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Implementation within TRL system

Unconditional Global Basic Income UN uses a unique index and an algorithm called 'implementation' with the aim of reflecting the level of actual realisation of accepted international commitments and obligations in the field of human rights and environmental protection as well as for adherence to new international treaties to provide a higher level of protection for individuals at a domestic level. This has a direct impact on the basic income received by citizens of every country.

'Implementation' is included in the overall system of TRL architecture, as the add-on TRL Index and on par with Motivational Table (MTI), and can increase basic income of the country in addition to TRL TOTAL. Motivational Table Index V1 (MTI) is an additional index that also increases TRL TOTAL. Its main goal is to encourage low-income countries with significant progress in the protection of rights and freedoms.

However, 'Implementation', as opposed to MTI, is the most important part of TRL's social mechanism, and thus can cause decrease of the country's TRL TOTAL.

TRL Implementation is not attempting to impose international order or human rights standards. Based on the minimal permissible level of implementation of human rights, it allows each country individually to adapt the standards to its national context influenced by socio-cultural, economic and other characteristics. This significantly increases foreign investments in the state economy through the TRL system, as well as shows the world's community an increase of integrity level of the state. De facto states work to improve the well-being and development of individuals under their jurisdiction.

TRL Implementation has an important overlap with TRL Civic Engagement, as the actions aimed at conscientious execution of international agreements in the field of Human Rights should be carried out by the state through dialogue with civil society and in consideration of citizen engagement within the process of monitoring and enforcement of decisions made by judicial and quasi-judicial bodies. Implementation encompasses all areas of law and all branches of government placing responsibility on representatives of professional associations, and others

(e.g. public administration, judges, lawyers, teachers, doctors, etc) to treat implementation of individual's rights with respect and understanding.

One of the most important goals of 'TRL Implementation' is to reflect the level of progress made with regards to recommendations and decisions made by international and regional judicial and quasi-judicial bodies, including committees of the UN Treaty bodies, as well as reports and recommendations made by UN Special Rapporteurs.

When international organisations that have a direct impact on TRL Index receive the funding from TRL Global Foundation, the relevant committees of the UN Treaty and Charter bodies will monitor this process to maintain impartiality and to avoid conflict of interests.

TRL Implementation takes into account regional discrepancies and constitutes a two-tier system.

1) A system that uses UN as a reference point

2) A system that uses regional conventions as a reference point, such as

- Council of Europe (represented by European Court of Human Rights)
- Organisation of American States (represented by the inter-American system for the protection of human rights)
- African Union (represented by African Commission on Human and Peoples' Rights and the recently-established African Court on Human and Peoples' Rights)

Complete and up to date table of TRL Implementation for each state will be published 30 days prior to commencement of the first payment of basic income.

In order to stay relevant, TRL table may undergo changes.

Increase of TRL TOTAL

Membership within organisations

Membership in any of the following international and intergovernmental organisations increases TRL Total by the following number of percentages (the percentage is specified based on TRL TOTAL and is calculated by five basic points. MTI Table and TRL Implementation are not included).

UN Membership: +1%, but not less than 5_TRL

Regional organisations Membership:

Council of Europe +2%

Organization of American States: +2%, but not less than 1.5_TRL

African Union: +2%, but not less than 1.5_TRL

International treaties at the universal level

1) Universal Declaration of Human Rights: increases TRL TOTAL by 2.5%; but not less than by 2.5_TRL

Ratification of the following international instruments increases TRL TOTAL by the following percentage (the percentage is specified based on TRL TOTAL and is calculated by five basic points. MTI Table and TRL Implementation are not included).

2) Rome Statute of the International Criminal Court: increases TRL TOTAL by 2%; but not less than by 2_TRL

3) Each of the following international instruments ratified by the country increases TRL TOTAL by 1%, but not less than by 1_TRL

- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance

4) Submission of Reports (documents for monitoring and specifically the periodic report) of the measures taken regarding implementation deadlines that have been put in place by the following agreement:

- Without deadline violation: +5%
- Deadline violation leads to decrease of TRL TOTAL
- Failure to communicate by non-reporting and/or by refusal of correspondence with the Committee when considering individual appeals as well as failure to communicate during the process of implementation of Committee's decisions - all lead to decrease of TRL TOTAL.
- Communication of the state with Treaty bodies in the context of individual statements: +1%, but not more than 5_TRL

5) Vienna Convention on the Law of Treaties: +3%, but not more than 30_TRL

International treaty at the regional level

Europe

219 Council of Europe conventions: each ratified convention increases TRL TOTAL by 0.25_TRL (some significant non-ratified protocols decrease TRL TOTAL)

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: +10_TRL

The Americas

Pact of San José: +5%, not less than 7.5_TRL, but not more than 35_TRL

Recognition of the competence of the inter-American Court of Human Rights: +5%, not less than 5_TRL, but not more than 30_TRL

Inter-American Convention on Human Rights: +1%, but not less than 1.5_TRL

Each of the following inter-American conventions ratified by the country increases TRL TOTAL by +1%, but not less than 1.5_TRL

- Inter-American Convention on Forced Disappearance of Persons
- The Inter-American Convention to Prevent and Punish Torture
- Inter-American Convention on the Granting of Political Rights to Women
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "convention of Belem do Para"
- Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities

[Africa](#)

Ratification of the instruments for recognition of the African Court of Human Rights: +10%, not less than 10_TRL, but not more than 35_TRL

African Charter on Human and Peoples' Rights: +5%, but not less than 2.5_TRL

Maputo Protocol: +2.5%, but not less than 1.5_TRL

[Asia and the Pacific including Western Asia](#)

Due to lack of conventions and bodies similar to those in Europe, America and Africa, as well as prior to creation of a cross-legal system that takes into account regional contexts (including a rational attitude to traditions) TRL system operates in a restricted mode, guided solely by the principles of the UN.

National application of 'Soft Law' instruments

We welcome the achievement of social impact not only through new treaties, but also through the adoption of 'soft law' instruments. Since revealing the content of certain provisions of international treaty articles, those instruments provide concrete arguments for: progression of Human Rights during the course of various actions performed by individuals and the state, as well as for protection of Individual Rights at all stages of the investigation, whilst considering cases and conditions of execution of punishments. Moreover, a number of instruments of 'soft law' include standards of those rights and freedoms, without which the formation and development of democratic legal systems would be impossible. The national application of soft law instruments is an effective transitional step towards making these instruments legally binding (opinio juris)

[United Nations Declaration on Human Rights Education and Training](#)

Inclusion of implementation information in the periodic report at least once every three years: +5%, not less than 5_TRL, but not more than 30_TRL

Application of the Declaration in national education programmes and strategies: +2.5%, not less than 2.5_TRL, but not more than 15_TRL

As the implementation of this declaration can depend upon financial, academic, planned, and other types of resources, TRL Global Foundation will develop an additional programme of support for the states that actively utilise the instrument of soft law.

Specific procedures: an open invitation +5.5_TRL

Implementation of international ecological/environmental law: +1%, but not less than 1.5_TRL

UN Framework Convention on Climate Change: +1%, but not less than 1.5_TRL

Additional information is to be expected

Decrease OF TRL TOTAL

TRL implementation UN

In the TRL system the following algorithms are being applied to decrease TRL TOTAL (the subtracted percentage is calculated based on five basic points plus all add-ons of TRL Implementation; MTI table is not included in calculations).

For long-term performance failure or for negligent performance [pacta sunt servanda] (according to the resolution or decision made by the UN Special Rapporteur / Commission / Committee) - TRL TOTAL decreases annually under the specified item by 0.75%

Non-recognition of the mandate of the Special Rapporteur working within the framework of country special procedures authorized by the UN body: -12,5%

Non-recognition of the mandate of the Special Rapporteur working within the framework of thematic special procedures authorized by the UN body: -10%

Rejection of recommendations (refusal to implement) put together by Special Rapporteur: -1% for non-acceptance of every recommendation (temporarily not taken into account)

Refusal to visit the country/field visits (or perform fact-finding missions) by the Special Rapporteur working within the framework of country special procedures: -7.5%

Refusal to visit the country/field visits (or perform fact-finding missions) by the Special Rapporteur working within the framework of thematic special procedures: -5%

Violation of Article 20 of Universal Declaration of Human Rights, Article 21 International Covenant on civil and political rights, Article 11 of European Convention for the protection of Human Rights and fundamental freedoms: -5%

The Reservations to Treaty that reduce the effectiveness of international agreements: -5% (temporarily not taken into account)

Absence of a separate article on torture in the Criminal code: -5%

Ignoring recommendations made to address the lack of clarity or inadmissibility of laws (with regard to NGOs / freedom of Assembly, etc.): -2,5%

Interfering with representatives of the Committee Against Torture from exercising international control in this area : -5%

Extradition at the request of other states into countries where the extradited person may be in danger: -5%

Lack of statistical information on sentences for use of torture: -1%

Non-compliance with the requirements of UN committees: -2%

Refusal to attend specific places of detention, refugee camps, meetings with specific representatives of national or local authorities or with individuals): -2.5%

Violations of the international Convention for the protection of all persons from forced disappearance: -5%

Lack of ratification of instruments for abolishment of the death penalty: - 3.5%

Late submission of reports (monitoring documents such as Universal Periodic Review) on measures taken to implement the terms set by the appropriate treaty:

- **A delay for up to 1 year: -5%**

- A delay for 1 to 2 years -7.5%
- Failure to present reports for the duration of more than 2 years, results in the number of percentages (7.5%) to increase annually by 0.5 (temporarily not taken into account)

Universal Human Rights index UN

The TRL Implementation system also provides a more general mechanism that uses the terminology of the Universal human rights index. When recommendations, considerations/comments fit under a specific theme (Temas), the percentage is subtracted from each theme.

A nine-month period is given for the correction/implementation process, after which the TRL TOTAL falls (unless recommendations, considerations or comments state otherwise, for example the preparation of the next report is specified or a specific deadline is indicated, etc)

The percentage is subtracted from TRL TOTAL calculated based on five basic points plus all add-ons of TRL Implementation; MTI table is not considered.

- For every consideration/comment 0.075% is subtracted.
- For every recommendation 0.0375% is subtracted.
- For every 'other' point 0.02% is subtracted

When comments/recommendations/other within the section contain: approval of actions (welcoming of ratifications and/or accession to treaties) or general appeals (efforts, reminders, requests, etc) and do not contain comments/concerns/calls for acceptance/regrets/concerns, then the algorithm for reduction of TRL TOTAL is not applied.

TRL implementation: Council of Europe (European Court of Human Rights)

Decrease of TRL TOTAL occurs monthly. The complete number that is lost by citizens as a result of violation of implementation (legal) obligations set by the state is always available on the main page of TRL Rate. A percentage is subtracted for each lost case/fact/violation (a percentage is subtracted from TRL TOTAL that is calculated using five basic points plus all add-ons of TRL Implementation; MTI table is not considered)

Priority complaint cases lost by the state: -0.5%

New applications for cases that indicate a failure to comply with previous decisions of an international body: -0.25%

Facts on use of torture by the authorities: -1%

inhuman and degrading treatment and punishment: - 0.1%

Ineffective investigation into such cases: - 0.075%

Violation of the right to life: -0.25%

The right to liberty and security of the person: -0.1%

Failure to provide applicants with an effective remedy: -0.05%

Unfair trial: - 0.1%

Failure to comply with Court's decisions: -0.25%

Violation of the right to respect private and family life, home and correspondence: -0.1%

Violation of the right to freedom of expression: -0.1%

Violation of the right to freedom of expression, association and assembly: -0.1%

Political persecution: -0.5%

Violation of Property Rights: -0.25%

[TRL implementation: Organisation of American States \(the inter-American system for the protection of human rights\)](#)

Decrease of TRL TOTAL occurs monthly. The complete number that is lost by citizens as a result of violation of implementation (legal) obligations set by the state is always available on the main page of TRL Rate. Percentage is subtracted from TRL TOTAL that is calculated using five basic points plus all add-ons of TRL Implementation; MTI table is not considered

Ignoring recommendations, proposals and enforcement decisions made by IACHR (including the annual report) -2.5%

Violation of the inter-American Convention on enforced disappearance of persons/enforced disappearance: -5%

Extrajudicial, summary or arbitrary executions: -5%

Violation of the right to life, freedom and personal immunity: -3%

Discrimination Detection: -2.5%

Violation of the right to freedom of thought, conscience and religion or belief: -2.5%

Violation of the right to information and expression: -2.5%

Violation of the right to state's protection of rights and freedoms, mainly judicial: -2%

Deprivation of liberty for civil offences (torts/delicts): -2%

Violation in the area of habeas corpus: -2%

Violation of the right to humane treatment in detention: -2%

Disregard of the presumption of innocence, the right to an impartial, public, competent court or the use of cruel, degrading or humiliating punishments: -3.5%

Ignoring IACHR requests by the states-parties for information on measures they have taken in the field of human rights: -2.5%

Other non-compliance with decisions of the inter-American Court of human rights (and / or the inter-American Commission on human rights): -1.5%

Violation of other provisions of the inter-American democratic Charter: -1.5%

[TRL implementation: African Union \(African Commission on Human and Peoples' Rights and African Court on Human and Peoples' Rights\)](#)

Decrease of TRL TOTAL occurs monthly. The complete number that is lost by citizens as a result of violation of implementation (legal) obligations set by the state is always available on the main page of TRL Rate. Percentage is subtracted from TRL TOTAL that is calculated using five basic points plus all add-ons of TRL Implementation; MTI table is not considered

State violations relating to the nomination, selection and election of members of the African Commission on human and peoples' rights: -2.5%

Violations by the elected members of the Commission of articles 31 and 38 of the African Charter (applies to the state that nominated the member of the Commission): -3.5%

Unjustified delay of procedures in the use of domestic remedies (violation of article 50): -5%

Non-compliance with Maputo Protocol: -5%

Statement made by the Court or the African Commission on Human and Peoples' Rights of the fact/evidence of violation of the African Charter on Human and Peoples' Rights: -5%

Non-execution of Court decisions: -3.5%

Rejection of the mandate of the Special Rapporteur authorised by the African Commission: -7.5%

Rejection of recommendations (refusal to implement) put together by Special Rapporteur, working groups, committees or research groups that carry out investigation and monitoring of Human Rights issues within the competence of the Commission (temporarily not taken into account) : -1% for non-acceptance of every recommendation

Refusal of entry of the Special Rapporteur: -7.5%

Provision of periodic reports from States parties on the implementation of the provisions of the Charter, less than every three years: -5%