting of States that examined existing IHL compliance mechanisms it was acknowledged that, contrary to most other branches of international law, IHL has a limited number of mechanisms to ensure compliance with its norms. In addition, their configuration and remit are such that they do not allow for a comprehensive approach to ensuring compliance. It was noted that existing IHL compliance mechanisms also lack attachment to a broader institutional compliance structure.

The Geneva Conventions and their Additional Protocols are an exception among international treaties in that they do not provide that States will meet on a regular basis to discuss issues of common concern and perform other functions related to treaty compliance. The absence of such a structure means that specific compliance mechanisms lack the institutional support that may be necessary to ensure they are utilized, to facilitate the performance of their tasks, and to assist in any follow-up that may be appropriate.

It was stressed that the Protecting Power system and the Enquiry Procedure provided for in the 1949 Geneva Conventions remain available to States in situations of international armed conflict, although doubts were voiced whether the two mechanisms would be relied on in the future. It was pointed out, among other issues, that they could not be easily reconstituted for use in non-international armed conflicts in which humanitarian needs are currently in greatest evidence. As a result it was stated that the process of strengthening IHL compliance mechanisms should not focus on ways of “reforming” the Protecting Power system or the Enquiry Procedure.

Many States were of the view that it would be worth examining how the IHFFC could be put to better use so as to serve as part of an effective compliance system. A range of proposals for further examination were put forward based on the fact that the IHFFC is in existence, that regular elections for its members take place, and that the Commission is ready and willing to perform the functions provided to it, that is, fact-finding and good offices. It was said that ways could be found to enable the Commission to exercise its mandate, while not re-negotiating Article 90 of Additional Protocol I to the Geneva Conventions. The

Commission's remit could be expanded to include situations of non-international armed conflict. Additional tasks could be given to it by States on a voluntary basis. A Meeting of States could be authorized to trigger the Commission. A Meeting of States could also recommend to the parties to an armed conflict to avail themselves of the Commission's services.

It was considered that, in addition to the Commission's mandate and trigger mechanism, it would be necessary to examine further issues related to the Commission's possible effectiveness going forward. They include its capacity to perform its tasks in terms of composition, the requisite balance of expertise, and resource considerations.

Possible functions of an IHL compliance system

The Second Meeting of States also looked at the possible functions that an IHL compliance system could be endowed with. The functions dealt with were: periodic reporting, fact-finding, early warning and urgent appeals, country visits, non-binding legal opinions, good offices, State inquiries, dispute settlement, and examinations of complaints. There was broad agreement that reporting, thematic discussions and fact-finding (as mentioned above), should be given priority in further deliberations within the Swiss-ICRC facilitated process and that discussions should focus on examining the various aspects of these functions. Some States were of the view that a good offices function would also be useful, and others that an early warning function would be desirable. Country visits were likewise mentioned as deserving of further attention. Still other States were open to examining all the compliance functions listed above.

It was pointed out that reporting on national compliance serves as a basis for self-assessment by States, but also provides a baseline of information that allows for exchanges with other States on compliance issues. A reporting function should not entail a detailed overview of States' implementation of the applicable IHL treaties according to their provisions, but could be more focused, for example grouped according to topics or issues. It should be structured so as to also allow the sharing of relevant information on questions related to prevention such as IHL dissemination, the incorporation of IHL into domestic law, the training of armed forces and others. It should enable exchanges among States on their practical experiences and challenges in IHL implementation, as well as best practices. Another function identified for further consideration was discussions of States on thematic issues, including policy-related concerns common to States. It was also noted that further consideration could be given to whether non-governmental organisations should be involved in the preparation of reports. In addition, it was noted that the inclusion of non-State armed group actions should be the subject of further examination and that reporting should not create new legal obligations.

A range of other aspects related to the reporting and fact-finding functions deserving of attention in the process were noted. These include the body to which these functions would be attached, their periodicity, the public or confidential nature of the function, voluntariness, sources of information relevant to the function, resourcing, interface with other actors including NGOs and civil society, and others. As regards fact-finding, it was pointed out that this function may or may not be linked to conclusions about the legal consequences of the facts established. These and other topics will be the subject of deliberations within the process in the months ahead.

Meeting of States

The Second Meeting of States affirmed that there was strong general support among States for establishing a forum for a regular dialogue on IHL, that is, a regular Meeting of States. Such a Meeting would enable States to examine a range of issues related to implementation

and compliance with IHL, and also be a venue for thematic discussion on IHL issues. It was also suggested that a Meeting of States could serve as an anchor for other elements of an IHL compliance system. The Meeting of States could also complement and inform the discussions at the quadrennial International Conference of the Red Cross and Red Crescent. Several States also noted the desirability of ensuring, as far as possible, coherence and complementarity between an IHL compliance system and other international and regional fora that address IHL issues.

A range of aspects related to the Meeting of States were noted as meriting further consideration. They include the periodicity of the meetings, the possible means of initiating and institutionalizing the meetings, and whether a body could be created, such as a Bureau and/or a Secretariat, that could serve to prepare the Meetings and perform possible intersessional and administrative functions. Other issues identified for further examination included the method of selecting topics for discussion, the outcomes of the Meetings, the means by which a Meeting could include engagement with international organizations, non-governmental organizations and civil society, and the question of resourcing. It was also noted that, given the prevalence of non-international armed conflict, further consideration needs to be given to appropriate means of addressing the issue of compliance with IHL by non-State armed groups, to ensure their perspectives are taken into account.

It was felt that the function of periodic reporting should be linked to the Meeting of States, regardless of its exact configuration. Another issue raised as meriting further consideration is the relationship a Meeting of States could have with fact-finding functions, including the International Humanitarian Fact-Finding Commission. It was generally emphasised that the potential role the ICRC could play as an expert body in the Meeting of States should also be considered further.

Next steps

Pursuant to the mandate given by resolution 1 of the 31st International Conference of the Red Cross and Red Crescent and based on the Second Meeting of States, Switzerland and the ICRC will devise, in continued discussions and consultations with States, concrete proposals and options notably regarding:

- the form and content of a periodic reporting system on national compliance;
- the form, content and possible outcome of thematic discussions on IHL issues;
- the modalities for fact-finding, including possible ways to make use of the IHFFC;
- the tasks and features of a Meeting of States.

Prior to the next meeting of all States to be held in the summer of 2014, there will be two preparatory meetings in Geneva in November 2013 and in the spring of 2014, open to all States, to further exchange views on concrete aspects of the topics mentioned above.

The November preparatory meeting will be held on November 25 and 26, 2013 in Geneva, and States will be advised of the dates for the spring 2014 meeting at a later stage.

Switzerland and the ICRC remain available for bilateral talks with interested States at all times and will continue to inform the International Red Cross and Red Crescent Movement, National Committees for the Implementation of IHL, as well as international and regional organizations, and others, on the development of the initiative.

Proposals from States with regard to both the procedural and substantive aspects of the initiative being facilitated by Switzerland and the ICRC likewise remain most welcome. Please send any proposals, views or comments you may want to share to: dv-badih@eda.admin.ch.

ANNEX II: Extract on Reporting Function from Background Document for Second Meeting of States of June 2013

The submission of periodic reports on compliance with the relevant treaty or body of law is a regular function of many international compliance systems. Under those systems, States regularly submit reports on measures they take to ensure the proper implementation of and respect for their obligations with regard to specific treaties or bodies of law. The reporting exercise serves a self-monitoring function as it allows a State to gather, collate and analyze domestic law and practice. It also provides an opportunity for external actors - other States or expert bodies - to engage in a dialogue with the reporting State in order to identify ways of improving its level of implementation with the relevant law. The general aims of a reporting system are thus the identification of challenges and the evaluation of developments in the implementation of a State's obligations. An important characteristic of a reporting system is that it establishes a continuous process and allows the input of a variety of actors in the different phases: the collection of data, its analysis at the national level, the compilation of the report, and, finally, the formulation of recommendations by the relevant review body.

The following reporting systems have been relied on to extrapolate the main features detailed further below:

- Anti-Personnel Mine Ban Convention (APMBC)/ or Convention on Anti-Personnel Mines;
- Convention on Cluster Munitions (CCM);
- Convention for the Protection of Cultural Property in the Event of Armed Conflict;
- Universal Periodic Review (UPR);
- UN Human Rights Conventions⁶⁸;
- Monitoring and Reporting Mechanism on Children Affected by Armed Conflict (MRM);
- Convention on Action against Trafficking in Human Beings (adopted by the Council of Europe);
- Reporting Mechanism of the Financial Action Task Force (FATF);
- Inter-American Commission on Human Rights;
- Reporting at the International Conferences of the Red Cross and Red Crescent;
- Resolution adopted by the General Assembly relating to the Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Armed Conflicts⁶⁹;
- Conventions of the International Labour Organization (ILO).

⁶⁸ All UN human rights conventions provide for a reporting procedure: International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Rights of the Child (CRC); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); Convention on the Rights of Persons with Disabilities (CRPD); International Convention for the Protection of All Persons from Enforced Disappearance (CED).

⁶⁹ In this resolution - adopted biennially by the UN General Assembly since 1982 - the UN Secretary General is requested to submit a report to the General Assembly on the status of the Additional Protocols relating to the Protection of Victims of Armed Conflicts. Since 1998 the UN Secretary General has also been requested to include in this report information on measures taken to strengthen the existing body of international humanitarian law with, *inter alia*, respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross.

Main features:

1. Scope

Reporting systems usually deal with general or thematic issues and not with specific cases or situations.

The majority of reporting systems deal with a single treaty⁷⁰ and require States Parties to report on measures they have adopted to ensure the full implementation of that treaty. However, certain reporting systems deal with a range of treaties, such as the Committee of Experts on the Application of the Conventions and Recommendations of the ILO, which deals with all ILO Conventions⁷¹. Others deal with a whole branch of law⁷², such as the UPR, or with specific provisions of a treaty⁷³, such as the Group of Experts established under the European Convention on Action against Trafficking in Human Beings.

Other systems - such as the Monitoring and Reporting Mechanism on Children Affected by Armed Conflict⁷⁴ - monitor specific violations⁷⁵.

2. Voluntary or mandatory basis

The majority of reporting systems are mandatory⁷⁶.

When a reporting system is established by means of a resolution States are not legally required to report; however, in the case of a resolution of the UN General Assembly or of the International Conference of the Red Cross and Red Crescent, States undertake a political commitment to submit the requested reports.

⁷⁰ APMBC (Article 7); Convention for the Protection of Cultural Property in the Event of Armed Conflict (Article 26(2)); all UN human rights conventions.

⁷¹ <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang-en/index.htm>.

⁷² Annex of Resolution 5/1, "Institution-Building" adopted by the United Nations Human Rights Council on 18 June 2007: "1. The basis of the review is: (a) The Charter of the United Nations; (b) The Universal Declaration of Human Rights; (c) Human rights instruments to which a State is party; (d) Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter "the Council"). 2. In addition to the above and given the complementary and mutually interrelated nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law".

⁷³ Under this Council of Europe Convention, a Group of Experts on Action against Trafficking in Human Beings (hereinafter referred to as "GRETA") evaluates the implementation of the treaty following a procedure divided in rounds. At the beginning of each round GRETA selects the specific provisions on which the evaluation will be based.

⁷⁴ Based on Resolution 1612 (2005) of the UN Security Council, supplemented by Resolution 1882 of 2009 and Resolution 1998 of 2011.

⁷⁵ The Monitoring and Reporting Mechanism on Children Affected by Armed Conflict (MRM) focuses on six "grave violations" against children in situations of armed conflict and/or in "other situations of concern", namely: a) the killing or maiming of children; b) the recruitment or use of children as soldiers; c) rape and other grave sexual violence against children; d) the abduction of children; e) attacks against schools or hospitals; f) denial of humanitarian access for children.

⁷⁶ UN human rights conventions; APMBC; Convention on Action against Trafficking in Human Beings; Convention for the Protection of Cultural Property in the Event of Armed Conflict.

3. Periodicity

Several reporting systems - such as those established by the UN human rights treaties - require a State to submit an initial report to the relevant treaty body one or two years after the treaty's entry into force for it and then periodically thereafter (usually every four or five years)⁷⁷. The relevant committee may formulate a list of issues and questions for the State Party, which is invited to send a delegation to attend the committee session and interact with its members. The relevant committee may proceed to examine a State's compliance record even though no report has been received.

Under the UPR, the human rights situation in all UN member States is reviewed every 4 1/2 years. States are required to implement the recommendations identified during the previous reporting cycle and to provide information at the next review on what has been achieved. States are also encouraged to provide an intermediary report to the Human Rights Council.

Under certain weapons treaties the reporting periodicity is more regular, given the more precise and technical subject-matter involved (confidence-building or transparency reports required by Articles 7 of both the APMBC and the CCM). It should, moreover, be noted that the UN General Assembly resolution relating to Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Armed Conflicts requests States to provide the necessary information to the UN Secretary General every two years:

The reporting system under the Convention for the Protection of Cultural Property in the Event of Armed Conflict is distinct from those mentioned above in that it leaves States a certain liberty to decide when they will report ("at least" once every four years)⁷⁸.

4. Structure

a) Body in charge of examining the report

In most reporting systems, States report to a committee composed of independent experts serving in their personal capacity, as is the case with the committees of experts established by the UN human rights treaties. The committees are tasked to collect information and data, receive State reports, act as a forum for reviewing the performance of States, and to take other measures as may be necessary to accomplish their task.

Another procedure is the peer-review. Within the UN Human Rights Council it is known as the Universal Periodic Review and is carried out by a UPR Working Group which consists of the 47 members of the Council (however, any UN Member State can take part in the discussion/dialogue with the reviewed State). Every review is managed by groups of three States, known as "troikas", chosen by lot, who serve as rapporteurs. The UPR system receives secretariat support from the Human Rights Council and the Treaties Division of the UN Office of the High Commissioner for Human Rights (OHCHR), to which States are required to submit their reports.

Some treaties ask States to report to the UN Secretary General who then circulates the reports the States Parties in advance of a Conference of High Contracting Parties which is entitled to consider the reports⁷⁹.

⁷⁷ States are also invited to report every four years to the International Conference of the Red Cross and Red Crescent.

⁷⁸ Convention for the Protection of Cultural Property in the Event of Armed Conflict, Article 26 § 2.

⁷⁹ APMBC, Article 7 and CCM, Article 7.

Under the MRM procedure, the drafting of the reports is coordinated by the Special Representative of the UN Secretary General for Children and Armed Conflicts and UNICEF. Once the report has been submitted to the UN Secretary General for approval, it is shared with the concerned government. It is then submitted to and reviewed by the UN Security Council Working Group on Children and Armed Conflict. The Working Group is also tasked to review action plans that parties to armed conflicts must adopt to halt the recruitment and use of children in violation of their international obligations, as well as other violations of children's rights (Resolution 1612, para. 8)⁸⁰. The Working Group may address recommendations to the UN Security Council on possible measures to promote the protection of children affected by armed conflict. Available measures include targeted sanctions, as well as recommendations on appropriate mandates for peacekeeping missions. The Working Group may also address recommendations to other bodies within the UN system.

b) Sources of information

The vast majority of reporting systems require only States to provide a report. However, some systems are open to input from other actors as well. Thus, in the UN human rights treaty body system information may be received from UN partners and NGOs and may be taken into account in the issuance of concluding observations/recommendations to a State. For example, the Committee of the Rights of the Child and the Committee on Economic, Social and Cultural Rights invite written information from NGOs and provide them with an opportunity to present oral information before the respective Committee and its pre-sessional working group. The Human Rights Committee has encouraged States to consult with national entities, including NGOs, in the preparation of their reports.

The UPR process directly involves civil society. The review is based on a national report established by the State, on information contained in the reports of UN entities (independent human rights experts and working groups - known as the Special Procedures - human rights treaty bodies and others), and on information from other stakeholders, including national human rights institutions and NGOs.

Under the reporting system of the International Conference of the Red Cross and Red Crescent, States, the ICRC, National Red Cross and Red Crescent Societies and the International Federation of Red Cross and Red Crescent Societies submit their own reports.

Pursuant to the UN General Assembly resolution relating to the Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Armed Conflicts the ICRC is, in addition to States, requested to provide a biannual report.

The MRM is a bottom-up procedure in which UN agencies, NGOs and other partners collect information in the field and channel it up to the UN Secretariat. In the field, the MRM is implemented through UN-led Task Forces⁸¹, co-chaired by the highest UN authority in the country and by UNICEF. The Task Forces oversee the implementation of action plans signed with parties to the conflict in the relevant country and coordinate the work of child protection advisors who collect and verify information. The collection of such information is made in close collaboration with NGOs, whether or not they are formal members of a Task

⁸⁰ For an overview of existing action plans, see: Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Action Plans with Armed Forces and Armed Groups"; <<http://childrenandarmedconflict.un.org/our-work/action-plans/>>, and "Annual Report of the Secretary-General", A/66/782-S/2012/261 (26 April 2012), available at; <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/320/83/PDF/N1232083.pdf?OpenElement>>.

⁸¹ The Task Forces are composed of representatives from all relevant UN agencies and UN mission components and, in some cases, NGOs.

Force. Resolution 1612 emphasizes the need for the MRM to operate in cooperation with national Governments. This means that national Governments should assist the MRM teams by facilitating contacts and access to conflict affected areas. However, Governments are not required nor expected to take part in the monitoring process themselves, nor to give their consent to the country report.

c) Follow-up of reports

Within the human rights system, treaty bodies have the most elaborate procedure in terms of follow-up of State reports. Under some human rights conventions, after the adoption of recommendations/concluding observations, the relevant committee appoints a special rapporteur to establish, maintain or restore a dialogue with a State Party. In order to enable the committee to take further action, the special rapporteur also reports back to the committee.

Under the MRM procedure, the commission of violations by a party to an armed conflict triggers the inclusion of its name in a "list of shame" published in the UN Secretary General's Report on Children and Armed Conflict in accordance with UN Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009)⁸². A party to a conflict is listed if it violates international child use and recruitment obligations applicable to it⁸³ and/or engages in contravention of applicable international law, in patterns of killing and maiming of children and/or rape and other sexual violence against children⁸⁴. As part of the de-listing process, a party to the conflict, whether State or non-State, is required to enter into a dialogue with the United Nations in order to prepare and implement a concrete, time-bound action plan to cease and prevent the grave violations against children for which it was listed.

Between two UPR rounds, States are due to implement the recommendations contained in what is known as the final outcome. During each subsequent review States are expected to provide information on what they have done to implement the recommendations made during the previous review, as well as on any relevant developments in the field of human rights.

As regards the Anti-Personnel Mine Ban Convention, an Implementation Support Unit (ISU) has been established to support States, including by providing advice and technical support on treaty implementation and universalization⁸⁵. The ISU also assists individual States Parties in preparing transparency reports, particularly by advising States Parties which are in the process of clearing mined areas on how to provide the clarity required by Convention obligations⁸⁶.

5. Public or confidential nature

In most reporting systems, State reports and discussions of reports are public. The UN treaty bodies and the UPR system provide for public procedures.

As part of the UN treaty body review, States send a delegation to the relevant committee session to answer questions posed by committee members and to listen to their comments,

⁸² See: Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Naming and Shaming", <<http://childrenandarmedconflict.un.org/our-work/naming-and-shaming/>>. See also: Report of the UN Secretary General to the Security Council, Children and Armed Conflict, UN Doc. A/64/742-S/2010/181, 13 April 2010, para 179.

⁸³ UN Security Council Resolution 1379, UN Doc S/RES/1379 (20 November 2001), para. 16.

⁸⁴ UN Security Council Resolution 1882, UN Doc.S/RES/1882 (4 August 2009), para. 3.

⁸⁵ <http://www.apminebanconvention.org/implementation-support-unit/activities/support-to-individual-states-parties/>.

⁸⁶ Idem.

over the course of one or more public meetings. The recommendations/concluding observations issued by the committee are likewise public. NGO representatives may be present during the review meetings but cannot take the floor. In general, UN treaty bodies require States to reply to a prior list of issues and questions in writing. Written replies are usually published on the web pages of the relevant committee⁸⁷.

The UPR system also allows for a public review, which is conducted by the UPR Working Group (comprising the 47 members of the Human Rights Council) and, as already mentioned, is based on: the national report, a compilation of UN information, and a summary of stakeholders' information, all of which are public. Any UN member State can take part in the discussion with a State under review. The review begins with the presentation of the national report and is followed by an interactive dialogue, at the end of which the State under review presents its final observations. Then, an "outcome report" consisting of the questions, comments and recommendations made by States to the country under review, as well as the responses by the reviewed State, is prepared by the "troika" with the involvement of the State. During the Working Group session which does not take place until 48 hours after the country review, the reviewed State has the opportunity to make preliminary comments on the recommendations, choosing to either accept or reject them. The report then has to be adopted at a plenary session of the Human Rights Council. During the plenary session, the State under review can reply to questions and issues that were not sufficiently addressed during the Working Group and respond to recommendations that were raised by States during the review. Time is also allotted to member and observer States who may wish to express their opinion on the outcome of the review, and for NGOs to make general comments.

Under the APMBC and the CCM, reports are also public and are considered by Meetings of the States Parties.

The MRM procedure is public given that the Secretary General issues an annual Report on Children and Armed Conflict which includes two annexes naming (and shaming) parties who have committed "grave violations" against children. Annex I lists parties who are on the Security Council's agenda, while Annex II lists parties who are not, but also raise concerns in relation to the protection of children in armed conflict. The lists include both States and non-State armed groups.

Some reporting systems⁸⁸ - such as the reporting mechanism of the Financial Action Task Force - are confidential in the sense that the report itself and all the information obtained or used during the review remain confidential. An executive summary is, however, included in a public annual report. In the same sense, GRETA addresses a questionnaire to States Parties, the responses to which it treats as confidential unless the Party involved requests publication.

6. Issues related to non-State armed groups

An important feature of the MRM is that it allows for the monitoring of both States and non-State armed groups. Resolution 1612 recognizes that contacts with such groups may, within certain limits, be required for the implementation of the procedure. Paragraph 2(d) "stresses that any dialogue established under the framework of the monitoring and reporting

⁸⁷ With the exception of the Committee on the Elimination of Racial Discrimination. Note: this Committee does not ask specific questions in the list of issues but instead has a "list of themes".

⁸⁸ The FATF is an intergovernmental body established in 1989. It consists of representatives of 34 States and 2 regional organizations. Its aim is to promote the implementation of a variety of measures for combating money laundering, terrorist financing and other related threats to the international financial system.

mechanism by United Nations entities with non-State armed groups in order to ensure protection for and access to children must be conducted in the context of peace processes where they exist and the cooperation framework between the United Nations and the concerned Government". As already mentioned, once a party - whether a State or non-State actor - is included in the "list of shame", it must enter into dialogue with the United Nations in order to be de-listed. In the case of non-State actors, the consent of the relevant State for such a dialogue is required. Without it, non-State actors may remain listed indefinitely, regardless of whether or not they cease committing violations⁸⁹. A number of non-State actors have also adopted action plans, whose implementation may be reviewed by the UN Security Council Working Group.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict addresses the conduct of non-State actors. However, only States may submit reports. They are, notably, requested to report, when applicable, on the number of children recruited and used in hostilities by armed groups in the State Party⁹⁰.

The Inter-American Commission on Human Rights, which considers itself competent to apply IHL, has decided that when receiving and reviewing reports by States, it may monitor the conduct of armed groups, including their compliance with IHL⁹¹. This procedure, however, does not permit a dialogue with armed groups and does not provide for the enforcement of its findings with respect to non-State armed groups.

⁸⁹ Resolution 1612, UN Doc. S/RES/1612 (25 July 2005), para. 2 (d). Para 2(d) does not explicitly require consent, but a requirement for consent could be regarded as implied from the requirement that dialogue "be conducted in the context of peace processes where they exist and the cooperation framework between the UN and the concerned Government". See also Pascal Bongard and Jonathan Somer, on "Monitoring Armed Non-State Actor Compliance with Humanitarian Norms: A Look at International Mechanisms and the Geneva Call" (2011) Vol.93, No.883 International Review of the Red Cross, pp.673-706, at p.683.

⁹⁰ Revised Guidelines regarding initial reports to be submitted by States Parties under Article 8 § 1 of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict, September 2007, para. 8(b).

⁹¹ General Assembly of the Organization of American States, AG/RES.1043 (XX-0/90), 8 June 1990, ("Consequences of Acts of Violence Perpetrated by Irregular Armed Groups on the Enjoyment of Human Rights"), operative para 3. See eg Inter-American Commission on Human Rights, Third Report on the Situation of Human Rights in Colombia, OEA/Ser/L/V/II.102, Doc. 9 rev.1, at 72, section 6, paras 109-119.



ADVISORY SERVICE
ON INTERNATIONAL HUMANITARIAN LAW

**Regular Reporting Requirements under International
Humanitarian Law and Other Relevant Instruments**

Instrument	Report: yes/no	Reporting requirements	Deadline for submission	Relevant authority	Reporting template	Link to reports
Victims of armed conflicts						
Geneva Conventions 1949	No					
Additional Protocols to the 1949 Geneva Conventions	No	While the Additional Protocols do not establish a reporting obligation themselves, States are invited within the framework of the UN General Assembly to submit information related to the implementation of the Protocols. A series of UNGA Resolutions entitled 'Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflict' invite the UN Secretary General to submit a report on the Status of the Additional Protocols and on the measures taken to strengthen the existing body of IHL, inter alia with respect to its dissemination and national implementation. This report is based on information provided by Member States.	Reports may be submitted in June every 2 years.	Reports must be submitted to the Secretary-General of the United Nations.	Suggestions for reporting available upon request from the ICRC.	http://www.un.org/en/ga/sixth/67/StatProtGeneva.shtml
Convention on the Rights of the Child 1989 (articles 38 and 39)	Yes	Art 44(1) requires States Parties to submit reports on measures adopted that give effect to the rights recognised within the Convention, and on the progress made on the enjoyment of those rights (including measures bring domestic legislation into full conformity with the CRC). Reports shall indicate factors and difficulties affecting degree of fulfilment of obligations, as well as sufficient information to provide the Committee on the Rights of the Child with a comprehensive understanding of the implementation of the Convention in the country concerned.	A report must be submitted within two years of the entry into force of the Convention for the State Party concerned; and thereafter every five years.	Reports must be submitted to the Committee on the Rights of the Child. crc@ohchr.org	Templates for both initial and periodic reports are available at http://www2.ohchr.org/english/bodies/crc/	State reports can be searched for at http://tb.ohchr.org/default.aspx

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict 2000	Yes	<p>Article 8(1) requires States Parties to submit a report providing comprehensive information on the measures taken to implement the provisions of the Protocol, including on participation and recruitment (and measures adopted to review and bring domestic legislation into full conformity with the provisions of the Protocol).</p> <p>Following submission of the comprehensive report, article 8(2) requires each State Party to include in the reports it submits under the Convention on the Rights of the Child any information regarding implementation of the Protocol.</p>	<p>A comprehensive report must be submitted within two years following the entry into force of the Protocol.</p> <p>Thereafter, information regarding the implementation of the Protocol shall be included in the five-yearly reports submitted under the CRC, or separately for those States that have signed but are not a Party to the CRC (art 9 OpProt).</p>	<p>Reports must be submitted to the Committee on the Rights of the Child.</p> <p>crc@ohchr.org</p>	<p>Specific reporting guidelines on the implementation of the Optional Protocol are included in the guidelines for periodic reports under the CRC (see above).</p>	<p>State reports can be searched for at</p> <p>http://tb.ohchr.org/default.aspx</p>
Means and methods of warfare						
Gas Protocol 1925	No					
Biological Weapons Convention 1972	Yes	<p>The Second Review Conference introduced confidence-building measures, including a commitment to declare legislative and other measures taken to implement the Convention.</p>	<p>Reports should be submitted by 15 April every year, and should cover the previous calendar year.</p>	<p>Reports should be sent to the following address:</p> <p>BWC Implementation Unit, Office for Disarmament Affairs UN Office at Geneva, Palais des Nations, Office C-113.1, CH-1211 Geneva 10</p> <p>bwc@unog.ch</p>	<p>Guide to participating in confidence building mechanisms and reporting form available at</p> <p>http://www.unog.ch/80256EE600585943/%28httpPages%29/1F43D9755EB43D95C125798B0038CFF6?OpenDocument</p>	<p>http://www.unog.ch/80256EE600585943/%28httpPages%29/4FA4DA37A55C7966C12575780055D9E8?OpenDocument</p>
Conventional Weapons Convention (CCW) 1980	Yes	<p>The Third Review Conference called on all States Parties, through its decision on compliance, to submit annual reports on:</p> <p>a) Dissemination of information on the Convention and its</p>	<p>The Fourth Review Conference changed the deadline for the submission of compliance reports to 31 March of each calendar year.</p>	<p>Compliance reports should be sent to the following address:</p> <p>CCW Secretariat Office for Disarmament</p>	<p>A reporting form is available at</p> <p>http://www.unog.ch/80256EE600585943/%28httpPages%29/3AE89FD6FCD76D08C1257402002F42E7</p>	<p>http://www.unog.ch/80256EE600585943/%28httpPages%29/E0339F1FE92C35FBC12573E900351CD5?OpenDocument</p>

		<p>Protocols;</p> <p>b) Steps taken to meet the relevant technical requirements of the Convention and its Protocols;</p> <p>c) Legislation related to the Convention and Protocols;</p> <p>d) Measures taken on technical co-operation and assistance; and</p> <p>e) Other relevant matters.</p>		<p>Affairs United Nations Office at Geneva Palais des Nations, Office C-113 CH-1211 Geneva 10 ccw@unog.ch</p>	?OpenDocument	
CCW Protocol I (Non-detectable fragments) 1980	Yes	Covered by compliance reporting under the CCW.				See above.
CCW Protocol II (Mines, booby traps) 1980	Yes	Covered by compliance reporting under the CCW.				See above.
CCW Protocol II (Mines, booby traps) 1980 Amended 1996	Yes	<p>Article 13(4) requires States Parties to submit annual reports on the following matters:</p> <p>a) Dissemination of information on this Protocol;</p> <p>b) Mine clearance and rehabilitation programmes;</p> <p>c) Steps taken to meet technical requirements of this Protocol;</p> <p>d) Legislation related to Protocol;</p> <p>e) Measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and</p> <p>f) Other relevant matters.</p>	Annual reports are due every year on 31 March, covering the period 1 January – 31 December.	<p>Annual reports should be submitted to the following address:</p> <p>CCW Secretariat Office for Disarmament Affairs United Nations Office at Geneva Palais des Nations, Office C-113 CH-1211 Geneva 10 ccw@unog.ch</p>	<p>Reporting form and guidelines for reporting are available at</p> <p>http://www.unog.ch/80256EE600585943/%28httpPages%29/E5ECE220C1BC3716C12574830032B3BE?OpenDocument</p>	<p>http://www.unog.ch/80256EE600585943/%28httpPages%29/E5AAEBCF4C12574830030A9CF?OpenDocument</p>

CCW Protocol III (Incendiary weapons) 1980	Yes	Covered by compliance reporting under the CCW.				See link above.
CCW Protocol IV (Blinding laser weapons) 1995	Yes	Covered by compliance reporting under the CCW.				See link above.
CCW Protocol V (Explosive Remnants of War) 2003	Yes	<p>According to article 10(2)(b) of the Protocol, States Parties shall submit national reports and annual updates covering steps taken to implement articles 3, 4, 5, 6, 7, 8, 9 and 11 of the Protocol, and related to the national implementation of the Protocol.</p> <p>States not parties to the Protocol have been encouraged to also provide voluntary national reports for the database.</p>	Initial national reports shall be submitted 180 days after the entry into force of the Protocol for the State Party. Annual updates of the National Reports and/or summary cover pages are due on 31 March of every year.	<p>National reports should be sent to the following address:</p> <p>CCW Secretariat Office for Disarmament Affairs United Nations Office at Geneva, Palais des Nations, Office C-113 CH-1211 Geneva 10</p> <p>ccw@unog.ch</p>	<p>Guidelines to national reporting, annual reporting forms and a summary cover page are available at:</p> <p>http://www.unog.ch/80256EE600585943/%28httpPages%29/C0256EE600585943/%28httpPages%29/C94A2E8E4FB1EF52C12574080055C8CB?OpenDocument</p>	<p>http://www.unog.ch/80256EE600585943/%28httpPages%29/B84B4C205835421DC12574230039C42E?OpenDocument</p>
Chemical Weapons Convention 1993	Yes	Article 7(5) of the Convention requires States Parties to inform the OPCW of legislative and administrative measures taken to implement the Convention. Conferences of States Parties have decided that States must inform the Technical Secretariat of the OPCW on a regular basis of these measures.	The OPCW Technical Secretariat sends a note to States requesting implementation information by a certain deadline, so that it can be included in the OPCW's annual report.	<p>International Cooperation and Assistance Division Implementation Support Branch OPCW Headquarters</p> <p>Johan de Wittlaan 32 2517 JR - The Hague</p> <p>ipb@opcw.org daniilo.campisi@opcw.org</p>		<p>OPCW annual reports available at</p> <p>http://www.opcw.org/documents-reports/annual-reports/</p>

<p>Mine Ban Treaty 1997</p>	<p>Yes</p>	<p>Article 7 of the Convention requires State Parties to report on various aspects of implementation, including national legal measures taken.</p>	<p>Initial reports must be submitted as soon as practicable and in any event not later than 180 days after the entry into force of this Convention for each State Party.</p> <p>The information provided under article 7 must be updated by the States Parties annually, covering the last calendar year (i.e. 1 January through 31 December), and reported no later than 30 April of each year.</p>	<p>Reports must be submitted to the Secretary-General of the United Nations, in care of the following address:</p> <p>APLC Secretariat Office for Disarmament Affairs Palais des Nations, room C-113.1 Avenue de la Paix 8-14, 1211 Geneva 10</p> <p>aplc@unog.ch</p>	<p>Aspects of implementation to be included in report:</p> <p>http://www.unog.ch/80256EE600585943/%28httpPages%29/E262A17349C45BDEC12573ED00387359?OpenDocument</p> <p>Reporting form and cover page available:</p> <p>http://www.unog.ch/80256EE600585943/%28httpPages%29/2B050F75A5100D47C12573E800670E42?OpenDocument</p>	<p>http://www.unog.ch/80256EE600585943/%28httpPages%29/A5378B203CBE9B8CC12573E7006380FA?OpenDocument</p>
<p>Convention on Cluster Munitions 2008</p>	<p>Yes</p>	<p>Article 7 of the Convention requires each State party to report on various aspects of its implementation, including national legal measures taken.</p>	<p>Initial reports must be submitted as soon as practicable and in any event not later than 180 days after the entry into force of this Convention for each State Party.</p> <p>The information provided under article 7 must be updated by the States Parties annually, covering the last calendar year (i.e. 1 January through 31 December), and reported no later than 30 April of each year.</p>	<p>Reports must be submitted to the Secretary-General of the United Nations, in care of the following address:</p> <p>CCM Secretariat United Nations Office for Disarmament Affairs Palais des Nations, room C-113.1 Avenue de la Paix 8-14, 1211 Geneva 10</p> <p>ccm@unog.ch</p>	<p>Aspects of implementation to be included:</p> <p>http://www.unog.ch/80256EE600585943/%28httpPages%29/6FA224D7DB1122C1C125781E004E02D6?OpenDocument</p> <p>First Meeting of States Parties adopted a reporting form:</p> <p>http://www.unog.ch/80256EE600585943/%28httpPages%29/88E41D6ACBB90D8EC125781F003C2544?OpenDocument</p>	<p>http://www.unog.ch/80256EE600585943/%28httpPages%29/84610CE6A9FDDACDC1257823003BBC39?OpenDocument</p>

Arms Trade Treaty 2013	Yes	<p>Article 13(1) requires each State Party to provide an initial report of measures taken to implement the Treaty, including national laws and national control lists, and then to report if there are any changes to implementation measures.</p> <p>Art 13(2) and art 11(6) encourage States Parties to provide information on measures taken (particularly effective measures) in addressing the diversion of transferred conventional arms.</p> <p>Art 13(3) requires States Parties to submit reports concerning authorised or actual exports/imports of conventional arms.</p>	<p>Initial reports must be submitted within the first year after entry into force of the Treaty for each State Party. Reports on implementation are submitted as necessary.</p> <p>Reports must be submitted annually by 31 May, covering the preceding calendar year.</p>	<p>Reports must be submitted to the Secretariat.</p> <p>Such information will be shared with other States Parties, through the Secretariat.</p> <p>Reports must be submitted to the Secretariat, who will make them available to States Parties.</p>		
Criminal repression						
Rome Statute of the International Criminal Court 1998	No					
Cultural Property						
Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954	Yes	<p>Article 26(2) requires States Parties to submit reports giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfilment of the Convention and of the Regulations for its execution.</p>	<p>Reports shall be submitted at least once every four years. The next reports will due on 31 July 2013.</p>	<p>Reports shall be forwarded to the Director-General of UNESCO.</p> <p>54HC@unesco.org</p>	<p>A UNESCO format for reporting (Hague Convention and both Protocols) exists and is available upon request from the ICRC.</p>	<p>2005-2010 periodic reports:</p> <p>http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/2005-2010-periodic-reports/#c289567</p>
First Protocol to Hague Convention	No	<p>While there is no specific provision in the Protocol requiring reporting, in practice</p>	<p>Reporting will be incorporated in Hague</p>	<p>See above.</p>	<p>See above.</p>	<p>See above.</p>

1954		when the UNESCO Secretariat invites States Parties to report on the implementation of the Hague Convention, it invites those Parties bound by the Protocol to report on its national implementation as well	Convention reporting, next due on 31 July 2013 (see above).			
Second Protocol to Hague Convention 1999	Yes	Article 37(2) requires States Parties to submit a report on the implementation of this Protocol.	Reports shall be submitted every four years. The next reports will be due on 31 July 2013. Paragraph 101 of the Guidelines for Implementation of the 1999 Protocol encourages States to submit this report jointly with their report under article 26(2) of the Hague Convention.	Reports shall be submitted to the Committee for the Protection of Cultural Property in the Event of Armed Conflict, through the UNESCO Secretariat. 54HC@unesco.org	See above. In addition, a list of issues to be included can be found in paragraph 102 of the Guidelines for the Implementation of the 1999 Protocol, available at http://unesdoc.unesco.org/images/0018/001867/186742E.pdf	See above.
Environment						
Convention on Environmental Modification Techniques 1976	No					
Other						
International Convention for the Protection of all Persons from Enforced Disappearances 2010	Yes	Article 29(1) of the Convention requires State Parties to submit a report on measures taken to give effect to their obligations under the Convention. Article 29(4) of the Convention authorises the Committee on Enforced Disappearances to request supplementary information from States Parties.	The report must be submitted within 2 years after the entry into force of the Convention for the State Party concerned.	Reports must be submitted to the Secretariat of the Committee on Enforced Disappearances through the UN Secretary-General. Committee on Enforced Disappearances Human Rights Treaties Division	Reporting guidelines are available at http://www.ohchr.org/EN/HRBodies/Documents/HRBodies/CED/CEDGuidelines_en.pdf	http://www.ohchr.org/EN/HRBodies/CED/Pages/TimeTableReportsdueUnderarticle29-1.aspx

				OHCHR CH-1211 Geneva 10 ced@ohchr.org		
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes	Article 19 of the Convention requires States Parties to submit regular reports on measures taken to give effect to undertakings under the Convention.	States must report initially one year after entry into force of the Convention for the State concerned, and then every four years. The date for submission of future reports is noted in the concluding observations of the Committee's consideration of each report.	Reports must be submitted to the Secretariat of the Committee Against Torture through the Secretary-General of the United Nations. registry@ohchr.org : cc cat@ohchr.org	Guidelines for initial and periodic reports are available at http://www2.ohchr.org/english/bodies/cat/reports.htm	http://www2.ohchr.org/english/bodies/cat/sessions.htm
Optional Protocol to the Convention Against Torture 2006	No					