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# TREATY BODIES

## Follow-up and Grading System

*This document provides information on the Treaty Body follow-up and grading system.*

Some Treaty Bodies have developed a system to assess and grade the compliance of States parties with their recommendations (in a periodic review process) and their decisions or views (in respect of an individual communication). The grading system is unique to the Treaty Bodies in the international human rights architecture.

### PERIODIC REVIEWS – FOLLOW-UP OF CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

All Treaty Bodies monitor the implementation of the core international human rights treaties through a periodic review process. They request States parties to submit periodic reports and provide information on the implementation of recommendations made in previous concluding observations. To monitor the implementation of some of recommendations considered ‘urgent’, ‘priority’, which are typically implementable within one or two years, seven treaty bodies (CCPR, CESC, CAT, CERD, CEDAW, CRPD and CED) have adopted their own written follow-up procedure.

At the end of its concluding observations on a State party, a Treaty Body separately identifies some recommendations as ‘priority recommendations’ for follow-up. It requests the State party to report back within one year (two years for CEDAW) on the measures taken by them to give effect to these recommendations. When a State party provides this information, the Follow-up Rapporteur of the relevant Treaty Body examines whether its response addresses the issues and concerns identified in follow-up recommendations. The Treaty Bodies (except the CRC and CMW) also grade the implementation of these recommendations by States parties reflecting the extent of their compliance.

For more information – see Treaty Bodies [follow-up procedure web page](https://www.ohchr.org/EN/HRBodies/Pages/FollowUpProcedure.aspx).  
[<https://www.ohchr.org/EN/HRBodies/Pages/FollowUpProcedure.aspx>]

### How NGOs and civil society can use the follow-up procedure and grading system

The follow-up procedure and grading system within the periodic review process is an additional opportunity for engagement for civil society, but it is often underutilised. While assessing a State party’s follow-up report, the Treaty Body Rapporteur also considers all available sources of information, including alternative or ‘shadow’ reports from NGOs. Similar to the reports filed under the periodic review reporting procedure, NGOs can submit a follow-up report focusing on measures taken by the State to comply with the urgent recommendations. The report must be a maximum of 3500 words and drafted in one of the official UN languages.

Every Treaty Body has separate deadlines for NGOs to submit follow-up reports to the Treaty Body Secretariat. For example, the CCPR has a deadline for submitting the report within one year after the adoption of the concluding observations; CESC and CEDAW have a deadline of three weeks and one month respectively before the beginning of the session at which the follow-up report of the State party is to be considered.

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According to procedure, NGOs are to submit their contributions after the State Party has submitted its follow-up report so that they can comment on it. However, in practice, due to delays in State party's submissions, NGOs sometimes submit their reports beforehand, but they are considered by the Treaty Body only after the State has submitted its follow-up report. The submissions made by the NGOs are made public on the Committee's web page, unless the authors object to this.

### **Understanding the grading system under periodic reporting to assess implementation of follow-up recommendations**

There are slight differences in the follow-up procedures and grading system followed across the different Treaty Bodies.

- 'Priority' or 'urgent' recommendations

The priority or urgent recommendations are two to four recommendations which are identified by the Treaty Body as requiring immediate attention by the State party in the 12 to 24 months after the review. Priority and urgent recommendations are usually articulated by the Treaty Body in the penultimate concluding observation. The grading of the State party's compliance is based on the measures taken to implement these priority recommendations.

#### **EXAMPLE:**

#### **Follow-up Recommendations for INDIA (CRPD):**

#### **IV. Follow-up**

##### **Dissemination of information**

70. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 6 (c), on the harmonization of legislation with the Convention, and paragraph 34 (c), on the collection by the National Crime Records Bureau of data on cases of violence and exploitation, including gender-based violence against women and violence inflicted by intimate partners.

71. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector and the media, using modern social communication strategies.

72. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

73. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

#### [India: Concluding Observations of CRPD \(2019\)](#)

- Grading system to assess implementation of recommendations

Different Treaty Bodies may use different grades to assess the implementation of priority recommendations. Generally the grades adopted range from the worst grades or assessments (for situations of no implementation or non-compliance or developments that are contrary to the recommendation) to the best grades or assessments (which reflects a high level of compliance with the priority recommendations).

For example, the grades of the CCPR are:

<b>Assessment of State responses / actions according to the CCPR</b>	
<b>Assessment of response</b>	<b>Grade</b>
Reply / Action is satisfactory	A
Reply / Action is largely satisfactory	
Reply / Action is partially satisfactory	B
Some additional information or action remains necessary	
Reply / Action is not satisfactory	C
Action / information is irrelevant or not in existence	
No co-operation with the Committee	D
No follow-up received after reminder (s)	
Measures taken are contrary to the Committee's recommendations	E
The actions of the State party reflect rejection of the recommendation	

**SOURCE:** Centre for Civil and Political Rights

See also Centre for Civil and Political Rights: [FAQs on Follow-up and Assessment of the CCPR](#)

The Treaty Body decides on the grades of a State party after analysing and reviewing all available information, including that provided by NGOs. The NGOs may also share their assessment and give grades through their submissions reflecting whether or not the State party has complied with the priority recommendations. Although there is no requirement for giving grades, it is a good practice and is considered by the Committee in its analysis and decision. This assessment by NGOs and Treaty Bodies and publicising the level of compliance and cooperation by a State party regarding implementation of priority recommendations might help facilitate increased engagement between different stakeholders.

**EXAMPLES:**

**NGO Follow-up Report (without suggestion for grades):**

**Japan – NGO report on follow up recommendations made by CCPR**

A coalition of five Japanese NGOs submitted a report on the follow-up recommendations made by the CCPR to Japan. It gave an overview of their assessment of Japan's compliance with the four priority recommendations; however, it did not include suggestions for grading.

- [Joint NGO submission on the follow-up of urgent recommendations \(2015\)](#)

### **NGO Follow-up Report (with grades):**

#### **Armenia - Follow-up procedure and grading on compliance with urgent recommendations by CCPR**

For the follow-up review of Armenia, a national NGO submitted a follow-up report in January 2014 with an assessment of the level of compliance by Armenia of the priority recommendations made by the CCPR. In its submission, the NGO found that Armenia had failed to comply with three priority recommendations and giving these recommendations a grade 'C'. In April 2014, in its own assessment of Armenia's compliance with the three recommendations, the CCPR concurred with the NGO and also adopted Grade 'C' indicating a lack of implementation of the three priority recommendations.

- [NGO Report produced by with support by CCPR Centre on the follow-up review of Armenia by the CCPR](#)

#### **Indonesia - Follow-up procedure and grading on compliance with urgent recommendations by CCPR**

In 2015, the CCPR evaluated Indonesia's compliance with the urgent recommendations made in its concluding observations of 2013. One of the urgent recommendations was to limit the use of death penalty only to the most serious crimes and consider halting death sentences of persons convicted for drug-related crimes. However, follow-up information submitted by NGOs reflected the non-compliance as Indonesia continued to execute convicts, including foreign nationals, for drug-related offences even after receiving the urgent recommendations.

In its response, Indonesia stated that given the severe challenges posed by drug-related crimes to its survival, it considered such offences to be the most serious to which the death penalty may apply. However, after reviewing the inputs from other stakeholders, the Committee gave Indonesia the lowest grade (Grade E) for failing to comply with the recommendation. This was grade was made public through a press release and the matter was widely covered by national and international media.

- [OHCHR Press Release](#)
- [Indonesia's Report on Follow-up to Concluding Observations](#)
- [NGO Joint submission with the support of the Centre for Civil and Political Rights](#) - An example of the NGO assessment with grading of the implementation of follow-up recommendations by Indonesia. This submission also gave Grade 'E' to Indonesia's compliance with the specific urgent recommendation.
- CCPR's evaluation of the first follow-up report submitted by Indonesia (CCPR/C/113/2) [<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/105/11/PDF/G1510511.pdf?OpenElement>]

#### **Where to find information**

It can be difficult to know which States are assessed and graded as part of the follow-up procedure, but increasingly the OHCHR has been publicising this information with the names of the States to be assessed under the follow-up procedure at each Treaty Body session.

Such information is available in the weekly newsletters of the Human Rights Treaties branch of the OHCHR. Sample of the [Weekly Update by the Human Rights Treaties Branch of the OHCHR](#).

You can **sign up for the OHCHR's Civil Society Weekly Update** [here](#).

## Where you can find the grades

The grades adopted by the Treaty Bodies are available in the following locations:

- in the [public follow-up letters](#) sent by the Treaty Bodies to the States parties These are available on the webpages for each Treaty Body on the OHCHR website.
- in the Committees' annual reports. These are also available on the webpages for each Treaty Body on the OHCHR website.
- Some NGOs also publish the grades on the follow-up grades adopted by the Treaty Bodies. For example, the Centre on Civil and Political Rights reports on the grades adopted by the CCPR in their newsletter which is issued after each CCPR session. You can sign up to the CCPR newsletter [here](#).

### EXAMPLE:

#### Armenia - Follow up review – where to find the grades

For the follow-up review of Armenia, the [CCPR sent follow-up letters](#) to the State party, which also mentioned the grade adopted by the Treaty Body after evaluating the status of implementation of recommendations.

The Treaty Bodies web page on the reporting status of Armenia lists all submissions and correspondence under a particular reporting cycle, including the follow-up letters of the Committee which mention the grades adopted by the Committee after evaluating the State party's compliance.

State Party report on Follow-up to Concluding Observations	CCPR/C/ARM/CO/2/Add.1	01 Jun 2015	<a href="#">View document</a>
Follow-up letter sent to the State party	Follow-Up letter dated 10 December 2015	10 Dec 2015	<a href="#">View document</a>
Follow-up letter sent to the State party	Letter dated 1 December 2014		<a href="#">View document</a>
Follow-up letter sent to the State party	Letter dated 28 April 2014	28 Apr 2014	<a href="#">View document</a>
Follow-up Information from other sources	Helsinki Citizen Assembly with CCPR Centre	11 Jun 2015	<a href="#">View document</a>
Follow-up Information from other sources	Helsinki Citizens' Assembly - Vanadzor	22 Jan 2014	<a href="#">View document</a>

The CCPR after evaluating Armenia's follow-up report and information from other stakeholders adopted Grade 'C' indicating a lack of compliance with the recommendation. Excerpt from the [follow-up letter sent by CCPR](#)

On 8 August 2013, the Committee received the reply of the State party. At its 110th session, held in March 2014, the Committee analysed this information and adopted the following decisions:

- Paragraph 12: [C1] The Committee noted that the State party referred to investigations which had been undertaken long before the adoption of the Committee's Concluding Observations on Armenia. It also noted that the State party did not refer to any measures taken since the adoption of the Concluding Observations. The Committee regretted that no information was provided on measures taken to compensate the victims and to provide them with adequate medical and psychological rehabilitation. The Committee requested additional information on:
  - (a) Measures taken after the adoption of the Concluding Observations on Armenia, on 31 August 2012;
  - (b) The sanctions imposed on those responsible for excessive use of force during the 1 March 2008 events; and
  - (c) Measures taken to guarantee that victims of the events of 1 March 2008 receive adequate compensation and that they have access to adequate medical and psychological rehabilitation.

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## INDIVIDUAL COMMUNICATIONS – FOLLOW-UP OF DECISIONS AND VIEWS

Similar to the follow-up procedure on concluding observations under periodic reviews, the Treaty Bodies have also adopted a procedure to evaluate the compliance of States with the views and decisions related to an individual communication.

Individual communications are complaints lodged by or on behalf of an individual or a group of individuals who allege violation of their rights under a treaty. As a general rule, a Treaty Body will review the admissibility and merits of the eligible complaint and state its reasons for concluding that a violation has or has not occurred under the applicable treaty provisions. The Treaty Body's decisions represent an authoritative interpretation of the governing treaty. The Treaty Body will integrate information provided by the concerned State and the petitioner. Where the Committee finds one or several violations of treaty provisions, it will often request for remedies to be provided to the victim(s). All Committees have developed procedures to monitor whether States parties have implemented their decisions or views on an individual communication.

If, after reviewing an individual communication or complaint, the Treaty Body finds a violation of the treaty, it invites the concerned State to provide information within 180 days on the steps it has taken to implement the recommendations in its communication. If the State party fails to take appropriate action, the case is kept under consideration by the Treaty Body under a follow-up procedure on 'individual communications' or 'views'. A constructive dialogue is maintained with the State party and the case remains open until satisfactory measures are taken. The information related to follow-up of the Committees' views is not confidential and is discussed in public meetings.

In December 2022, the Human Rights Committee adopted [a dedicated note on follow up to views](#).

### Grading on individual communications: Compliance of a State party with the Treaty Body's views

Grading or an assessment of implementation of decisions or views pursuant to an individual communication is based on the response and information received from the State party and the petitioner on the developments and level of compliance. The Treaty Body's assessment of the level of compliance and the grade reflecting it are included in its follow-up progress report on the individual communication.

#### EXAMPLES:

- [CRC follow-up progress report on individual communications \(2019\)](#) reflecting the level of State compliance with Committee's decisions

### Follow-up progress report on individual communications

#### Draft prepared by the Special Rapporteurs

##### A. Introduction

The present report is a compilation of information received from States parties and complainants on measures taken to implement the Views and recommendations on individual communications submitted under the Optional Protocol to the Convention on the Rights to the Child on a communications procedure. This information has been processed in the framework of the follow-up procedure established under article 11 of the Optional Protocol and rule 28 of the rules of procedure under the Optional Protocol to the Convention on the Rights to the Child on a communication procedure. The assessment criteria were as follows:

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#### *Assessment criteria*

- |          |   |
|----------|---|
| <b>A</b> | Measures taken are satisfactory or largely satisfactory   |
| <b>B</b> | Measures taken are partially satisfactory, but additional information or action is required                         |
| <b>C</b> | Reply received but measures taken are not satisfactory or do not implement the Views or are irrelevant to the Views |
| <b>D</b> | No cooperation or no reply received   |
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- [CCPR follow-up progress report on individual communications \(2017\)](#)

The assessment criteria laid down by the CCPR for compliance with its decisions and views on individual communications is as follows:

Grade by CCPR	Reply / action taken by the State party
<i>Reply / action satisfactory</i>	
<b>A</b>	Reply / action largely satisfactory
<i>Reply / action partially satisfactory</i>	
<b>B1</b>	Substantive action taken, but additional information required
<b>B2</b>	Initial action taken, but additional information required
<i>Reply / action not satisfactory</i>	
<b>C1</b>	Reply received, but action taken does not implement the recommendation
<b>C2</b>	Reply received, but not relevant to the recommendation
<i>No cooperation with the Committee</i>	
<b>D1</b>	No reply received within the deadline, or no reply to any specific question on the report
<b>D2</b>	No reply received after reminder(s)
<i>Measures taken are contrary to the recommendations of the Committee</i>	
<b>E</b>	Reply indicates that the measures taken go against the recommendations of the Committee

### **How petitioners and human rights defenders can use the grading system as a follow-up on individual communications**

Once the Treaty Bodies have adopted grades reflecting the level of compliance by the State with their decisions, petitioners, NGOs and human rights defenders can use it for their advocacy and further strategic interventions.

NGOs may use the grades adopted by the Committees on follow-up on communications in their advocacy with other international human rights mechanisms, such as the UPR or other Human Rights Council mechanisms, especially when the grades reflect a lack of State compliance with the Treaty Body decisions. For example, when a Treaty Body adopts a grade 'C' or lower, this can be reported to other fora, such as under the UPR process or to Special Procedures.

NGOs and civil society may also use these grades adopted by the Committees as part of public campaigns, for instance in relation to the candidacy of States for membership of the UN Human Rights Council or the UN Security Council.

## **No avenue for appeal**

If the petitioner does not agree with the grade that a Treaty Body may have given a State for compliance with decisions related to individual communications, there is no avenue for appeal or further engagement. This is different from possible engagement on grades that a Treaty Body may provide a State in relation to follow up on concluding observations related to a periodic review.

### **EXAMPLE:**

#### **Australia – Non-compliance with views of the CCPR**

In August 2011 and February 2012, 46 refugees lodged complaints with the CCPR alleging that their indefinite detention in Australia's immigration detention facilities violated provisions under Articles 9, 10, 23 and 24 of the ICCPR. The complaint stated that the petitioners were denied permanent protection in Australia due to adverse security assessments, but they could not return to their country of origin due to well-founded fear of persecution. The Australian Government's policy required that they remain in immigration detention until a third country agreed to resettle them.

In 2013, the CCPR adopted a view on these complaints finding violations of Articles 7 and 9 (1) and (4). It recommended that the State party provide access to effective remedy under law to the petitioners, including release under individually appropriate conditions for those petitioners still in detention, rehabilitation and appropriate compensation. Australia responded to the complaint explaining the steps taken to conform with the findings of the Committee, including release of some of the petitioners. However, it reiterated that it is entitled to take measures, including detention, to uphold its national security, while ensuring that policies and processes are in place so that such detention is not arbitrary.

After reviewing the State party's response, the CCPR graded Australia's engagement and compliance with its views: it adopted Grade 'B2' for providing effective remedy to the petitioner for the violation of their rights, while it adopted Grade 'C2' for Australia's compliance with its recommendation of ensuring non-repetition of these violations. The follow-up dialogue on this matter remains ongoing.

- [Case Summaries](#): FKAG v. Australia and MMM v. Australia
- [Decision and assessment of Australia's compliance in Communications by CCPR](#) (No. 2094/ 2011 FKAG et al. v. Australia, and No. 2136/2012, MMM et al. v. Australia)
- [State response](#) to the views of the CCPR (in FKAG v. Australia and MMM v. Australia)