

Effectiveness of the UN Human Rights Machinery: Analysis of States Parties' Performance in Submitting Reports on CRC and OPAC

Dr Chaditsa Poulatova

Department of Politics
School of Geography, Politics and Sociology
Newcastle University
40-42 Great North Road
email: chaditsa.poulatova@ncl.ac.uk

This paper will begin the examination of the effectiveness of the UN's processes for monitoring children's rights. It examines the States Parties' reporting performance for the Convention on the Rights of the Child (CRC) and the two Optional Protocols to the Convention. The data used as the basis for this research is taken from sessions of the Committee of the Rights of the Child up to its forty-fourth session, which took place from 15/01/2007 to 2/02/2007. This was the most recent data available at the time the research was conducted.

The first part of the paper will provide an analysis of states' reporting performance for the Convention and the Optional Protocols. Performance rates for the initial, second and third periodic reports for the CRC will be assessed along with those for the initial reports for OPAC and OPSC. The fourth periodic reports for the CRC are not examined since the due dates for these reports fall after 2007, so that the performance of states in submitting that report cannot yet be assessed.

Each of the reports will be assessed individually, and tables will show the performance of States Parties in relation to the deadline by which they were supposed to submit their reports. The due dates for each of the States Parties vary, for a treaty has a binding power over a state not when the state concerned signed the document, but after the act of ratification, acceptance, accession, or succession has taken place. For instance, Belgium signed the Convention on 26 January 1990 but it was not until 16 December 1991 that Belgium ratified the Convention and became bound by it. Pursuant to Article 49 of the Convention, "the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession". Therefore, the due date for Belgium's initial report was not till January 1994. In short, the main reason for such a wide

range of deadlines is the different times taken by individual states to ratify or accept the Convention. The same principle applies for the Optional Protocols, pursuant to Article 10 (2) (OPAC) and Article 14 (2) (OPSC).

Report Submission Rates

States Parties, as already stated, have clearly specified obligations in respect of both the CRC and its Optional Protocols. Prominent amongst these is their obligation to submit reports at regular intervals on the state of children's rights in their countries and on the measures they have taken to implement and maintain those rights. As a contribution to assessing the effectiveness of the UN's processes for promoting children's rights, we will now examine how promptly states meet their obligations to submit reports by the stipulated deadlines.

Initial Report Submission Rates

Table 1.1 Initial Report Submission Rates

Submission groups	No.	%
By the deadline	3	1.54
Within 3 months	26	13.33
Over 3 and within 6 months	10	5.13
Over 6 and within 12 months	17	8.72
Over 1 year and within 3 years	50	25.64
Over 3 and within 5 years	36	18.46
Over 5 and within 10 years	39	20.00
Over 10 years	4	2.05
Not submitted	10	5.13

States' initial report¹ performance shows that only three states, constituting 1.54%, actually met the deadline. Nearly 30% (28.72%) submitted their reports within twelve months

¹ As at November 1, 2006 the Convention has been ratified or acceded to by 192 States. However the number of states that we have used for the analysis of initial reports is 195 due to the fact that Netherlands (Netherlands Antilles), Netherlands (Aruba) and United Kingdom of Great Britain and Northern Ireland (overseas territories) have submitted those reports. However these three cease to appear as independent States Parties for subsequent

of the deadline and just over half (54.36%) submitted their reports within three years of the deadline. But that leaves a large proportion of states (45.64 %) who submitted more than three years late and more than a quarter of states (27.18%) submitted their reports over five years late. Ten states, constituting 5.13% of the total, had still not submitted their initial reports.

Second Periodic Report Submission Rates

Table 1.2 Second Periodic Report Submission Rates

Submission groups	No.	%
By the deadline	4	2.08
Within 3 months	12	6.25
Over 3 and within 6 months	8	4.17
Over 6 and within 12 months	10	5.21
Over 1 year and within 3 years	24	12.50
Over 3 and within 5 years	20	10.42
Over 5 and within 10 years	24	12.50
Granted permission to consolidate (2 nd , 3 rd and 4 th)	28	14.58
Consolidated reports that are overdue	4	2.08
Not submitted	56	29.17
Submission date later than 2007	2	1.04

As in the case of the initial report, a very small number of states (four, constituting 2.08%) actually met the deadline. Less than a fifth (17.70%) submitted within one year and about a third (30.20%) submitted within three years of the deadline. Two states have deadlines that fall after 2007, but that still leaves more than two-thirds of states (68.76%) who have been more than three years late with their submissions and over half (58.34%) who have been more than five years late. Excluding the two states which have still to reach their deadlines, fifty-six states (29.16%) have not submitted at all. Thus performance rates for submitting the second report have been significantly poorer than for the initial report. Some

reports. For full details of States Parties' deadlines and the dates on which they submitted their Initial Reports, see the volume of Supporting Data, pp. 15-23.

states have been granted permission to consolidate their reports. That is, some States Parties have been allowed to combine two or more of their reports and to submit them as a single document at a new deadline approved by the Committee. The criteria used for granting states the permission to consolidate their reports are unclear. However, the fact that states resort to consolidation is a sign of poor performance, since it results from their failure or inability to submit the second report by the deadline originally stipulated.

For over half of the states who have been granted permission to consolidate their reports, the new deadline is up to ten years later. Some of the states in this category are Israel, Turkmenistan, Guyana, Congo and Brazil. The deadlines for those states that have not yet submitted their reports vary. For example, Barbados, Gambia, Holy See, Zimbabwe are some of the states whose deadline was in 1997, while Bulgaria, Cote d'Ivoire, Kuwait, Nigeria and a number of other states had their deadline in 1998. On the other hand, the Cook Island and United Arab Emirates (UAE) whose deadline was in 2004 have still not submitted their reports. The above cases show that the failure of to submit their second periodic report cannot be due to their having unduly limited time within which to prepare their reports. Instead, it raises questions of whether other factors might impact upon their performance.

Third Periodic Report Submission Rates

Table 1.3 Third Periodic Report CRC

Submission groups	No.	%
By the deadline	2	1.04
Within 12 months	11	5.73
Over 1 year and within 3 years	7	3.65
Over 3 and within 5 years	2	1.04
Granted permission to consolidate (3 rd and 4 th)	96	50.00
Not submitted	60	31.25
Submission date later than 2007	14	7.29

Similarly to the initial and second periodic report, only two states, constituting 1.04%, actually met the deadline for the third report. 6.7% submitted within one year and only a

further 4.69% within five years. The due date for fourteen states, amongst them Turkey, Netherlands, Serbia, Timor-Leste and UAE, falls during or after 2007, which leaves a third of states (31.25%) who have still not submitted. These include Cote d'Ivoire, Cambodia, Democratic Republic of Congo, Sierra Leone, Venezuela, Portugal, Greece and Monaco. For this report, the number of states consolidating their reports (50.00%) has almost doubled in comparison with the second periodic report. Amongst them are many European states, such as Germany, France, Italy, Estonia, Cyprus, Belgium, Luxembourg, Romania, United Kingdom, as well as many non-European states, for instance, Iran, Indonesia, Israel, Kiribati, Philippines, Solomon Islands, United Republic of Tanzania and Uzbekistan. It is difficult to discern any pattern amongst those states that have consolidated their reports and those that have not.

Optional Protocols

Table 1.4 Submission Rates for (OPAC)

Submission groups	No.	%
By the deadline	2	1.82
Within 12 months	18	16.37
Over 1 year and within 3 years	8	7.27
Not submitted	59	53.64
Submission date later than 2007	23	20.90

As in the case of reports on the CRC, very few states actually met the deadline for their initial report on the OPAC: only New Zealand and Denmark (1.82%) did so. Almost a sixth (16.37%) submitted within one year, including Andorra, Costa Rica and Bangladesh. Eight states (7.27%) submitted within three years of the deadline. In contrast to the tables 5.1, 5.2 and 5.3, no table is given for states that have submitted over three years and within five years after the deadline, since for most states the due date was in 2004 or later. This leaves over half of the states (53.64%) that, more than two years after the deadline, have not submitted at all. Among these states are a significant number of European states, including Greece and Romania as well as non-European states, such as Sierra Leone, USA and Uganda. The remaining states (20.90%) have deadlines that fall during or after 2007.

By way of comparison, we might look at performance rates for the submission of reports on OPSC.

Table 1.5 Submission Rates (OPSC)

Submission groups	No.	%
By the deadline	0	0.00
Within 12 months	12	11.21
Over 1 year and within 3 years	8	7.48
Not submitted	67	62.62
Submission date later than 2007	20	18.69

No states met their deadline for the initial report for the OPSC. Only twelve states (constituting 11.21%) submitted their reports within a year. Qatar and Italy were among the states that submitted their reports within a few months of their deadline. Eight states (7.48%), including Denmark and France, submitted their reports within three years. The number of states that still have not submitted reports for the OPSC (62.62%) is much higher than for the OPAC. This leaves us with only twenty states (18.69%) to have their deadline for the reports during or after 2007, just three states less than for the OPAC. In short, table 5.5 shows that the reporting rates for OPSC are even poorer than for the OPAC.

Given the optional nature of the Protocols, we might expect that the states who are signatories to them to be more punctilious in meeting their reporting obligations. Yet, the data we have at present does not suggest that reporting performances for the Optional Protocols will be significantly better than for the Convention.

The Patterning of Submission Performances

Given the wide variations in reporting performance that we have seen and given that almost all countries in the world are signatories to the CRC and a majority to the Optional Protocols, we can ask whether there is any pattern to these variations in reporting performance. Are the variations randomly spread across countries or do some categories of

country perform better than others? In the remainder of this paper, we shall examine how reporting performances for the CRC and OPAC correlate with geographical region (using continents as regions), income level and regime type. In addition, for OPAC, we shall examine whether variations in reporting performance relate to whether use of child soldiers is an issue for a country.

As always, there is a danger of moving too easily from correlations to causal relationships. For example, in so far as there are correlations between reporting performance and average income level, we might suppose those arise because richer countries are better equipped to produce reports than poorer countries. Similarly, we might expect regimes that have a better general human rights record to be more concerned to fulfil their human rights obligations in respect of the CRC and the Optional Protocol than countries who have shown less respect for human rights. However, the data presented here can be no more than suggestive of those possibilities. Moreover, we shall see that correlations are often far from strong.

The percentage tables give the percent of countries falling within each category (continent, income level, regime type) for each time-period (by the deadline, within one year of the deadline, etc.)

'States Parties' Submission Performance and Geographical Region

For the following analysis, the States Parties to the CRC and the OPAC have been examined as part of the geographical region they belong to². Some states can be assigned to two different continents, for instance Russia spans Northern Asia and Eastern Europe, while Turkey and Cyprus might be assigned to Western Asia and Middle East as well as Southern Europe. For the purpose of this research all the three states have been assigned to Europe.

The United Kingdom of Great Britain and Northern Ireland Overseas Territories have submitted an initial report to the CRC, which contained reports relating to the Crown Dependencies of Antigua, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, Pitcairn Island, St. Helena and its dependencies, the Turks and Caicos Islands. Since the body responsible for drafting and submitting the report (UK) is in Europe, they are included in Europe as well.

² Based on the division of the Nationsonline, 'The Continents of the World' (<http://www.nationsonline.org/oneworld/continents.htm>, 2 June 2007).

On the other hand, Netherlands Antilles and Netherlands Aruba which are geographically located in the Caribbean, and because the Charter for the Kingdom of the Netherlands represents an end to the colonial relations and the acceptance of the new legal system in which each nation will look after their own interests independently³, they are regarded in this analysis as part of the Americas.

Geographical Analysis of States Parties' Submission Performance for Initial Reports

Table 1.6 Numbers

Continents	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Not submitted
Africa	1	9	7	13	22	0
America	0	11	8	9	8	0
Asia	1	13	16	7	4	4
Europe	1	17	15	6	6	1
Oceania	0	3	4	1	3	5

Table 1.7 Percentages

Continents	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Not submitted
Africa	1.92	17.31	13.46	25.00	42.31	0.00
America	0.00	30.56	22.22	25.00	22.22	0.00
Asia	2.22	28.89	35.56	15.56	8.89	8.89
Europe	2.17	36.96	33.33	13.04	13.04	2.17
Oceania	0.00	18.75	25.00	6.25	18.75	31.25

The geographical performance analysis for the initial report for the CRC shows some differences in performance level according to continent. If we take reports that were submitted within three years of the deadline, the pattern is as follows: Europe (72.46%), Asia

³ US Department of States, 'Background Note: Netherlands Antilles' (<http://www.state.gov/r/pa/ei/22528.htm>, 2 June 2007).

(66.67%), America (52.78%), Oceania (43.75%) and Africa (32.69%). This reveals a significant variation between continents. But it should also be noted that a significant number of countries in all continents submitted reports more than three years late and more than five years late. Moreover, while all countries in Africa and America have submitted their initial reports, these have still not submitted by one European country (2.17%), four Asia countries (8.89%) and five Oceanic countries (31.25%).

Geographical Analysis of States Parties' Submission Performance for Second Periodic Reports

Table 1.8 Numbers

Contine nts	By deadlin e	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Grante d permiss ion to consoli date (2 nd , 3 rd , 4 th)	Consoli dating reports that are overdu e	Not submitt ed	Submis sion date later than 2007
Africa	0	4	4	2	10	9	1	22	0
Am/ca	1	7	5	3	4	6	1	7	0
Asia	2	7	6	9	5	4	1	10	1
EU	1	11	9	5	4	5	1	8	1
Oce/a	0	1	0	1	1	4	0	9	0

Table 1.9 Percentages

Contin ents	By deadlin e	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Grante d permis sion to consol idate	Consol idated reports that are overdu	Not submit ted	Submi ssion date later than 2007
----------------	--------------------	-------------------	-------------	-------------	-----------------------------	---	--	----------------------	---

						(2 nd , 3 rd , 4 th)	e		
Africa	0.00	7.69	7.69	3.85	19.23	17.31	1.92	42.31	0.00
Amer.	2.94	20.59	14.71	8.82	11.76	17.65	2.94	20.59	0.00
Asia	4.44	15.56	13.33	20.00	11.11	8.89	2.22	22.22	2.22
Eur.	2.22	24.44	20.00	11.11	8.89	11.11	2.22	17.78	2.22
Ocea.	0.00	6.25	0.00	6.25	6.25	25.00	0.00	56.25	0.00

For the second periodic reports, geographical analysis shows that within three years of the deadline, the continents' performances are as follows: Europe (46.66%), America (38.24%), Asia (33.33%), Africa (15.30%) and Oceania (6.25%). As with the initial report, the numbers reflect a significant variation between continents. It is worth remarking that, for the second report, an even larger proportion of all continents have either submitted their reports more than three years late or not submitted at all.

Geographical Analysis of States Parties' Submission Performance for Third Periodic Reports

Table 1.10 Numbers

Continents	By deadline	Within 1 y.	1 – 5 y.	Granted permission to consolidate (3 rd and 4 th)	Not submitted	Submission date later than 2007
Africa	0	0	1	25	25	1
America	0	5	5	14	10	0
Asia	2	0	3	26	10	4
Europe	0	5	0	26	10	4
Oceania	0	1	0	5	5	5

Table 1.11 Percentages

Continents	By deadline	Within 1 y.	1 – 5 y.	Granted permission to consolidate (3 rd and 4 th)	No submitted	Submission date later than 2007
Africa	0.00	0.00	1.92	48.08	48.08	1.92
America	0.00	14.71	14.7	41.18	29.41	0.00
Asia	4.44	0.00	6.67	57.78	22.22	8.89
Europe	0.00	11.11	0.00	57.78	22.22	8.89
Oceania	0.00	6.25	0.00	31.25	31.25	31.25

For third periodic reports, geographical analysis for reports submitted up to five years late shows that continents' performances are: America (23.53%), Asia (11.11%), Europe (11.11%), Oceania (6.25%) and Africa (1.92%). Since only a small number of third reports have been submitted, the submission of reports up to five years late, rather than up to three years late, has been used as the basis for comparison. In view of the recentness of deadlines for third reports, it is not possible at the moment to make inclusive assessments for these reports. However the existing figures reveal a very low performance rate from all continents.

Geographical Analysis of States Parties' Submission Performance for OPAC

Table 1.12 Numbers

Continents	By deadline	Within 1 y.	1 – 3 y.	Not submitted	Submission date later than 2007
Africa	0	0	0	18	4
America	0	4	0	15	3
Asia	0	4	2	13	7
Europe	1	10	6	13	8
Oceania	1	0	0	0	1

Table 1.13 Percentages

Continents	By deadline	Within 1 y.	1 – 3 y.	Not submitted	Submission date later than 2007
Africa	0.00	0.00	0.00	81.82	18.18
America	0.00	18.18	0.00	68.18	13.64
Asia	0.00	15.38	7.69	50.00	26.92
Europe	2.63	26.32	15.79	34.21	21.05
Oceania	50.00	0.00	0.00	0.00	50.00

Geographical analysis of OPAC initial reports submitted up to three years late shows that the ordering of continents is: Oceania (50%), Europe (44.74%), Asia (23.07%), America (18.18%) and Africa (0%). It should be noted that only two states from Oceania are States Parties to the OPAC, therefore the 50% for Oceania constitutes one country. Over half of the American and African states and over a third of European states have not submitted their reports. As with the third periodic CRC report, the deadlines for the initial report for the OPAC are relatively recent.

Overall Assessment

The data reveal some significant variations in states' performances by continent for submitting reports. Europe emerges as having the best record for both the initial and second reports, while America and Asia have better general records than Africa and Oceania. However, even Europe does not emerge with a very creditable record, given the proportion of European countries who have submitted their reports more than three years late. The variations amongst continents is great enough to suggest they are of some significance, but mere geography is, in itself, unlikely to have much explanatory power. The income level and regime types of states may have greater explanatory potential.

Income Level Analysis of States Parties' Submission Performance

Using the World Bank's classification of 184 member countries of the Bank and all other economies with populations of more than 30,000 (total 208), States Parties to the CRC and the OPAC, in this research, have been classified as high income (HI), upper middle income (UMI), lower middle income (LMI) or low (LI).⁴ The percentage given for each type of income level is the percentage of countries falling within that income level for the relevant category. The percentages are designed to show how the reporting performances of the states of different income levels compare with one another. For this analysis, those states have been omitted for which no data is available.

Income Level Analysis of States Parties' Submission Performance for Initial Reports

Table 1.14 Numbers

Income Level (IL)	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	No submitted
HI	1	18	13	6	5	1
UMI	0	9	13	4	7	1
LMI	1	20	11	9	16	2
LI	0	6	12	17	15	2

Table 1.15 Percentages

Income Level (IL)	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	No submitted
HI	2.33	41.86	30.23	13.95	11.63	2.33
UMI	0.00	26.47	38.24	11.76	20.59	2.94
LMI	1.67	33.33	18.33	15.00	26.67	3.33
LI	0.00	11.54	23.07	32.69	28.85	3.85

⁴ 'Country Classifications' *World Bank* (<http://web.worldbank.org>, 8 May 2007).

The income level analysis for the initial report for the CRC shows a clear correlation between income level and reporting performance. In particular, the correlation is more obvious if we use the period of up to three years late, again, as a bench mark: HI 74.42%, UMI 64.71%, LMI 53.33%, LI 34.615%. The same type of correlation is evident in the figures for five years and over.

Income Level Analysis of States Parties' Submission Performance for Second Periodic Reports

Table 1.16 Numbers

IL	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Granted permission to consolidate (2 nd , 3 rd , 4 th)	Consolidating reports that are overdue	Not submitted	Submission date later than 2007
HI	1	11	8	3	2	7	1	7	0
UMI	0	6	5	4	6	5	1	11	0
LMI	2	11	6	7	5	10	1	13	1
LI	1	2	5	6	11	6	1	20	1

Table 1.17 Percentages

IL	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Granted permission to consolidate (2 nd , 3 rd , 4 th)	Consolidating reports that are overdue	Not submitted	Submission date later than 2007
HI	2.50	27.50	20.00	7.50	5.00	17.50	2.44	17.50	0.00

UMI	0.00	15.79	13.16	10.53	15.79	13.16	2.63	28.95	0.00
LMI	3.57	19.64	10.71	12.50	8.93	17.86	1.82	19.64	1.82
LI	1.89	3.77	9.43	11.32	20.75	11.32	1.89	37.74	1.89

Using the same time frame of up to three years late, the order of reporting performance in terms of states parties' income level is: HI 50%, UMI 28.95%, LMI 30.25% and LI 15.09%. This clearly shows the existence of the same sort of correlation but less steeply and less smoothly than for the Initial report. The figures for those states that have been granted permission to consolidate their reports show: seven (17.50%) HI, five (13.16%) UMI, ten (17.86%) LMI and six (11.32%) LI. Hence, requests for permission to consolidate reports bear no relation to income levels.

Income Level Analysis of States Parties' Submission Performance for Third Periodic Reports

Table 1.18 Numbers

IL	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	Granted permission to consolidate (3 rd and 4 th)	Not submitted	Submission date later than 2007
HI	0	5	0	0	23	8	4
UMI	0	2	2	1	19	8	4
LMI	1	4	4	1	26	20	2
LI	1	0	1	0	28	22	1

Table 1.19 Percentages

IL	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	Granted permission to consolidate (3 rd and 4 th)	Not submitted	Submission date later than 2007
HI	0.00	12.50	0.00	0.00	57.50	20.00	10.00

UMI	0.00	5.56	5.53	2.8	52.78	22.22	11.11
LMI	1.72	6.89	6.9	1.72	44.83	34.48	3.45
LI	1.88	0.00	1.88	0.00	52.83	41.51	1.88

Due to very small numbers of States Parties that have submitted their third periodic report, it is hard to make any meaningful comparison between the income levels of States Parties and their submission dates. The limited data shows no particular correlation between submission dates and income level, although LI countries seem to be doing less well than countries at other income levels.

Income Level Analysis of States Parties' Submission performance for OPAC

Table 1. 20 Numbers

L	By deadline	Within 1 y.	1 – 3 y.	Not submitted	Submission date later than 2007
HI	2	11	5	9	5
UMI	0	1	2	14	3
LMI	0	4	0	19	9
LI	0	2	1	16	6

Table 1. 21 Percentages

IL	By deadline	Within 1 y.	1 – 3 y.	Not submitted	Submission date later than 2007
HI	6.25	34.38	15.63	28.13	15.63
UMI	0.00	5.00	10.00	70.00	15.00
LMI	0.00	12.50	0.00	59.38	28.13
LI	0.00	8.00	4.00	64.00	24.00

Over half (56.26%) of the HI states submitted their report within three years of the deadline, followed by UMI 15%, LMI 12.50% and finally LI 12%. There is a relatively small difference between UMI, LMI and LI states reporting performance.

Overall Assessment

The analysis of the states parties' income level and reporting performance shows at times the existence of a clear correlation, especially for the initial report to the CRC and the OPAC. The correlation is less smooth for the second and third periodic reports. The contrast is more marked between HI states and other states. Differences between UMI, LMI and LI states are much less significant.

Regime Types and States Parties' Submission Performance

Regime type analysis of the States Parties reporting performance to the CRC and OPAC is designed to show how the reporting performances of different types of regime compare with one another. The percentage given for each regime type is the percentage of countries falling into that regime type for the relevant category. The data used is from two independent sources, 'The Economist Intelligence Unit's Democracy Index' (EIUDI)⁵ and the Freedom House classifications⁶.

The EIUDI data is based on five categories: electoral process and pluralism; civil liberties; the functioning of the government; political participation; and political culture. The five categories are interrelated and form a coherent conceptual whole. The EIUDI provides a snapshot of the current state of democracy worldwide for the majority of independent states and divides them in full democracies (FD), flawed democracies (fD), authoritarian regimes (AR) and finally, hybrid regimes (HR).

The Freedom House data is a comparative assessment of political rights and civil liberties and cover a total of 192 countries of which 14 have related and disputed territories. The related territories include Hong Kong in China and Puerto Rico in the United States, while the disputed territories are Nagorno-Karabakh in Armenia/Azerbaijan, Tibet in China,

⁵ Laza Kekic, 'The Economist Intelligence Unit Index of Democracy' *The Economist* (http://www.economist.com/media/pdf/DEMOCRACY_INDEX_2007_v3.pdf, 15 March 2007).

⁶ 'Freedom in the World 2006' *Freedom House Organisation* (http://www.freedomhouse.org/uploads/press_release/fiw07_charts.pdf, 22 March 2007).

Northern (Turkish) Cyprus in Cyprus, Abkhazia in Georgia, Kashmir in India, Israeli-Occupied Territories Palestinian Authority – Administered Territories in Israel, Transnistria in Moldova, Western Sahara in Morocco, Kashmir in Pakistan, Chechnya in Russia, Kosovo in Serbia, and Somaliland in Somalia⁷ Each country has been assigned a numerical rating based on a 1 to 7 scale, with 1 representing the highest and 7 the lowest level of freedom. Each pair of political rights and civil liberties ratings is averaged⁸ to determine an overall status of “Free” (F), “Partly Free” (PF), or “Not Free” (NF).

Data was not available data for all the member states of the CRC and the OPAC. The calculated percentages apply only to those countries for which the data on regime type was available.

Regime Types and States Parties’ Submission Performance for Initial Reports

Table 1.22 EIUDI Data – Numbers

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Not submitted
FD	2	15	10	1	1	0
fD	0	17	13	8	8	4
HR	0	5	8	8	9	0
AR	2	14	14	9	15	1

Table 1.23 EIUDI Data – Percentages

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Not submitted
FD	0.00	55.56	37.04	3.70	3.70	0.00
fD	0.00	34.00	26.00	16.00	16.00	8.00
HR	0.00	16.67	26.67	26.67	30.00	0.00
AR	3.64	24.45	25.45	16.36	27.27	1.82

⁷ Ibid.

⁸ The numbers that have been given for the Civil Liberty and Political Rights have been added up and calculated in a scale 1 to 14 in order to end up with the final statement of the status.

EIUDI Regime type analysis shows that 92.6% (56) FD states submitted their initial reports up to three years late, followed by 60.00% fD, 43.34% HR and 53.54% AR states. This leaves us with FD 7.4%, fD 32.00%, HR 56.67% and AR 43.63% states that submitted their initial reports over five and up to ten years late.

Table 1.24 Freedom House– Numbers

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Not submitted
F	1	29	26	13	15	4
PF	3	10	13	11	19	4
NF	0	14	10	10	9	0

Table 1.25 Freedom House Data – Percentages

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Not submitted
F	1.14	32.95	29.55	14.77	17.05	4.55
PF	5.00	16.67	21.67	18.33	31.67	6.67
NF	0.00	32.56	23.25	23.25	20.93	0.00

Freedom house regime type analysis, using the three year cut-off point, yielded a similar picture to EIUDI: F 63.64%, PF 43.34%, NF 55.81%. This reveals the existence of a clear correlation between FD and F countries. Differences between other types of regime have relatively little significance.

Regime Types and States Parties' Submission Performance for Second Periodic Reports

Table 1.26 EIUDI DATA – Numbers

Regime s	By deadlin e	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Grante d permiss ion to consoli date (2 nd , 3 rd , 4th)	Consoli dating reports that are overdu e	Not submit ted	Submis sion date later than 2007
FD	1	12	4	3	7	1	0	2	0
fD	1	6	11	7	8	6	1	8	2
HR	1	5	2	0	7	6	0	9	0
AR	1	7	6	9	3	5	2	22	0

Table 1.27 EIUDI Data – Percentages

Regimes	By deadlin e	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Granted permiss ion to consoli date (2 nd , 3 rd , 4th)	Consoli dating reports that are overdue	Not submitt ed	Submis sion date later than 2007
FD	3.70	44.44	14.82	11.11	25.93	3.70	0.00	7.41	0.00
fD	2.00	12.00	22.00	14.00	16.00	12.00	2.00	16.00	4.00
HR	3.33	16.67	6.67	0.00	23.33	20.00	0.00	30.00	0.00
AR	1.82	12.73	10.91	16.36	5.45	9.09	3.64	40.00	0.00

EIU data shows that 62.96% (17) FD states submitted their second periodic report up to three years late, followed by fD 36.00%, HR 26.67 % and AR 25.46%. It is worth remarking

that a significant number of FD and fD states submitted their report over three and up to ten years late, as well as that almost the same number of states from all regime types have been granted permission to consolidate their reports.

Table 1.28 Freedom House Data–Numbers

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Granted permission to consolidate date (2 nd , 3 rd , 4 th)	Consolidating reports that are overdue	Not submitted	Submission date later than 2007
F	1	15	14	10	14	12	1	19	1
PF	3	9	5	1	7	10	2	20	1
NF	0	6	5	9	3	6	1	14	0

Table 1.29 Freedom House Data–Percentages

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	5 – 10 y. and over	Granted permission to consolidate date (2 nd , 3 rd , 4 th)	Consolidating reports that are overdue	Not submitted	Submission date later than 2007
F	1.15	17.24	16.09	11.49	16.09	13.79	1.15	21.84	1.15
PF	5.17	15.52	8.62	1.72	12.07	17.24	3.45	34.48	1.72
NF	0.00	13.64	11.36	20.45	6.82	13.64	2.27	31.82	0.00

Using up to three years as a bench mark, again, shows that F 34.48%, PF 29.31% and NF 25% submitted their reports. The categories used by Freedom House therefore reveal much less striking correlations than those used by EIU.

Regime Types and States Parties' Submission Performance for Third Periodic Reports

Table 1.30 EIUDI Data– Numbers

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	Granted permission to consolidate (3 rd and 4 th)	Not submitted	Submission date later than 2007
FD	0	6	0	0	14	6	1
fD	0	2	3	2	28	11	4
HR	0	3	2	0	14	10	1
AR	2	0	1	0	27	23	2

Table 1.31 EIUDI Data– Percentages

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	Granted permission to consolidate (3 rd and 4 th)	Not submitted	Submission date later than 2007
FD	0.00	22.22	0.00	0.00	51.85	22.22	3.70
fD	0.00	4.00	6.00	4.00	56.00	22.00	8.00
HR	0.00	10.00	6.67	0.00	46.67	33.33	3.33
AR	3.64	0.00	1.82	0.00	49.09	41.82	3.64

Using, as with the previous reports, the benchmark of up to three years late, the regime type performance analysis is: FD 22.22%, fD 10.00%, HR 16.67% and AR 5.46%. The majority of states from all regime types have either been granted permission to consolidate their reports or have not submitted them at all.

Table 1.32 Freedom House Data - Numbers

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	Granted permission to consolidate (3 rd and 4 th)	Not submitted	Submission date later than 2007
F	0	6	2	1	49	23	6
PF	1	4	4	1	25	22	4
NF	1	1	1	0	22	14	2

Table 1.33 Freedom House Data - Percentages

Regimes	By deadline	Within 1 y.	1 – 3 y.	3 – 5 y.	Granted permission to consolidate (3 rd and 4 th)	Not submitted	Submission date later than 2007
F	0.00	6.9	2.3	1.15	56.32	26.44	6.9
PF	1.64	6.56	6.56	1.64	40.98	36.06	6.56
NF	2.44	2.44	2.44	0.00	53.66	34.15	4.88

The freedom house analysis compared to EIU shows that for the same period of time the results are: F 9.2%, PF 14.76%, and NF 7.32%. The small percentage of states of all types that have submitted their reports within three years of the deadline makes comparison less meaningful than for the earlier reports.

Regime Types and States Parties' Submission Performance for OPAC

Table 1.34 EIUDI Data – Numbers

Regimes	By deadline	Within 1 y.	1 – 3 y.	Not submitted	Submission date later than 2007
FD	2	10	4	7	3
fD	0	4	1	25	9
HR	0	1	0	11	3

AR	0	2	2	13	6
----	---	---	---	----	---

Table 1.35 EIUDI Data – Percentages

Regimes	By deadline	Within 1 y.	1 – 3 y.	Not submitted	Submission date later than 2007
FD	7.69	38.46	15.38	26.92	11.54
fD	0.00	10.26	2.56	64.10	23.07
HR	0.00	6.67	0.00	73.33	20.00
AR	0.00	8.70	8.70	56.52	26.09

The regime type analysis of the reporting performance of the states parties for the OPAC showed that for up to three years late the figures are: 61.53% (16) FD states, 12.82% fD, 6.67% HR, and 17.4% AR. This shows a marked contrast between FD states and other regime types, but no correlation beyond that.

Table 1.36 Freedom House Data – Numbers

Regimes	By deadline	Within 1 y.	1 – 3 y.	Not submitted	Submission date later than 2007
F	2	13	6	28	11
PF	0	3	0	21	5
NF	0	2	2	9	7

Table 1.37 Freedom House Data – Percentages

Regimes	By deadline	Within 1 y.	1 – 3 y.	Not submitted	Submission date later than 2007
F	3.33	21.67	10.00	46.67	18.33
PF	0.00	10.34	0.00	72.41	17.24
NF	0.00	10.00	10.00	45.00	35.00

Freedom House data for the same time-frame showed F 35%, PF 10.34 %, NF 20%. This shows a very obvious contrast between the F and PF and NF states. As with the EIUDI data,

F states have the best level of performance though the contrast is less stark for the F states than for FD states. But also as noted the EIUDI, there is no ‘sliding scale’ correlation beyond that.

Child Soldiers and States Parties’ Submission Performance for OPAC

This section examines whether the issue of child soldiers might have a bearing on the relative performances of states in reporting on OPAC. We might hypothesise that states in which child soldiering is an issue will be more reluctant to report since reporting involves exposing their position to the world. The data on child soldiering used here is drawn from a report published by the Coalition to Stop the Use of Child Soldiers published in 2004. The report covers the period from April 2001 to March 2004. It used a wide range of resources: UN agencies and peacekeeping missions, other intergovernmental organisations, news media, academic sources, and human rights and humanitarian organisations.⁹

Tables 5.38 and 5.39 show how reporting performances relate to the presence of child soldiering as an issue both for the state’s own government forces and for political groups operating in a state’s territory. The abbreviations used here are: I (indicated recruitment of child soldiers); P (possible recruitment of child soldiers); N (No issue of child soldiering reported) and L (legal possibility of recruitment or use of child soldiers in cases with no reported practice, but with a legal minimum recruitment age below 18). The percentages given for each type (I, P, N, L) is the percentage of countries falling within that type for the relevant category.

Table 1.38 Numbers

a) In Government Forces

Regimes	By deadline	Within 12 m.	1-3 y.	Not submitted	Due date during 2007 and later
I	1	4	0	8	5
P	0	0	0	2	2
N	1	8	4	30	6
L	0	3	3	11	8

⁹ For more details look at ‘Child Soldiers Global Report 2004’ *Coalition to Stop the Use of Child Soldiering* (http://www.child-soldiers.org/library/global-reports?root_id=159&category_id=165, 15 January 2007).

b) Political groups

Regimes	By deadline	Within 12 m.	1-3 y.	Not submitted	Due date during 2007 and later
I	0	0	0	8	5
P	0	0	0	2	0
N	0	1	0	7	0
L	0	0	0	0	0

Table 1.39 Percentages**a) In Government Forces**

Regimes	By deadline	Within 12 m.	1-3 y.	Not submitted	Due date during 2007 and later
I	3.70	14.81	0.00	29.63	18.52
P	0.00	0.00	0.00	22.22	22.22
N	1.29	10.38	5.19	38.96	7.79
L	0.00	6.39	6.38	23.40	17.02

b) Political groups

Regimes	By deadline	Within 12 m.	1-3 y.	Not submitted	Due date during 2007 and later
I	0.00	0.00	0.00	30.77	19.23
P	0.00	0.00	0.00	15.38	0.00
N	0.00	7.14	0.00	50.00	0.00
L	0.00	0.00	0.00	0.00	0.00

For the purpose of this analysis, we have divided the table in two sections based on where the child soldiers may be deployed, either in the government forces or in political (militia) groups. Using up to three years late as a basis for comparison, the analysis for the government forces section provides us with the following sequence: I 18.51%, P 0%, N 16.86% and L 12.76%. This results show that the largest percentage of states with indicated recruitment of children in their government forces have submitted their report. On the other hand, thirty states (38.96%) with no reported child recruitment in the army have not submitted their report – the largest percentage of any category. The data for political groups

is far too sparse to make any comparison possible. Even the data for government forces consists of a relatively small number of countries. However, what the existing data shows is that there is no correlation between the presence or absence of child soldiers and the States Parties' reporting performance on the OPAC, so there is nothing in these figures to suggest that countries in which child soldiering is an issue are more reluctant to report than those in which it is not.

Conclusion

This paper has shown that, on the whole, State Parties' have a very poor record in submitting their reports according to the timetable set for the CRC. Only a tiny number of States Parties have submitted their reports by the stipulated deadlines. Just over half submitted their initial reports within three years of the deadline, but a quarter submitted over five years late and some had still not reported more than ten years after the deadline. The record of report submissions for second and third periodic reports has been even poorer and submissions for OPAC show a similar pattern. Increasingly the Committee has allowed states to 'consolidate' two or more of their reports as a way of enabling them to make up lost ground.

There is some geographical variation in States Parties' submissions record, with, on average, European and American states performing better than Asian states, and Asian states performing better than African and Oceanic states. High income level states also generally perform better than low income level states, with middle income states falling between the two. Full democracies have, on average, a better record than states with other types of regime. These variables are, of course, overlapping. Correlations between them and submissions are conspicuous but not very strong and perhaps more noteworthy is the number of late submissions in all categories.