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Persuasion Without Power: The Effectiveness of UN Human Rights Treaty Bodies in Inducing Compliance Without Binding Authority

A Review of Compliance Mechanisms, Empirical Findings, and Reform Proposals

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Abstract

The ten core United Nations human rights treaty bodies monitor state compliance with international human rights obligations through periodic reporting review, concluding observations, and individual communications procedures, yet none possesses binding enforcement authority comparable to a domestic court. This paper reviews recent empirical and doctrinal literature assessing whether, and through what mechanisms, treaty bodies nonetheless succeed in inducing state compliance. Drawing on quantitative studies of compliance with treaty body views, comparative analysis against the Human Rights Council's Universal Periodic Review, and case-study evidence on the implementation of concluding observations, the review finds that treaty bodies achieve measurable but partial compliance, with state compliance with individual-communication views estimated at roughly 19 to 39 percent, and that their comparative institutional strength lies in accurate fact-finding and inducing state learning rather than in generating coercive pressure. The paper further examines structural constraints, including case backlogs exceeding six years at current clearance rates, chronic underfunding, and diverging working methods across the ten bodies, before reviewing the ongoing 2023-2024 treaty body strengthening process and proposing a

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framework for future compliance research that disaggregates persuasion, acculturation, and coercion as distinct causal pathways to state compliance.

Introduction

International human rights law rests on an institutional paradox: the ten core UN human rights treaties are monitored by expert committees, commonly referred to as treaty bodies, whose concluding observations and views on individual complaints carry no binding legal force under the treaties that create them. Unlike domestic courts, treaty bodies cannot compel state compliance through injunctions, fines, or enforcement orders; their authority to monitor compliance and consider individual complaints extends only to states that have ratified the relevant treaty and, where applicable, its optional protocol permitting individual complaints. This raises a foundational question for international law and policy: in the absence of binding authority, do UN human rights treaty bodies meaningfully induce state compliance with human rights obligations, and if so, through which mechanisms?

This paper reviews recent scholarship and UN institutional reporting addressing this question. It proceeds in six parts. Section 2 outlines the institutional architecture of the treaty body system. Section 3 reviews empirical findings on compliance rates with treaty body decisions. Section 4 examines the theoretical debate over which compliance pathway, enforcement, management, or constructivist acculturation, best explains observed state behavior. Section 5 documents structural constraints on treaty body effectiveness. Section 6 reviews the ongoing treaty body strengthening reform process and proposes a research agenda for future compliance studies.

Institutional Architecture: Reporting, Communications, and Follow-Up

The treaty body system performs two principal mandated activities. First, each committee conducts periodic review of state parties' reports on their implementation of the relevant treaty, drawing on state self-assessment, committee questioning, and input from civil society and national human rights institutions, culminating in concluding observations that identify compliance gaps and recommend corrective measures. Second, eight of the ten treaty bodies can receive individual complaints, known as communications, from persons alleging a violation of their rights under the treaty, and issue views on whether a violation occurred and what remedy the state should provide. A third, less prominent function consists of

follow-up and grading procedures, through which committees track state implementation of concluding observations and views over time, using tools that include structured compliance grades, reminder letters, and follow-up meetings or visits with state representatives.

This architecture positions the treaty body system as one of the most geographically and substantively comprehensive individual human rights protection mechanisms in international law, extending coverage across civil, political, economic, social, and cultural rights domains through the ten core treaties. However, whether individual complainants obtain meaningful redress through these mechanisms depends almost entirely on whether respondent states choose to implement committee decisions voluntarily, since the treaties themselves supply no coercive enforcement mechanism.

Empirical Evidence on Compliance Rates

A central empirical contribution to this literature comes from large-N studies of state compliance with treaty body views on individual communications. Analysis of state responses to treaty body decisions over an extended period found that, depending on whether compliance is measured as a binary outcome or along a continuous scale, overall state compliance ranges between approximately 19 and 39 percent, a rate the authors characterize as ambiguous: substantial enough to demonstrate that non-binding decisions carry real behavioral weight, yet low enough that the majority of views never achieve full implementation.² Notably, this research found no evidence of a broader regional pattern in compliance, top-complying states in the dataset included European countries such as Switzerland and Finland, Latin American states such as Uruguay and Panama, and African states such as Sierra Leone and Namibia, and found no clear recent trend toward greater state disengagement, with compliance rates recovering after an early-2000s dip and subsequently plateauing at around 40 percent through the following decade.³

A separate strand of comparative institutional research directly contrasts treaty bodies with the Human Rights Council's Universal Periodic Review (UPR)

²Andreas J. Ullmann & Andreas von Staden, *A Room Full of 'Views': Introducing a New Dataset to Explore Compliance with the Decisions of the UN Human Rights Treaty Bodies' Individual Complaints Procedures*, 68 J. Conflict Resol. 534, 553–54 (2024); see also Andreas Johannes Ullmann, *Compliance with UN Treaty Body Decisions: A Glass One-Third Full or Two-Thirds Empty?*, OpenGlobalRights (Sept. 5, 2023), <https://www.openglobalrights.org/compliance-UN-treaty-body-decisions/>.

³Ullmann & von Staden, *supra* note 1, at 555–56; Ullmann, *supra* note 1.

mechanism, which subjects all UN member states to periodic peer review regardless of treaty ratification status. This comparative analysis found that treaty bodies are comparatively successful at providing accurate overviews of state human rights performance and at generating learning opportunities for states, whereas the UPR's principal comparative strength lies in generating peer and public pressure; both mechanisms were found to be relatively capable of producing practically feasible recommendations.⁴ Applying the three dominant theoretical schools of compliance, enforcement, management, and constructivist acculturation, this research found that the enforcement school, which holds that compliance results from the threat of reputational or material costs, offered the strongest explanatory power for the cases examined, even though treaty bodies possess no formal enforcement capacity, suggesting that the pressure they generate operates primarily through reputational rather than legal channels.

A complementary case study examining Japan's implementation of treaty body concluding observations found that domestic civil society mobilization does not automatically translate into policy change, in part because of gaps in Japanese officials' familiarity with international human rights law standards in areas such as gender equality and hate speech prohibition.⁵ Applying Goodman and Jinks' theoretical distinction between persuasion and acculturation as compliance mechanisms, this study concluded that treaty bodies are institutionally designed primarily to persuade states through reasoned engagement rather than to acculturate them through social pressure toward a shared normative community, a design feature that may explain why implementation remains uneven even in states with active domestic human rights advocacy.

Enforcement, Management, and Constructivist Explanations

The reviewed literature converges on the conclusion that no single compliance theory fully explains treaty body effectiveness, but each contributes a partial account. The enforcement school emphasizes reputational and material costs of non-compliance, costs that treaty bodies can generate through publicity, but not through binding sanction. The management school emphasizes states' capacity

⁴Valentina Carraro, *Promoting Compliance with Human Rights: The Performance of the United Nations' Universal Periodic Review and Treaty Bodies*, 63 *Int'l Stud. Q.* 1079, 1079–90 (2019).

⁵Akinaga Yoshida, *Beyond Non-Bindingness: States' Implementation of UN Human Rights Treaty Bodies' Concluding Observations*, 42 *Nordic J. Hum. Rts.* 158, 158–62 (2024); see also Ryan Goodman & Derek Jinks, *How to Influence States: Socialization and International Human Rights Law*, 54 *Duke L.J.* 621 (2004).

constraints, arguing that non-compliance often reflects an inability rather than an unwillingness to implement obligations, a claim consistent with evidence that lower-capacity states face additional practical hurdles in translating concluding observations into domestic legal or administrative reform. The constructivist school emphasizes the internalization of human rights norms through repeated engagement with international bodies over time, a slower-acting pathway that may explain gradual, rather than immediate, compliance gains among states with sustained treaty body engagement.

Table 1 summarizes the primary compliance mechanisms available to the treaty body system alongside their comparatively documented strengths and limitations.

Table 1: *Compliance Mechanisms of the UN Human Rights Treaty Body System*

Mechanism	Primary Function	Perceived Strength	Documented Limitation
State party reporting / concluding observations	Periodic review of state compliance based on self-assessment and committee inquiry	Accurate overview of state performance; generates learning opportunities for states	Chronic reporting backlogs; uneven state compliance with reporting obligations
Individual communications (views)	Adjudication of individual complaints of treaty violations	One of the most geographically and substantively encompassing individual-complaint systems in international law	Overall state compliance with views estimated at 19–39%; multi-year case backlogs
Follow-up and grading procedures	Post-decision monitoring via grading of state compliance, reminder letters, and follow-up visits	Provides a structured, public record of implementation over time	Relies on publicity and persuasion; no binding enforcement power
Universal Periodic Review (comparator, Human Rights Council)	Peer-based review of all UN member states' human rights records	Strong at generating peer and public pressure on states	Weaker than treaty bodies at technical accuracy and the expert-learning function

Source: Author's synthesis of sources cited *supra* notes 1–6.

Structural Constraints on Effectiveness

Beyond the theoretical debate over compliance pathways, the literature documents concrete structural constraints that limit treaty body effectiveness regardless of which compliance theory best applies. Chief among these is case backlog: a 2025 Geneva Academy research brief estimated that, at current processing rates and without accounting for newly received complaints, the individual communications system would require approximately 6.65 years simply to clear its existing backlog, a delay that undermines the timeliness and practical value of remedies for individual complainants.⁶ This backlog problem is compounded by uneven state compliance with reporting obligations in the first instance, since committees cannot issue concluding observations without state reports to review, and reporting compliance has historically varied considerably across the ten treaty bodies and across individual states.

Resource constraints represent a second structural limitation. Treaty body members serve on an independent, largely pro bono basis, and the growth in individual communications and urgent-action requests submitted to bodies such as the Committee on Enforced Disappearances has placed increasing demands on committee meeting time without a commensurate increase in staffing or digital infrastructure to manage the workload. A third constraint concerns coordination: diverging working methods and reporting procedures across the ten treaty bodies have historically complicated harmonization efforts, prompting the ongoing treaty body strengthening process to prioritize standardization alongside resourcing.

The Treaty Body Strengthening Process and Reform Trajectory

Since the General Assembly's 2014 resolution 68/268 launched a formal treaty body strengthening initiative, subsequent biennial reporting has tracked incremental progress: an early assessment found that the treaty bodies had increased the number of state party reports and individual communications reviewed, conducted more field visits, and reduced state-report backlogs in the initiative's first two years, though the report cautioned that a parallel increase in submitted individual communications would continue to strain available meeting time and staffing.⁷

⁶Geneva Acad. of Int'l Humanitarian L. & Hum. Rts., *United Nations Treaty Body Individual Communications Procedures: Research Brief* 4 (2025), <https://geneva-academy.ch/wp-content/uploads/2025/09/United-Nations-Treaty-Body-Individual-Communications-Procedures.pdf>.

⁷G.A. Res. 68/268, U.N. Doc. A/RES/68/268 (Apr. 21, 2014); U.N. Secretary-General, *Status of the Human Rights Treaty Body System*, U.N. Doc. A/71/118, 20–25 (July 18, 2016).

More recent OHCHR reporting on the 2022 to 2024 period notes that the treaty body chairs' ongoing strengthening process has centered on three main reform pillars: introducing a predictable eight-year cycle for state party report reviews, harmonizing working methods across the ten bodies, and pursuing a digital upgrade of the reporting and complaints infrastructure, alongside a 2023 ratification campaign under the Human Rights 75 Initiative that OHCHR reports coincided with a surge in state reporting compliance that year.⁸ In 2024, OHCHR further reported a record 21 new instruments of ratification of core human rights treaties, suggesting continued, if incremental, expansion of the system's formal reach even as implementation gaps persist.⁹

Proposed Research Agenda

Building on this review, future research on treaty body effectiveness should pursue three priorities. First, compliance studies should more systematically disaggregate the enforcement, management, and constructivist pathways within a single research design, using matched case comparisons of states with similar capacity but differing enforcement exposure, to isolate which mechanism drives compliance in which conditions, rather than testing the three schools in the aggregate as prior research has largely done. Second, given the documented multi-year backlog in individual communications processing, researchers should examine whether delay itself independently reduces compliance likelihood, testing whether states are less likely to implement views issued years after the underlying violation occurred compared to more promptly issued decisions. Third, future research should track the concrete effects of the ongoing treaty body strengthening reforms, particularly the proposed eight-year predictable reporting cycle and digital infrastructure upgrades, on both reporting compliance rates and communications-processing time, providing an empirical basis for assessing whether current reform efforts meaningfully close the implementation gap documented in the pre-reform literature.

Conclusion

The UN human rights treaty body system operates without binding enforcement authority, yet the empirical record indicates it is not without effect: state compliance with individual-communication views, while falling short of universal

⁸Office of the U.N. High Comm'r for Hum. Rts., *Treaty Body Strengthening* (2024), <https://www.ohchr.org/en/treaty-bodies/treaty-body-strengthening>.

⁹Office of the U.N. High Comm'r for Hum. Rts., *OHCHR Report 2024* (2024), <https://www2.ohchr.org/english/OHCHRreport2024/>.

implementation, has plateaued at a meaningful rate of roughly one-third over the past decade, and treaty bodies retain a distinct comparative advantage over peer-review mechanisms such as the Universal Periodic Review in providing accurate, expert assessment of state practice and generating opportunities for state learning. At the same time, structural constraints, including years-long case backlogs, chronic underfunding, and uneven state reporting compliance, continue to limit the system's practical reach. The ongoing treaty body strengthening process represents a genuine, if incremental, institutional response to these constraints, and its ultimate success will depend on whether reforms to reporting cycles, working methods, and digital infrastructure translate into measurably faster and more consistent state compliance in the years ahead.

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