

# Seeking Justice at the International Level

*A short guide to Regional and International Grievance and Advocacy Mechanisms For Indigenous Peoples and Local Communities*

**NATURAL JUSTICE**



**FORDFOUNDATION**

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# SEEKING JUSTICE AT THE INTERNATIONAL LEVEL

## A GUIDE TO INTERNATIONAL REDRESS AND REMEDY FOR INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

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# INTRODUCTION

## The Rationale

Grievance mechanisms are one avenue for indigenous peoples and local communities to have addressed issues and concerns arising from impact by projects, such as those related to extractive industries and infrastructure. However, the processes and procedures of grievance mechanisms are often buried deep in operational policies and guidelines catering toward technocrats, rather than those communities likely to need them. Thus, much work has been done to develop and improve communities' access to grievance mechanisms by producing publications that break down and explain such mechanisms in a more user-friendly way.

Organisations such as the International Federation for Human Rights (FIDH), Accountability Counsel, Bank Information Centre, the Centre for International Environmental Law (CIEL) and the Centre for Research on Multinational Corporations (SOMO) have dedicated their time and resources to producing valuable publications such as [\*Corporate Accountability for Human Rights Abuses: A Guide for Victims and NGOs on Recourse Mechanisms\*](#) (FIDH), Accountability Counsel's [\*Accountability Resource Guide\*](#) and SOMO's Human Rights and Grievance Mechanism's website, including in it a number of short brochures summarising a number of grievance mechanisms.

Rather than replicating these efforts, this publication attempts to serve as a first step to delving in to the use of such grievance mechanisms. Most mechanisms are summarised in one page, support their use as a training tool. The brevity of each page does mean, however that many of the mechanisms are not described and evaluated in depth. In each section there are links to various resources that provide more detailed information.

The goal is to provide a brief overview of relevant mechanisms that communities can use to potentially address an issue, to get a sense of the focus of each mechanism and in what contexts they might be useful. The term "grievance mechanism" is defined broadly here to include not only traditional mechanisms, such as those established by international financial institutions, but also other methods that communities might use to seek some resolution, such as United Nations Charter and treaty-based mechanisms, and other international law instruments that might be useful to address specific issues around access to information, for example. In addition, short summaries of other international legal instruments that do not have recourse to a grievance mechanism, but do have avenues to highlight issues and a forum to advocate have also been included.

## **A short note**

It is important to acknowledge that that while grievance mechanisms can be an effective way of addressing issues that communities face, they do have certain drawbacks. Thus, grievance mechanisms should not be seen as a panacea – but one of a number of strategies that advocates, Indigenous Peoples and communities may use to amplify and/or attempt to resolve their particular issues. For example, grievance mechanisms are often unable to provide the remedy that complainants seek – that is, the mechanism available doesn't meet expectations, or prescribes "remedies" that don't meet a complainant's needs or address particular harms. For example, international law sets out strong standards (and thereby rights)

that States must protect and adhere to. However, there are often very weak tools for enforcement of such laws, and whilst there are various committees that monitor the implementation of laws at the national level and provide some mechanisms to air grievances, beyond national and international advocacy, little can be done to ensure that the complainant receives justice for any wrongdoing, even if a violation of rights is found. In addition, as state-based remedies are often unavailable or found to be ineffective, regional, international and/or company/institution-based mechanisms are often resorted to, but are found wanting when complainants do not receive the remedy they require (often remedies sought can only be fulfilled through the State's compliance with its responsibilities or the relevant mechanism does not have effective authority to provide a remedy). Grievance mechanisms are often unaware of the existence of a grievance mechanism or mechanisms are inaccessible, with issues ranging from strict eligibility requirements prescribing barriers to lodging complaints, to the imposition of overly-technical rules and procedures governing the filing of complaints in languages that complainants don't understand, or in formats that are inaccessible.

This resource seeks to provide information on a range of grievance mechanisms. In addition to the basic information provided on each grievance mechanism and how to access it, it will also attempt to highlight key practical information, such as eligibility criteria, time, cost and confidentiality, to highlight some of the barriers above. Given its brevity, it is recommended that readers use the links provided for more detailed information on the mechanism, its function, eligibility criteria etc.

## **Definitions**

There are many mechanisms that exist that are used to raise the profile of rights violations (in order to rectify or change company practice), or provide remedy, redress or resolution for the violation of a human and/or environmental right, or for a breach of an internal/ external policy or standard. Many terms also exist to describe such mechanisms, as differing contexts give rise to alternate names, depending on what sort of resolution is sought or on offer. Some of these terms include grievance mechanisms, redress mechanisms, or accountability mechanisms. Mechanisms can also be described by the actual processes they involve, such as courts, tribunals, mediation, arbitration, consultations, or compliance reviews.

This piece will use the general term "grievance mechanism" to describe the mechanisms set out in the pages that follow. A "grievance mechanism" has been described in the UN Guiding Principles as "any routinized, state-based or non-state-based, judicial or non-judicial process through which grievances concerning business related human rights abuse can be raised and remedy can be sought".<sup>1</sup> Whilst not all the mechanisms described in this publication necessarily relate to business-related human rights abuses (some, for example, relate to a State's human rights abuses against an individual or group, through acts or omissions which may or may not be related to business), the definition of "grievance mechanism" here relates to any routinized, state-based or non-state-based, judicial or non-judicial process through which grievances regarding the violation of rights, guidelines or standards can be raised or resolution sought.

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<sup>1</sup> Guiding Principles commentary to Paragraph 25.

## **How to use the summaries**

Each description is divided into the following sub-headings:

### **OVERVIEW**

This gives a brief overview of the relevant treaty, bank, human rights system that the mechanism belongs to

### **DESCRIPTION OF THE MECHANISM**

Gives a brief description of the mechanism, including its functions.

### **BREAKDOWN OF MECHANISM'S DIFFERENT FUNCTIONS (IF RELEVANT)**

If the mechanisms comprise several components, these are set out with a description as to how to use them. [In the case of treaty-based mechanisms, cross-referencing with any relevant charter-based special procedure].

### **IMPORTANT INFORMATION**

This sets out brief information as to particular eligibility requirements, time the mechanism can take, any possible cost implications and whether or not your identity can be kept confidential.

### **USEFUL PUBLICATIONS AND LINKS**

This section provides links to information useful to lodging a complaint (for example, model complaint forms, rules of procedures, guides by other NGOs) that may provide more pertinent information to lodging a complaint.

### **NGOS AND OTHER ORGANISATIONS**

This provides useful links and/or information for NGOs engaging in such a mechanism.

## **Approach**

There are a number of different ways to categorise mechanisms. As a consequence, the mechanisms in this piece have been divided into the following sections:

### *1) The UN Human Rights System*

The United Nations Charter and core treaties, and their corresponding Charter-based and treaty-based mechanisms.

### *2) Regional human right systems*

These are human rights mechanisms that are associated with various human rights instruments within the African, Asian, European and American regions.

### *3) International and regional financial mechanisms*

This includes consideration of established regional banks in Africa, Asia, Europe and the Americas, in addition to the World Bank Group. It does not include consideration of newly established regional banks, nor regional banks without a grievance mechanism.

### *4) Per industry and/or guideline-specific mechanisms*

This section examines some guideline-specific mechanisms and multi-stakeholder initiatives.

### *5) Other Opportunities for advocacy*

This includes consideration of human rights or environmental treaties that have some recourse to a grievance or redress mechanism, treaties that do not have a grievance or redress mechanism, but include relevant safeguards that can be referred to as a source of advocacy and declarations that, whilst not legally binding as treaties are, carry significant weight and are of significance to indigenous peoples and local communities.

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# INTERNATIONAL INSTRUMENTS & UN SPECIAL MECHANISMS

## UNITED NATIONS CHARTER-BASED MECHANISMS

### CHARTER OF THE UNITED NATIONS

#### OVERVIEW

The Charter of the United Nations (the Charter) is the foundational treaty of the United Nations. A number of bodies have been established based on provisions contained within the Charter. These bodies hold broad human right mandates.

#### HUMAN RIGHTS COUNCIL

The Human Rights Council (HRC) is an inter-governmental body within the UN made up of 47 States responsible for the promotion and protection of all human rights. There are a number of subsidiary bodies of the Human Rights Council. They include:

**UNIVERSAL PERIODIC REVIEW (UPR):** The [UPR](#) is a periodic review of the each State's fulfilment of its human rights obligations and commitments. Individuals, community groups, NGOs and others are able to submit "shadow reports" to the UPR, documenting human rights violations that would not otherwise be contained in the State reports.

→ **INDIVIDUAL ACCESS or COMMUNITY or AS NGO**

**HUMAN RIGHTS COUNCIL (REVISED 1503) COMPLAINT PROCEDURE:** As an individual, group, or NGO, you can submit a (confidential) complaint alleging a human rights violation, or if you have direct, reliable knowledge of such violations (see more information on the [communications](#) procedure).

→ **INDIVIDUAL OR COMMUNITY ACCESS OR NGO**

**SPECIAL PROCEDURES:** The Human Rights Council has responsibility for special procedures of the UN. These Special Procedure mechanisms include Special Rapporteurs, Special Representatives, Independent Experts and Working Groups. Special procedures investigate, discuss and report on specific human rights issues under the 14 [country](#) or 39 [thematic](#) mandates. Of particular importance to indigenous peoples is the Special Rapporteur on the Rights of Indigenous Peoples (see the United Nations Declaration on Indigenous Peoples' Rights page for more information). As part of their functions, Special Procedures can undertake the following:

**COUNTRY VISITS:** Mandate holders carry out country visits to assess the human rights situation nationally. See [here](#) for more information.

**INDIVIDUAL COMMUNICATIONS:** Mandate holders can intervene directly with governments where there are allegations of violations of human rights that fall within their mandates, through urgent appeals and communications. See [here](#) for more information.

**CONDUCT THEMATIC STUDIES AND CONVENE EXPERT CONSULTATIONS:** Mandate holders frequently conduct thematic studies, seminars or consultations on topics related to their mandates. See [here](#) for more information.

**REPORT TO HUMAN RIGHTS COUNCIL AND GENERAL ASSEMBLY:** Mandate holders must present annual reports, describing the activities undertaken in the previous year. See the following links for [Council reports](#) and [GA Reports](#)).

→ **INDIVIDUAL OR COMMUNITY ACCESS**

#### IMPORTANT INFORMATION

**ELIGIBILITY:** For the HRC Complaints procedure, your communication will be admissible provided it is not manifestly politically motivated, it gives factual description of the alleged violation, it is not abusive, it is not solely based on reports in the mass media, it is not currently being dealt with by another mechanism, and domestic remedies have been exhausted (unless such remedies would be ineffective or unreasonably prolonged).

**TIME:** Processing Communications at the Human Rights Council can take several years. It should be considered as one of several different advocacy strategies you may wish to use.

**CONFIDENTIALITY:** Communications to the HRC Complaints Procedure are kept confidential.

#### USEFUL PUBLICATIONS AND LINKS

- See here for a [Complaint Procedure Form](#) for the HRC Complaints Procedure;
- Publications on [special procedures](#);
- Access to [Human Rights Council Extranet](#) and [UPR Extranet](#) (with e-mail sign in); and
- Information on NGO, National Human Rights Institutions, and other civil society actors' [contribution](#) to the work of the Human Rights Council.

[HUMAN RIGHTS COUNCIL Homepage](#) | [Contact Information](#)  
[SPECIAL RAPPORTEURS Homepage](#) | [Communications & Contact Information](#)

# TREATY-BASED MECHANISMS

## INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

### OVERVIEW

The International Covenant on Civil and Political Rights (ICCPR) is an international legal instrument that sets out the core civil and political rights of citizens. The ICCPR is part of the International Bill of Rights, with the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights.

### HUMAN RIGHTS COMMITTEE

The Human Rights Committee is a body of independent experts that have the mandate to monitor the implementation of the ICCPR by those [State Parties that have ratified the Convention](#). The Committee monitors the implementation of the ICCPR through a variety of different procedures:

**INDIVIDUAL COMPLAINTS:** If your [State](#) is a Party to the [First Optional Protocol](#), this gives you (both as an individual or as a group of individuals) the opportunity to bring a complaint before the Committee if you feel that one or more of your rights contained in the ICCPR have been violated (note: Article 1 itself cannot form the basis for a complaint and will be considered inadmissible). The Committee considers these complaints and provides Views on whether or not a violation took place (see list of [jurisprudence](#)).

→ **INDIVIDUAL OR COMMUNITY ACCESS**

**STATE REPORTING PROCEDURE:** Parties to the ICCPR have an obligation to report to the Committee whenever they request it (usually every four years) about how the rights in ICCPR are being implemented. As an NGO or other civil society actor, you may submit supplementary country-specific information or reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). This information is assessed and concerns are addressed in [Concluding Observations](#) adopted by the Committee, with occasional [Follow-up to Concluding Observations](#).

→ **INDIVIDUAL ACCESS or AS NGO**

**INTER-STATE COMPLAINTS:** This procedure allows State Parties to complain against other State Parties. Note that this procedure has never been used.

→ **VIA GOVERNMENT**

### IMPORTANT INFORMATION

**ELIGIBILITY:** An individual complaint must follow the rules in the Convention and the Committee's rules of procedure to be admissible. For example, it must not be an anonymous complaint, it must not be under examination by another procedure of international investigation or settlement and all domestic remedies available must have been exhausted first. Unless there are reasons for delay, your complaint must be submitted within five years after exhaustion of local remedies, or within three years after the conclusion of another procedure. In addition, your complaint may be inadmissible if the time between exhaustion of domestic remedies and the filing of a complaint is so unreasonably long that it makes consideration of the complaint difficult.

**TIME:** Processing Complaints at the Committee often takes several years. In addition, while it seeks to address a violation of rights set out in international law, it may not result in a direct remedy or redress for this violation. This strategy should be considered as one of several different advocacy strategies you may use.

**CONFIDENTIALITY:** There is limited information available as to whether a confidential complaint can be made to this Committee.

### USEFUL PUBLICATIONS AND LINKS

- Here is a [Model Complaint Form](#) for complaints lodged to the Human Rights Committee;
- Here is a [FAQs page](#) with information on accessing the CCPR;
- [Rules of Procedure of the Human Rights Committee](#);
- Here is a [factsheet](#) on Civil and Political Rights and the Human Rights Committee;
- [Human Rights Bodies – Complaints Procedures](#);
- [Individual Complaint Procedures under the United Nations Human Rights Treaties](#);
- Committee's [General Comments](#) providing information on the interpretation of the ICCPR rights; and
- For a searchable database of Individual Complaints please consult the [Universal Human Rights Index](#).

[COMMITTEE Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)

# INTERNATIONAL COVENANT ON THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## OVERVIEW

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is an international legal instrument that sets out the core economic, social and cultural rights of citizens. The ICESCR is part of the International Bill of Rights, with the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights.

## COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The Committee on Economic, Social and Cultural Rights is a body of 18 independent experts that have the mandate to monitor the implementation of the ICESCR by those [State Parties that have ratified the Convention](#). The Committee monitors the implementation of the ICESCR through a variety of different procedures:

**INDIVIDUAL COMPLAINTS:** If your State is a Party to the [Optional Protocol Article 10](#), this gives you (both as an individual or as a group of individuals) the opportunity to bring a complaint before the Committee if you feel that one or more of your rights contained in the ICESCR have been violated. The Committee considers these complaints and provides Views on whether or not a violation took place (see list of [Individual Complaints before the ECOSOC](#)). **PLEASE NOTE:** This mechanism is not yet available.

→ **INDIVIDUAL OR COMMUNITY ACCESS**

**STATE REPORTING PROCEDURE:** Parties to the ICESCR have an obligation to report to the Committee every five years about how the rights in ICESCR are being implemented. As an NGO or other civil society actor, you may submit supplementary country-specific information or reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). This information is assessed and concerns are addressed in [Concluding Observations](#) adopted by the Committee.

→ **INDIVIDUAL ACCESS or AS NGO**

**INQUIRIES:** If the Committee receives reliable information that systematic violations of the ICESCR are being carried out, the Committee may start an inquiry procedure (Article 11 [Optional Protocol to ICESCR](#)). The [confidential inquiry](#) involves inviting the State party to submit observations on information received. The Committee may conduct an inquiry, including a State visit. Findings are examined by the Committee and sent to the State, together with recommendations. The State is invited to respond and inform of measures taken in response to the inquiry.

**PLEASE NOTE:** This mechanism is not yet available.

→ **INDIVIDUAL ACCESS**

## IMPORTANT INFORMATION

**ELIGIBILITY:** An individual complaint must follow the rules in the Convention and the Committee's rules of procedure to be admissible. For example, it must not be an anonymous complaint, and your complaint must be submitted within one year of exhaustion of domestic remedies (except in cases where it can be demonstrated that it has not been possible).

**TIME, COST, CONFIDENTIALITY:** Information regarding timing, cost and confidentiality is unknown, given the mechanism is not yet available.

### USEFUL PUBLICATIONS AND LINKS

- Here is a [Model Complaint Form](#);
- Here are [Provisional Rules of Procedure under the Optional Protocol to the ICESCR](#);
- [Rules of Procedure](#) of the Committee;
- Here is a [FAQs page](#) with information on accessing the CCPR;
- Committee's [General Comments](#) providing information on the interpretation of the ICESCR rights; and
- [FAQs page](#) with information on accessing the Human Rights Treaty body system.

**COMMITTEE** [Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)

# CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

## OVERVIEW

The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment (CAT) is an international legal instrument particularly focussed on the protection of people from torture.

## COMMITTEE AGAINST TORTURE

The Committee Against Torture is a body of 10 independent experts that have the mandate to monitor the implementation of the CAT by those State Parties that have ratified the Convention. The Committee monitors the implementation of the CAT through a variety of different procedures:

**INDIVIDUAL COMPLAINTS:** If your State has made a declaration under Article 22 recognising the competence of the Committee, this gives you (as an individual or a group) the opportunity to bring a complaint before the Committee if you feel that one or more of your rights contained in the CAT have been violated. The Committee considers these complaints and provides Views on whether or not a violation took place (see list of jurisprudence).

→ **INDIVIDUAL ACCESS**

**STATE REPORTING PROCEDURE:** Parties to the CAT have an obligation to report to the Committee about how the rights in CAT are being implemented every four years. As an NGO or other civil society actor, you may submit supplementary country-specific information or reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). This information is assessed and concerns are addressed in Concluding Observations adopted by the Committee, with occasional Follow-up to Concluding Observations.

→ **INDIVIDUAL ACCESS or AS NGO**

**INQUIRY PROCEDURE:** If the Committee receives reliable information that serious or systematic violations of torture are being carried out, the Committee may start an inquiry procedure (Article 20 CAT) (unless a State has opted out of this). The confidential inquiry involves inviting the State party to submit observations on information received. The Committee may conduct an inquiry, including a State visit. Findings are examined by the Committee and sent to the State, together with recommendations. The State is invited to respond and inform of measures taken in response to the inquiry. In agreement with the State a summary account can be published.

→ **INDIVIDUAL ACCESS**

**INTER-STATE COMPLAINTS:** This procedure allows State Parties to complain against other State Parties. Note that this procedure has never been used.

→ **VIA GOVERNMENT**

## SPECIAL RAPPOREUR ON TORTURE

The UNCHR created the Special Rapporteur on Torture. It is a Special Procedure under the UN's Charter-based mechanisms. The Special Rapporteur has a thematic mandate and can transmit urgent appeals to States regarding individuals at risk of torture and undertake fact-finding country visits. It does not require exhaustion of local remedies before acting.

→ **INDIVIDUAL ACCESS or AS NGO or VIA GOVERNMENT**

## IMPORTANT INFORMATION

**ELIGIBILITY:** An individual complaint must follow the rules in the Convention and the Committee's rules of procedure to be admissible. For example, it must not be anonymous, it must not have been examined (or under examination) by another procedure of international investigation or settlement and all domestic remedies available must have been exhausted first. Your complaint may be inadmissible if the time between exhaustion of domestic remedies and the lodgement of a complaint is so unreasonably long that it makes consideration of the complaint difficult.

**TIME:** Processing Complaints at the Committee often takes several years. In addition, while it seeks to address a violation of rights set out in international law, it may not result in a direct remedy or redress for this violation. This strategy should be considered as one of several different advocacy strategies you may use.

**CONFIDENTIALITY:** There is limited information available as to whether a confidential complaint be made to this Committee.

## USEFUL PUBLICATIONS AND LINKS

- Here is a Model Complaint Form;
- Here are the Rules of Procedure and Working Methods;
- Fact Sheet No. 17, The Committee against Torture;
- Committee's General Comments providing information on the interpretation of the CAT rights;
- A FAQs page with information on accessing the Human Rights Treaty body system;
- For a searchable database of Individual Complaints please consult the Universal Human Rights Index;
- Extra information for Civil Society Organisations and National Human Rights Institutions (NHRI's);
- FIDH Corporate Accountability for Human Rights Abuses, A Guide for Victims and NGOs on Recourse Mechanisms; and
- Here is extra information for Civil Society Organisations and National Human Rights Institutions (NHRI's).

# CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

## OVERVIEW

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides protection to women who are discriminated against on the basis of their gender.

## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

The Committee on the Elimination of Discrimination Against Women is a body of independent experts that monitor the the implementation of the CEDAW by those [State Parties that have ratified the Convention](#). The Committee monitors the implementation of the CAT through a variety of different procedures:

**INDIVIDUAL COMPLAINTS:** If your [State](#) is a Party to the Convention and the [Optional Protocol](#), this gives you (both as an individual or as a group of individuals) the opportunity to bring a complaint before the Committee if you feel that one or more of your rights contained in the CEDAW have been violated. The Committee considers these complaints and provides Views on whether or not a violation took place (see list of [jurisprudence](#)).

→ **INDIVIDUAL OR COMMUNITY ACCESS**

**STATE REPORTING PROCEDURE:** Parties to the CEDAW have an obligation to report to the Committee on how the rights in CEDAW are being implemented (Article 18 CEDAW). As an NGO or other civil society actor, you may submit supplementary country-specific information or reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). This information is assessed and concerns are address in [Concluding Observations](#) adopted by the Committee, with occasional [Follow-up to Concluding Observations](#).

→ **INDIVIDUAL ACCESS or AS NGO**

**INQUIRY PROCEDURE:** If the Committee receives reliable information that systematic violations of CEDAW are being carried out, the Committee may start an inquiry procedure (Article 8 Optional Protocol). The [inquiry procedure](#) involves inviting the State party to submit observations on information received. The Committee may conduct an inquiry, including a State visit. Findings are examined by the Committee and sent to the State, together with recommendations. The State is invited to respond and inform of measures taken in response to the inquiry. In agreement with the State a summary account can be [published](#).

→ **INDIVIDUAL ACCESS**

**INTER-STATE COMPLAINTS:** This procedure allows State Parties to complain against other State Parties. Note that this procedure has never been used.

→ **VIA GOVERNMENT**

## SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

In addition to this Committee, the UNCHR created the Special Rapporteur on Violence Against Women. It is a Special Procedure under the UN's Charter-based mechanisms. The Special Rapporteur has a thematic mandate and can transmit urgent appeals to States regarding alleged cases of violence against women, undertake country visits and submit thematic reports on an annual basis.

→ **INDIVIDUAL ACCESS or AS NGO**

## IMPORTANT INFORMATION

**ELIGIBILITY:** An individual complaint must follow the rules in the Convention and the Committee's rules of procedure to be admissible. For example, it must not be an anonymous complaint, it must not have been examined (or under examination) under another procedure of international investigation or settlement and all domestic remedies available must have been exhausted first (or provide an explanation as to why local remedies cannot be exhausted).

**TIME:** Processing Complaints at the Committee often takes several years. In addition, while it seeks to address a violation of rights set out in international law, it may not result in a direct remedy for a violation. This strategy should be considered as one of several different advocacy strategies you may use.

**CONFIDENTIALITY:** The individual communication cannot be anonymous, however you may request that identifying information is concealed in the Committee's final decision.

### USEFUL PUBLICATIONS AND LINKS

- Information on [submissions to Special Rapporteur](#) on Violence Against Women (including complaint form);
- [UN Women website](#) for detailed information on the CEDAW and the Committee;
- [FAQs page](#) with information on accessing the Human Rights Treaty body system;
- For a searchable database of Individual Complaints please consult the [Universal Human Rights Index](#); and
- Committee's [General Comments](#) providing information on the interpretation of the CEDAW rights.

[COMMITTEE Homepage](#) | [Convention](#) | [List of Member States](#) | [Optional Protocol](#) | [List of Member States](#) | [Contact](#)  
[SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN Homepage](#)

# CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

## OVERVIEW

The Convention on the Elimination of All forms of Racial Discrimination (CERD) is an international legal instrument focussed on the elimination of racial discrimination.

## COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

The Committee on the Elimination of Racial Discrimination has the mandate to monitor the implementation of the CERD by [those State Parties that have ratified the CERD](#). The Committee monitors the implementation of the CERD through a variety of different procedures:

**INDIVIDUAL COMPLAINTS:** If your State has made a [declaration](#) under Article 14 recognising the competence of the Committee, this gives you (both as individuals or as a group) the opportunity to bring a complaint before the Committee if you feel that one or more of your rights contained in the CERD have been violated. The Committee considers these complaints and provides Views on whether or not a violation took place (see list of [jurisprudence](#)).

→ **INDIVIDUAL OR COMMUNITY ACCESS**

**STATE REPORTING PROCEDURE:** Parties to the CERD have an obligation to report to the Committee every two years about how the rights in CERD are being implemented. As an NGO or other civil society actor, you may submit supplementary country-specific information or reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). This information is assessed and concerns are addressed in [Concluding Observations](#) adopted by the Committee, with occasional [Follow-up to Concluding Observations](#).

→ **INDIVIDUAL ACCESS or AS NGO**

**EARLY-WARNING MEASURES:** This is a preventive measure used to respond to threats of a violation of the CERD. It is used to stop existing problems escalating into conflicts. The Committee can adopt decisions, statements, and resolutions or send letters ([list of previous actions](#)). Note that part of the mandate includes “Encroachment on the traditional lands of indigenous peoples or forced removal of these peoples from their lands, in particular for the purpose of exploitation of natural resources”.

→ **AS NGO or VIA NATIONAL HUMAN RIGHTS INSTITUTE or VIA UN AGENCIES AND ORGANS**

**URGENT PROCEDURES:** These are used to attempt prevent or limit violations of the CERD in situations where immediate action is required. The Committee can adopt decisions, statements, and resolutions or send letters ([list of previous actions](#)).

→ **AS NGO or VIA NATIONAL HUMAN RIGHTS INSTITUTION or UN AGENCIES AND ORGANS**

**INTER-STATE COMPLAINTS:** This procedure allows State Parties to complain against other State Parties. Note that this procedure has never been used.

→ **VIA GOVERNMENT**

## IMPORTANT INFORMATION

**ELIGIBILITY:** An individual complaint must follow the rules in the Convention and the Committee’s rules of procedure to be admissible. For example, it must not be an anonymous complaint, all domestic remedies available must first be exhausted and complaints to the Committee must be submitted within six months of the final decision by a national authority in the case.

**TIME:** Processing Complaints at the Committee often takes several years. In addition, while it seeks to address a violation of rights set out in international law, it may not result in a direct remedy or redress for this violation. This strategy should be considered as one of several different advocacy strategies you may use.

**CONFIDENTIALITY:** There is limited information available as to whether a confidential complaint be made to this Committee.

## USEFUL PUBLICATIONS AND LINKS

- Here is a [Model Complaint Form](#)
- [Here](#) are the Revised Guidelines of 2007, relating to Early-Warning measures and Urgent procedures;
- [FAQs page](#) with information on accessing the Human Rights Treaty body system;
- Committee’s [General Comments](#) providing information on the interpretation of the CERD rights;
- Committee’s [Thematic Discussions](#);
- For a searchable database of Individual Complaints please consult the [Universal Human Rights Index](#); and
- Here is extra information for [Civil Society Organisations](#).

[COMMITTEE Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)

# CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE

## OVERVIEW

The Convention for the Protection of All Persons from Enforced Disappearance (CED) is an international legal instrument on protecting people from enforced disappearances. "Enforced disappearance" means the 'arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State' followed by refusal to acknowledge deprivation of liberty, fate or whereabouts of the disappeared person, placing them outside the protection of the law.

## COMMITTEE ON ENFORCED DISAPPEARANCES

The Committee on Enforced Disappearances is a body of independent experts that have the mandate to monitor the implementation of the CED by those [State Parties that have ratified the Convention](#). The Committee monitors the implementation of the CED through a variety of different procedures:

**INDIVIDUAL COMPLAINTS:** If your State has made a [declaration](#) under Article 31 recognising the competence of the Committee, this gives you (as an individual, as a group of individuals, or on behalf of a victim or victims) the opportunity to bring a complaint before the Committee if you feel that one or more of rights contained in the CED have been violated. The Committee considers these complaints and provides Views on whether or not a violation took place. There is no jurisprudence available yet, however some domestic courts have used the CED in their own judgements (see [Case law](#), only available in Spanish).

→ **INDIVIDUAL ACCESS**

**STATE REPORTING PROCEDURE:** Parties to the CED have an obligation to report to the Committee on the measures they have taken to give effect to their obligations under the CED within two years after entry into force for the State Party. As an NGO or civil society actor, you may submit supplementary country-specific information/reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). Information is assessed and concerns addressed in [Concluding Observations](#) adopted by Committee.

→ **INDIVIDUAL ACCESS or AS NGO**

**INQUIRIES:** If the Committee receives reliable information that serious or systematic violations of the CED are being carried out, the Committee may start an inquiry procedure (Article 33). The inquiry involves inviting the State party to submit observations on information received. The Committee may conduct an inquiry, including a State visit. Findings are examined by the Committee and sent to the State, together with recommendations. The State is invited to respond and inform of measures taken in response to the inquiry.

→ **INDIVIDUAL ACCESS**

**URGENT ACTION:** You can submit to the Committee an urgent request regarding a person who has disappeared, that should be sought and found. This mechanism can only be used if the person disappeared in a country that is a State Party to the CED.

→ **INDIVIDUAL ACCESS or AS NGO**

**INTER-STATE COMPLAINTS:** This procedure allows State Parties to complain against other State Parties. Note that this procedure has never been used.

→ **VIA GOVERNMENT**

## WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

The UNCHR created the Working Group on Enforced or Involuntary Disappearances. It is a Special Procedure under the UN's Charter-based mechanisms, it has a thematic mandate and can transmit urgent appeals to States regarding individuals who have disappeared, can undertake fact-finding country visits and provides advisory services. It does not require exhaustion of local remedies before acting.

→ **INDIVIDUAL ACCESS or AS NGO or VIA GOVERNMENT**

## IMPORTANT INFORMATION

**ELIGIBILITY:** An individual complaint must follow the rules in the Convention and the Committee's rules of procedure to be admissible. For example, it must not be an anonymous complaint, it must not be under examination by another procedure of international investigation or settlement and all domestic remedies available must have been exhausted first. Complaints must be submitted within six months of the final decision by a national authority in the case.

**TIME:** Processing complaints at the Committee often takes several years. In addition, while it seeks to address a violation of rights set out in international law, it may not result in a direct remedy or redress for this violation. This strategy should be considered as one of several different advocacy strategies you may use.

**CONFIDENTIALITY:** There is limited information available as to whether a confidential complaint be made to this Committee.

### USEFUL PUBLICATIONS AND LINKS

- [Here](#) is a fact sheet on the CED;
- Here is a [Model Complaints Form](#) for the CED;
- Here are the [Working Methods](#) of the Committee;
- Here is information on [Civil society engagement with the Committee](#);
- List of [FAQs](#) with information on accessing the Human Rights Treaty body system;
- For a searchable database of Individual Complaints please consult the [Universal Human Rights Index](#); and
- Here are the Committee's [Decisions and Statements](#).



# CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

## OVERVIEW

The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is an international legal instrument focused on the protection of migrant workers and their families.

## COMMITTEE ON MIGRANT WORKERS

The Committee on Migrant Workers is a body of independent experts that have the mandate to monitor the implementation of CMW by those [State Parties that have ratified the Convention](#). The Committee monitors the implementation of the CMW through a variety of different procedures:

**INDIVIDUAL COMPLAINTS:** If your State has made a [declaration](#) under Article 77 recognising the competence of the Committee, this gives you (both as an individual or as a group) the opportunity to bring a complaint before the Committee if you feel that one or more of your rights contained in the CMW have been violated. The Committee considers these complaints and provides Views on whether or not a violation took place. **PLEASE NOTE:** This mechanism is not yet available, as the number of ratifications for Article 77 has not yet been reached.

→ **INDIVIDUAL ACCESS**

**STATE REPORTING PROCEDURE:** Parties to the Convention on Migrant Workers have an obligation to report to the Committee every five years about how the rights in CMW are being implemented. As an NGO or other civil society actor, you may submit supplementary country-specific information or reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). This information is assessed and concerns are addressed in [Concluding Observations](#) adopted by the Committee, with occasional Follow-up to Concluding Observations.

→ **INDIVIDUAL ACCESS or AS NGO**

**INTER-STATE COMPLAINTS:** This procedure allows State Parties to complain against other State Parties. Note that this procedure has never been used.

→ **VIA GOVERNMENT**

## SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS

In addition to the Committee On Migrant Workers, the UNCHR created the Special Rapporteur on the Human Rights of Migrants. It is a Special Procedure under the UN's Charter-based mechanisms. The Special Rapporteur has a thematic mandate and can transmit urgent appeals to States regarding individuals at risk of torture and undertake fact-finding country visits. It does not require exhaustion of local remedies before acting.

→ **INDIVIDUAL ACCESS or AS NGO or VIA GOVERNMENT**

## IMPORTANT INFORMATION

**ELIGIBILITY:** An individual complaint must follow the rules in the Convention and the Committee's rules of procedure to be admissible. These have not yet been developed, given the mechanism has not yet entered into force. However, it is likely that a complaint will not be admissible where the same matter has been (or is currently) under examination by another procedure of international investigation or settlement.

**TIME, COST, CONFIDENTIALITY:** Information regarding timing, cost and confidentiality is unknown, given the mechanism is not yet available.

### USEFUL PUBLICATIONS AND LINKS

- Here is a [fact sheet on The International Convention on Migrant Workers and its Committee](#);
- Committee's [General Comments](#) providing information on the interpretation of the Convention on Migrant Rights;
- Here is a [FAQs page for the CMW](#);
- [FAQs on Individual Complaints](#);
- For a searchable database of Individual Complaints please consult the [Universal Human Rights Index](#); and
- [Migration and Human Rights](#) page on the OHCHR website.

[COMMITTEE Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)  
[SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS Homepage](#)

# CONVENTION ON THE RIGHTS OF THE CHILD

## OVERVIEW

The Convention on the Rights of the Child (CRC) is an international legal instrument focused on the protection of children.

## COMMITTEE ON THE RIGHTS OF THE CHILD

The Committee on the Rights of the Child is a body of 18 independent experts with a mandate to monitor the implementation of the CRC by those [State Parties that have ratified the Convention](#) (and its protocols). The Committee also monitors implementation of the two optional protocols to the Convention, the [Optional Protocol on Rights on the Involvement of Children in Armed Conflict](#) and the [Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography](#). A third optional protocol on a communications procedure, allowing individuals to submit complaints regarding violations of their rights under the CRC and Protocols has opened for signature, and will enter into force when 10 States ratify the Protocol. In the meantime, the Committee monitors implementation of the CRC and its protocols through a variety of different procedures:

**STATE REPORTING PROCEDURE:** Parties to the CRC have an obligation to report to the Committee about how the rights in the CRC are being implemented every five years. As an NGO or other civil society actor, you may submit supplementary country-specific information or reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). This information is assessed and concerns are addressed in [Concluding Observations](#) adopted by the Committee, with occasional [Follow-up to Concluding Observations](#).

→ **INDIVIDUAL ACCESS or AS NGO**

**INDIVIDUAL COMPLAINTS:** If your [State](#) is a Party to the [Optional Protocol on a Communications Procedure](#), this gives you (as an individual or a group) the opportunity to bring a complaint before the Committee if you feel that one or more of your rights (or the rights of children you are know) contained in the CRC and Optional Protocols listed above, have been violated. The Committee considers these complaints and provides Views on whether or not a violation took place. **PLEASE NOTE:** This is not yet available, as the minimum number of ratifications for the Optional Protocol on the Communication procedure has not yet been reached.

→ **INDIVIDUAL OR COMMUNITY ACCESS**

**INQUIRY PROCEDURE:** If the Committee receives reliable information that serious or systematic violations of the CRC are being carried out, the Committee may start an inquiry procedure. The inquiry involves inviting the State party to submit observations on information received. The Committee may conduct an inquiry, including a State visit. Findings are examined by the Committee and sent to the State, together with recommendations. The State is invited to respond and inform of measures taken in response to the inquiry. **PLEASE NOTE:** This mechanism is not yet available, as it is part of the Optional Protocol on the Communication procedure and the minimum number of ratifications has not yet been reached.

→ **INDIVIDUAL ACCESS**

## IMPORTANT INFORMATION

**ELIGIBILITY:** Regarding individual complaints through the Committee on the Rights of the Child, information on eligibility, timing, cost and confidentiality is unknown given the mechanism is not yet available.

## USEFUL PUBLICATIONS AND LINKS

- The site of the OHCHR provides a breakdown of the [working methods](#) for the various procedures of the Committee on the Rights of the Child; and
- Here is general information provided by the OHCHR on [Individual Complaints](#) within the Treaty Body framework.
- [Overview of the Reporting Process](#);
- Here is a [factsheet](#) on the Rights of the Child; and
- For a searchable database of Individual Complaints please consult the [Universal Human Rights Index](#).

**COMMITTEE** [Homepage](#) | [Convention on the Rights of the Child](#) | [List of Member States](#) | [Contact Information](#)

# CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

## OVERVIEW

The Convention on the Rights of Persons with Disabilities (CRPD) is an international legal instrument that seeks to protect individuals with disabilities against discrimination.

## COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

The Committee on the Rights of Persons with Disabilities is a body of 18 independent experts that have the mandate to monitor the implementation of the CRPD by those [State Parties that have ratified the Convention](#). The Committee monitors the implementation of the CRPD through a variety of different procedures:

**INDIVIDUAL COMPLAINTS:** If your [State](#) is a Party to the [Optional Protocol to the CRPD](#), this gives you (as an individual or a group) the opportunity to bring a complaint before the Committee if you feel that one or more of your rights contained in the CRPD have been violated. The Committee considers these complaints and provides Views on whether or not a violation took place (see list of [jurisprudence](#)).

→ **INDIVIDUAL OR COMMUNITY ACCESS**

**STATE REPORTING PROCEDURE:** Parties to the CRPD have an obligation to report to the Committee every four years about how the rights in CRPD are being implemented. As an NGO or other civil society actor, you may submit supplementary country-specific information or reports to the Secretariat of the Office of the High Commissioner for Human Rights (OHCHR). This information is assessed and concerns are addressed in [Concluding Observations](#) adopted by the Committee.

→ **INDIVIDUAL ACCESS or AS NGO**

**INQUIRIES:** If the Committee receives reliable information that serious or systematic violations of the CRPD are being carried out, the Committee may start an inquiry procedure (Article 6 OP CRPD). This inquiry involves inviting the State party to submit observations on information received. The Committee may conduct an inquiry, including a State visit. Findings are examined by the Committee and sent to the State, together with recommendations. The State is invited to respond and inform of measures taken in response to the inquiry.

→ **INDIVIDUAL ACCESS or AS NGO**

## SPECIAL RAPPORTEURS

In addition to this Committee, United Nations bodies created a number of Special Rapporteurs under the UN's Charter-based mechanisms, with particular relevance to persons with disabilities. Each has a thematic mandates:

- [Special Rapporteur on Disabilities of the Commission for Social Development](#);
- [Special Rapporteur on the Right to Education](#);
- [Special Rapporteur on the Rights of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health](#); and
- [Special Rapporteur on the Rights of Persons with Disabilities](#)

The mandate of each of the Special Rapporteurs vary, but it can include have the mandate to receive, as well as seek, submissions of information on the issue of disabilities. See individual links above for more information.

→ **INDIVIDUAL ACCESS or AS NGO or VIA GOVERNMENT**

## IMPORTANT INFORMATION

**ELIGIBILITY:** An individual complaint must follow the rules in the Convention and the Committee's rules of procedure to be admissible. For example, it must not be an anonymous complaint, and all domestic remedies available must have been exhausted first.

**TIME:** Processing Complaints at the Committee often takes several years. In addition, while it seeks to address a violation of rights set out in international law, it may not result in a direct remedy or redress for this violation. This strategy should be considered as one of several different advocacy strategies you may use.

**CONFIDENTIALITY:** There is limited information available as to whether a confidential complaint be made to this Committee.

### USEFUL PUBLICATIONS AND LINKS

- Here are [Guidelines for Submissions](#) to the CRPD;
- How to direct Complaints to Treaty Bodies, [CRPD specific Factsheet](#) and [FAQs on the CRPD](#);
- Here is a [Training Pack](#) on the Rights of Persons with Disabilities;
- Committee's [General Comments](#) providing information on the interpretation of the CRPD;
- [FAQs page](#) with information on accessing the Human Rights Treaty body system; and
- For a searchable database of Individual Complaints please consult the [Universal Human Rights Index](#).

[COMMITTEE Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)  
[SPECIAL RAPPORTEURS Homepage](#)

# REGIONAL HUMAN RIGHTS MECHANISMS

## AFRICAN HUMAN RIGHTS SYSTEM

### OVERVIEW

The African Charter on Human and Peoples' Rights (the African Charter) is the main instrument concerning the protection of human rights in Africa and covers a wide range of civil, political and socio-economic rights, as well as people's rights. The African Charter is supplemented by two protocols, the Protocol establishing the African Court on Human and Peoples' Rights, and the Protocol to the African Charter on the Rights of Women in Africa. These three are the basic texts of the African Human Rights system.

### AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

The African Commission on Human and Peoples' Rights (African Commission) has a mandate to monitor the implementation of the African Charter. The mandate of the African Commission includes the promotion and protection of human and peoples' rights in Africa, as well as interpretation of the provisions of the Charter.

Procedures of the African Commission include:

**INDIVIDUAL COMMUNICATIONS:** Communications are one of the mechanisms employed by the African Commission to ensure compliance with provisions of the African Charter by States parties with the provisions of the African Charter. As an individual, group, or NGO, you may bring to the African Commission a communication alleging that a State Party to the ACHPR has violated one or more of the rights contained within the African Charter (see [case law](#)).

→ **INDIVIDUAL or COMMUNITY ACCESS or AS NGO**

**- PROVISIONAL MEASURES & URGENT APPEALS:** The African Commission or a party to the communication can request a State to adopt provisional measures to prevent irreparable damage to the complainant, victim or subject matter of the complaint (as part of the Communication Procedure). Urgent appeals are used to prevent irreparable damage to the potential victim of human rights violations. They are effective complaints mechanisms used by NGO or individuals under the subsidiary mechanisms of the African Commission to seek for immediate redress in situations that might require immediate action.

→ **COMMUNITY ACCESS or VIA COMMISSION**

**STATE REPORTING:** State parties to the African Charter have an obligation to report. NGOs, National Human Rights Institutions (NHRI) or other civil society actors may submit supplementary country-specific written information or shadow reports (see [procedure](#)). The assessment ends with the Concluding Observations adopted by the Commission (see [State Reporting](#)).

→ **AS NGO or VIA NHRI**

**MISSIONS:** On-site and fact-finding missions to a State are used when there are allegations of human rights violations. NGOs and other civil society actors may raise concerns and accompany the Commission during these visits.

→ **AS NGO or VIA INTERNATIONAL ORGANISATION**

**SPECIAL MECHANISMS:** Special mechanisms, such as Special Rapporteurs, committees, and working groups, are the subsidiary organs that report to the Commission (see [full list](#)). The [Working Group on Extractive Industries, Environment and Human Rights Violations](#) is a special mechanism of note.

→ **COMMUNITY ACCESS (for most)**

### AFRICAN COURT OF HUMAN AND PEOPLES' RIGHTS

The mandate of the African Court of Human and Peoples' Rights (African Court) is to complement and reinforce the functions of the African Commission. Access to the Court is given to the African Commission, State Parties, an African Intergovernmental Organisation or an individual or NGO which has observer status before the African Commission. The African Court has jurisdiction over all cases and disputes relating to the ACHPR. The African Court has two kinds of jurisdiction: contentious and advisory.

**CONTENTIOUS JURISDICTION:** The African Court has contentious jurisdiction to deal with all cases and disputes submitted to it regarding the interpretation and application of the ACHPR, the Protocol and any other human rights instruments ratified by the States in question (see [case law](#)).

→ **COMMUNITY ACCESS or NGO (WITH OBSERVER STATUS), or REFERRAL FROM AFRICAN COMMISSION, AFRICAN INTERGOVERNMENTAL ORGANISATIONS OR STATE PARTIES**

### IMPORTANT INFORMATION

**ELIGIBILITY:** Domestic legal remedies must be exhausted before filing a communication before the African Commission, unless domestic remedies are not available or are unduly prolonged. The communication must then be lodged within a "reasonable time". There is no definition of "reasonable time" but it is advised to lodge a communication as soon as possible after domestic legal remedies have been exhausted.

**TIME:** Processing communications at the Commission can take some time and should be considered as one of several different advocacy strategies. Some communications have taken over 10 years to finalise.

**COST:** A number of different variables impact on cost. This includes whether or not you have legal representation (and whether that representation is pro bono), and whether you attend the African Commission in person.

**CONFIDENTIALITY:** Your communication should indicate your name. If you wish for your identity to remain anonymous, indicate this in your communication and the African Commission will respect this.

## USEFUL PUBLICATIONS AND LINKS

- Here is an information sheet on the [African Commission Communications Procedure](#);
- Here are the [Rules of Procedure of the African Commission](#);
- Here is useful information on [how to file a case](#) at the African Court;
- Here is a [List of Decisions](#) by the African Commission; and
- Here is [A Human Rights Defenders' Guide to the African Commission](#);
- Here is a [short brochure](#) on the African Commission on Human and Peoples' Rights by the Centre for Research on Multinational Corporations (SOMO) with Natural Justice;
- A [List of NGOs](#) that have observer status at the African Commission can be found here. These NGOs may be useful to you if you wish to lodge a Communication at the Commission;
- The [NGO Forum](#) meets before African Commission sessions to discuss democracy and human rights issues on the continent.

**AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS** [Homepage](#) | [African Charter on Human and Peoples' Rights](#) | [List of Member States](#)

**AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS** [Homepage](#)

[Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights](#) | [List of Member States](#) | [Contact Information](#)

# EUROPEAN HUMAN RIGHTS SYSTEM

## OVERVIEW

The European human rights system comprises the Convention for the Protection of Human Rights and Fundamental Freedoms (also known as the European Convention on Human Rights, ECHR), as well as its numerous protocols, the European Social Charter. European State Parties have pledged to secure and guarantee to everyone within their jurisdiction the fundamental rights defined in the ECHR. **PLEASE NOTE:** The ECHR is emerged out of the Council of Europe (not the European Union) and [Parties to the ECHR](#) are not necessarily parties to the European Union (EU). Within the EU, the Charter of Fundamental Rights applies.

## EUROPEAN UNION CHARTER OF FUNDAMENTAL RIGHTS

The EU has its own Charter of Fundamental Rights. It applies where there is an alleged violation of your rights set out in the EU Charter of Fundamental Rights, by EU Institutions. In addition, where a national authority violates the Charter when implementing EU Law, national judges are charged ensure the Charter is respected. In this case, you must first seek to have your issue resolved in your National Court, then as referred to the European Commission or the Court of Justice of the European Union. As a last resort, after exhausting all local remedies, you can bring an action before the ECtHR.

## EUROPEAN COURT OF HUMAN RIGHTS (ECtHR)

The European Court of Human Rights (ECtHR) has the mandate to monitor the implementation of the ECHR and its protocols . The types of procedures in the European Court of Human Rights are:

**INDIVIDUAL APPLICATIONS:** The ECtHR examines complaints (“applications”) submitted by the victim(s) (Article 34 ECHR). The ECtHR’s decisions are considered binding. As an individual or group, you may bring a complaint to the ECtHR alleging that a State Party to the ECHR has violated one or more of the rights contained within it.

→ **INDIVIDUAL ACCESS**

**AMICUS CURIAE BRIEFS:** As part of an individual application, amicus curiae briefs can be submitted to Chamber or Grand Chamber cases by a Member State whose national(s) are applicants (Article 36 ECHR). The President of the Court may also invite other Member States and any person to provide the court with information.

→ **VIA GOVERNMENT or BY INVITATION**

**INTERIM MEASURES:** As part of an application, interim measures can be used in urgent cases where there is an imminent danger of irreparable harm (Article 39 Rules of Court).

→ **INDIVIDUAL ACCESS (IF APPLICANT)**

**INTER-STATE CASES:** Member States can refer alleged violations of the ECHR by other Member States to the ECtHR (Article 33 ECHR).

→ **VIA GOVERNMENT**

**ADVISORY OPINIONS:** The Committee of Ministers of the Council of Europe can ask the ECtHR to give an advisory opinion on legal questions pertaining to the interpretation of the ECHR and Protocols (Article 47 ECHR).

→ **VIA GOVERNMENT**

## EUROPEAN COMMITTEE OF SOCIAL RIGHTS

The European Social Charter has its own system of supervision and enforcement through the European Committee of Social Rights. This is a committee of Independent Experts that judge whether [State Parties](#) conform in law and practice with the provisions of the European Social Charter.

**COLLECTIVE COMPLAINTS:** The European Committee of Social Rights examines complaints submitted by organisations. As an NGO, you may bring a complaint to the Committee alleging that a State Party to the European Social Charter has violated one or more of the rights contained within it.

→ **AS AN NGO**

**IMMEDIATE MEASURES:** The Committee may, at the request of a Party or its own initiative, indicate any immediate measures to be adopted to avoid serious irreparable injury and ensure respect for the rights in the European Social Charter.

→ **AS AN NGO**

## IMPORTANT INFORMATION

**ELIGIBILITY:** For matters in the ECtHR, you must send a complete application, otherwise the ECtHR will refuse to examine it. You must send a duly authorised document authorising your lawyer to represent you. Domestic legal remedies must be exhausted before filing a communication before the ECtHR, and within 6 months of exhaustion. Applications that are anonymous, substantially the same as others already examined (with no new evidence), are ill-founded, or no significant disadvantage was not suffered, will also be inadmissible.

**TIME:** Processing cases in the ECtHR can take time, due to the volume of cases before it. Generally cases are dealt with in the order they are received unless it has been prioritised. This should be considered one of several advocacy strategies you may wish to use. For the European Committee of Social Rights, applications are also dealt with in the order that they are received, unless priority is sought and approved.

**COST:** A number of different variables impact on cost. Applications to the ECtHR must contain copies of documents and you should use registered mail when lodging it. If your case is admissible and proceeds to hearing, you will require a lawyer to represent you. Costs for lawyers, post and photocopying are all costs you will most likely have to bear, unless you successfully apply for legal aid. Note Legal Aid isn’t automatically granted, and is not accessible for your whole proceeding.

**CONFIDENTIALITY:** Documents relating to proceedings in the ECtHR are accessible to the public. If you wish for anonymity, you must specify this in your form and explain why.

## USEFUL PUBLICATIONS AND LINKS

- [General information](#) on what to do if your rights are violated under the EU Charter of Fundamental Rights;
- See this [chart](#) on the EU Charter of Fundamental Rights, and when it does or does not apply;
- [Information for Applications](#) including the ECtHR in Brief, a Simplified Convention, and Videos;
- [General Information for Applicants](#) including Admissibility Guide, Case Processing Flow Chart, Admissibility Checklist, Application pack, and interim measures information;
- [Case-Law reports, Handbooks and Factsheet links](#);
- [Rules of Court and Practice Directions](#);
- [Fact sheets](#) on individual rights covered by the European human rights system;
- [Fact sheets by country on the ECtHR's case-law and pending cases](#);
- [NGOs and the Council of Europe](#).

**COUNCIL OF EUROPE** [Homepage](#) | [List of Member States](#) | [Contact Information](#)

**EUROPEAN UNION** [Commission Homepage](#) | [Court of Justice of the European Union](#) | [Charter of Fundamental Rights](#) | [List of Member States](#) | [Contact Information](#)

**EUROPEAN COURT OF HUMAN RIGHTS** [Homepage](#) | [European Convention on Human Rights](#) | [European Social Charter](#) | [List of Member States](#) | [Contact Information](#)

# INTER-AMERICAN HUMAN RIGHTS SYSTEM

## OVERVIEW

The Inter-American Human Rights System was formally initiated with the approval of the American Declaration of the Rights and Duties of Man ("the American Declaration"), within the framework of the Organisation of American States (OAS) Charter. It consists of the Inter-American Commission on Human Rights (Inter-American Commission) and the Inter-American Court of Human Rights, who are tasked with the protection and promotion of human rights in the Americas.

## INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

The Inter-American Commission has the mandate to promote the observance and protection of human rights in the Americas. The work of the Inter-American Commission ([full list](#)) includes:

**INDIVIDUAL PETITIONS:** As an individual, group, organisation or representative, you can send the Commission an individual petition alleging violations of human rights set out in the American Declaration and the [American Convention on Human Rights \(ACHR\)](#).

→ **INDIVIDUAL OR COMMUNITY ACCESS or AS NGO**

**MONITORING, REPORTING & PRECAUTIONARY MEASURES:** The Inter-American Commission observes the general situation of human rights in Member States and publishes on this when deemed appropriate. It also conducts site visits and provides reports. It has the mandate to make recommendations to Member States and, in serious and urgent cases, requests Member States to adopt precautionary measures. As an individual, group or representative you may file a request for precautionary measures in connection with a pending petition or case.

→ **INDIVIDUAL OR COMMUNITY ACCESS or AS NGO**

## INTER-AMERICAN COURT OF HUMAN RIGHTS (IACHR)

The IACHR applies and interprets the ACHR and other relevant human rights instruments in the Americas. The IACHR has two functions: advisory and adjudicatory.

**ADVISORY JURISDICTION:** The IACHR can be asked to interpret the ACHR and other relevant human rights instruments. It can also check the compatibility of a State's domestic laws with the relevant international instruments.

→ **VIA STATE or VIA ORGANS OF OAS**

**ADJUDICATORY JURISDICTION:** Adjudicatory jurisdiction to determine whether a State has violated rights protected by the ACHR. It consists of hearings, followed by secret deliberations, and the final binding decision handed down by the IACHR. It only applies to States that are parties to the ACHR and have accepted its jurisdiction.

→ **VIA COMMISSION or STATE**

As part of contentious cases there are some other elements that could be important:

- **PROVISIONAL MEASURES:** Provisional measures can be used in cases of extreme gravity and urgency to prevent irreparable damage.

→ **INDIVIDUAL OR COMMUNITY ACCESS (VICTIM) or VIA COMMISSION OR COURT**

- **AMICUS CURIAE BRIEFS:** Amicus curiae briefs can be submitted by any person or institution, not a party to the dispute, that wants to provide the IACHR with information.

→ **INDIVIDUAL OR COMMUNITY ACCESS**

## OFFICE OF THE RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES

The Inter-American System includes a number of rapporteurs, including the Office of the Rapporteur on the Rights of Indigenous Peoples who focuses on indigenous peoples of the Americas, particularly vulnerable to human rights violations. They engage in:

**ANALYSIS OF INDIVIDUAL PETITIONS:** The Office of the Rapporteur is mandated to participate in the analysis of individual petitions and requests for provisional measures that allege violations of the rights of indigenous peoples or of their members.

→ **INDIVIDUAL OR COMMUNITY ACCESS or AS NGO**

**ONSITE VISITS & REPORTING:** The Office of the Rapporteur also undertakes onsite visits as invited or requested by the State and prepares reports on such visits.

→ **INDIVIDUAL OR COMMUNITY ACCESS or AS NGO**

## IMPORTANT INFORMATION

**ELIGIBILITY:** Domestic legal remedies must be exhausted before filing a communication before the Inter-American Commission, unless domestic remedies are not available or are unduly prolonged. The petition must be submitted to the Commission within six months of the date of notification of the final judicial decision that exhausted domestic remedies. Where domestic remedies cannot be exhausted, the petition must be filed within a reasonable time.

**TIME:** Processing Communications at the Commission can take some time and should be considered as one of several different advocacy strategies.

**COST:** A number of different variables impact on cost. This includes the length of time the Communication is in the Commission, whether or not you have legal representation (whether that legal representation is working pro bono), and whether you attend the Commission in person.

**CONFIDENTIALITY:** If you wish for your identity to be confidential, you may request this. The Commission usually communicates the identity of the alleged victim to the State. If you are the petitioner and also the victim, you can communicate the issue of keeping your identity as the petitioner and the victim confidential) to the Commission for their consideration.



## USEFUL PUBLICATIONS AND LINKS

- Here is a useful [Information Brochure](#) on the Inter-American Commission petition and case system;
- Here is a record of [decisions and jurisprudence of the Inter-American Commission](#); and
- Here are the [rules of procedure of the Inter-American Court](#);
- Here is a record of [decisions and judgments of the Inter-American Court](#);
- Here is a list of [essential documents in the Inter-American System](#);
- Here is information on the [Office of the Rapporteur on the Rights of Indigenous Peoples](#);
- [Thematic Reports](#), [Country Reports](#), and [Annual Reports](#);
- The Centre for Justice and International Law (CEJIL) have worked extensively on the Inter-American Human Rights System. See their [compilation of norms](#) here. Also see their [Guide](#) for collecting data to support a petition in the Inter-American system.
- The International Justice Resource Centre (IJRC) has a guide on [Advocacy Before the Inter-American Human Rights System](#).
- The Inter-American Association for Environmental Defence (AIDA) has developed a [Guide to Environmental Defence before the Inter-American System of Human Rights](#).

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS** [Homepage](#) | [American Convention on Human Rights](#) | [Contact Information](#)  
**INTER-AMERICAN COURT OF HUMAN RIGHTS** [Homepage](#)  
**OFFICE OF THE RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES** [Homepage](#)

# INTERNATIONAL AND REGIONAL FINANCIAL INSTITUTIONS

## ASIAN DEVELOPMENT BANK

### OVERVIEW

The Asian Development Bank (ADB) finances development [projects](#) in the Asia and Pacific regions and aims for “an Asia and Pacific free from poverty”. It does so through loans, grants, policy and technical assistance. The ADB has put in place certain [safeguards](#) related to its work, governed by a [Safeguard Policy Statement \(SPS\)](#). The objectives of the SPS are to “avoid, or when avoidance is not possible, to minimize and mitigate adverse project impacts on the environment and affected people, and to help borrowers strengthen their safeguard systems and develop the capacity to manage environmental and social risks”. Its safeguards are specific to the [environment](#), [involuntary resettlement](#), and [indigenous peoples](#). The [Accountability Mechanism of the ADB](#) was established to provide an avenue through which people adversely affected by ADB-assisted projects could report alleged non-compliance with the Bank’s operational policies and procedures. The Accountability Mechanism has two related functions, a [problem solving function](#), led by the ADB’s Special Project Facilitator and a [compliance review function](#), done by an independent Compliance Review Panel.

**SPECIAL PROJECT FACILITATOR (SPF):** The Compliance Review Officer (CRO) is the first point of entry for all complaints, and once received, refers the complaint to either the SPF or the CRP, depending on your choice. The SPF deals with complaints from people who are directly, materially and adversely affected by projects supported by the ADB, in order to solve problems set out in complaint. It first investigates whether the request is eligible and undertakes a review and assessment of how best to address issues raised. The problem solving function includes consultative dialogue, information-sharing, joint fact-finding and mediation. If you are unhappy with the problem-solving process, you can withdraw and file a request for compliance review with the Compliance Review Panel.

**COMPLAINTS TO THE SPF:** As a group of two or more people, as a local representative (of affected people), or (if the SPF agrees) as a non-local representative of the affected persons (where local representation cannot be found), you may lodge a complaint to the SPF. Complaints must be made in writing and addressed to the Complaints Receiving Officer (CRO).

→ [COMMUNITY ACCESS](#)

**COMPLIANCE REVIEW PANEL (CRP):** The CRP undertakes the compliance review function of ADB’s Accountability Mechanism. The CRP independently investigates direct and material harm alleged by project-affected people, and whether this harm has been caused by the ADB’s own non-compliance with its operational policies and procedures. The CRP first checks whether the complaint falls within its mandate. If the request falls within its mandate, the CRP forwards the complaint to Management for their response. Once a response has been received, the CRP determines the eligibility of the complaint. If the CRP determines that the complaint is eligible, it then submits its eligibility report to the Board Compliance Review Committee with a recommendation that the Board authorise a compliance review. If the Board approves the compliance review, the CRP will proceed with the compliance review, after terms of reference have been agreed upon by the Board Compliance Review Committee. The compliance review will involve consultations with all parties, and may also involve desk reviews, meetings, discussions and site visits. Once a draft report of findings is complete, it is sent to parties for their comments and responses. Once finalised, if the CRP highlights direct and material harm as a result of ADB’s non-compliance, Management then proposes remedial actions, the CRP comments on these, and they are submitted to the Board for their approval. Implementation of recommendations is monitored. Compliance Review does not provide judicial-type remedies such as injunctions or monetary damages.

**REQUESTS TO THE CRP:** As a group of two or more people, a local representative (of affected people), or (in exceptional circumstances if the CRP agrees) a non-local representative of the affected persons residing in either the borrowing country where the ADB-financed project is located or in an ADB member country adjacent to the borrowing country, you may file a request for compliance review. Complaints must be made in writing and addressed to the Complaints Receiving Officer (CRO). You may by-pass the problem-solving function of the SPF and seek compliance at the CRP. However, if you choose to do so, you will not be able to access the problem-solving function.

→ [COMMUNITY ACCESS](#)

### IMPORTANT INFORMATION

**ELIGIBILITY:** Requests can only be submitted after first raising concerns with management. Policies state that complaints are excluded where complainants “have not made good faith efforts” to address issues with the department concerned.

**TIME:** The time taken for a complaint to be addressed through the SPF or a request to be addressed through the CRP varies. Note that either party can withdraw from the process at any time.

**COST:** A number of different variables impact on cost. This includes the length of the process takes, and whether there is extensive travel involved in order to participate in dialogue meetings.

**CONFIDENTIALITY:** If you wish for your identity to be confidential, you may request this. However, anonymous complaints are not accepted by the ADB.

## USEFUL PUBLICATIONS AND LINKS

- Here is a link to the ADB's [Operations Manual](#) and [Project Cycle](#) information for ADB projects;
- More information on how to file a complaint to the ADB Accountability Mechanism, including a template form, [here](#);
- [Here](#) is the step-by-step process of the Problem Solving Process of the ADB and [information](#) on filing a complaint to the Office of the SRP. [Here](#) is the step-by-step process for filing a request to the CRP and [information](#) on filing a complaint with the CRP;
- Here is a list of [submitted complaints to the SPF](#) and a list of previously [submitted requests to the Compliance Review Panel](#);
- Search the Asian Development Bank's [Project Documents](#), including [Environmental Impact Assessments](#);
- [Here](#) is a link to a [short brochure](#) on the ADB's Accountability Mechanism by the Centre for Research on Multinational Corporations (SOMO) with Accountability Counsel;
- Accountability Counsel's [Accountability Resource Guide](#) page, and [ADB page](#);
- The International Federation for Human Rights (FIDH) contains a helpful summary of the ADB [here](#);
- Here is a dedicated page of the ADB [website](#) for civil society, including how to [participate](#). Points of contact are [here](#); and
- There is an [NGO Forum on the ADB](#), led by Asian CSOs based in the Asia and Pacific region.

[ASIAN DEVELOPMENT BANK](#) [Homepage](#) | [Accountability Mechanism](#) | [Contact Information](#)

# AFRICAN DEVELOPMENT BANK

## OVERVIEW

The African Development Bank Group consists of the African Development Bank, the African Development Fund and the Nigeria Trust Fund. The African Development Bank's (AfDB) [projects](#) span across Africa, with a stated aim to promote "economic development and social progress in its regional member countries, thus contributing to poverty reduction" through mobilising and allocating resources for investment and providing policy and technical assistance to support development efforts. The AfDB's policies and guidelines include its new [Integrated Safeguards System](#) including operational safeguards.

## COMPLIANCE REVIEW AND MEDIATION UNIT (CRMU)

The CRMU administers the AfDB's [Independent Review Mechanism \(IRM\)](#). The IRM is an independent body with two functions – compliance review (through investigations) and problem-solving (through mediation). The IRM is guided by its own [Operating Rules and Procedures](#) and these are currently in the process of being updated. The CRMU receives complaints from those who believe that the AfDB Group has failed to comply with any of its policies and procedures, and this failure has, or threatens, to adversely affect their rights or interests in a direct and material way. This includes (potential) non-compliance on the part of the AfDB, the African Development Fund, the Nigeria Trust Fund and other Special Funds administered by the AfDB, with their own operational policies.

**COMPLIANCE REVIEW:** Eligibility for compliance review is first determined by the CRMU and IRM independent experts, who make a recommendation to the Board of Directors or the President to authorise (or not) a compliance review. If the review is approved, the IRM experts will constitute the Compliance Review Panel and collect further information (orally or written), conduct site visits, and/or consult experts to investigate the complaint. Once investigations are completed, the Compliance Review Panel will submit a Compliance Report to the Board of Directors or the President containing its findings and recommendations. In turn, the AfDB Management will prepare a response and action plan based on these findings, then decided upon by the Board of Directors or the President.

**PROBLEM-SOLVING:** The objective of the problem-solving (mediation) exercise is to attempt to restore effective dialogue between parties involved, with the aim of resolving underlying issues, rather than seeking to attribute blame or fault. Where the problem-solving exercise is successful, a report is produced that includes the solution agreed upon by all parties. The Board of Directors or the President will decide whether or not to accept recommendations for remedial actions. The CRMU is tasked with monitoring the implementation of action plans agreed during the problem solving exercise. Where a problem-solving exercise is unsuccessful (within three months, or by agreement by the parties), a report is submitted detailing the problem-solving efforts, reasons for its failure and with recommendations to deal with the issue (or refer the request to Compliance Review).

**REQUESTS:** Requests for compliance review or problem-solving can be received by the CRMU by two or more affected individuals, groups, organisations or an appointed local representative (or foreign representative in exceptional circumstances) on behalf of adversely affected peoples who have been, or will be, negatively affected by an AfDB (or other entity listed above) financed project. Requests must include a description of the project, explain how AfDB policies, procedures, or contractual documents were seriously violated, describe how the act or omission by the AfDB led to a violation of the provision, describe how the parties have been materially affected and the steps taken to have the matter resolved by the Bank (and why this was inadequate). The CRMU will receive the request and decide whether the case is more appropriate for compliance review and/or problem solving (taking into consideration your preference).

→ **COMMUNITY ACCESS FOR GROUPS or AS NGO**

## IMPORTANT INFORMATION

**ELIGIBILITY:** The AfDB's present eligibility criteria have made it quite difficult for requests to be registered. Hurdles include the extensive list of limitations to the CRMU's mandate and lack of evidence showing steps to resolve the matter with Management beforehand. Since 2003, only 16 complaints have been addressed by the IRM. Also, requests can only be submitted after efforts have been made to engage and resolve the issue with Bank Group staff. This information must be submitted in the request, unless you ask for confidentiality.

**TIME:** The CRMU should decide within 14 days of receiving a request whether or not it is within the mandate of the IRM. It can then take some time to request relevant information and investigate a complaint, with the processing of some requests has taken a number of years. A request to the AfDB could be one of a number of strategies your community uses to articulate your issues with a development.

**COST:** A number of different variables impact on cost. This includes the length of time the request is at the IRM and whether or not you have legal representation (and whether this representation acts pro bono).

**CONFIDENTIALITY:** If you wish for your identity to be confidential, you may request this. The Director will determine whether confidentiality is warranted and, if so, make all reasonable efforts to keep identities confidential. Anonymous requests are not accepted.

## USEFUL PUBLICATIONS AND LINKS

- Here is information from the AfDB on how to [file a request for compliance review](#), including what the complaint should contain;
- Here is a [register](#) of requests for compliance review or problem solving;
- Here is a [short brochure](#) on the IRM by the Centre for Research on Multinational Corporations (SOMO) with Accountability Counsel;
- Accountability Counsel's [Accountability Resource Guide](#) page, and [AfDB page](#);
- Bank Information Centre also has information on the AfDB on their [website](#), including more detailed information in "Examining the African Development Bank: A primer for NGOs";
- The International Federation for Human Rights (FIDH) contains a helpful summary of the AfDB [here](#);
- There is a dedicated area of the AfDB [website](#) related to civil society;
- There is a [Civil Society Coalition on the African Development Bank](#), which is an African-led network of CSOs that advocate for greater accountability, transparency and sustainability on the AfDB and its projects.

[AFRICAN DEVELOPMENT BANK](#) [Homepage](#) | [CRMU](#) | [Contact Information](#)

# EUROPEAN INVESTMENT BANK

## OVERVIEW

The European Investment Bank (EIB) is the bank for the European Union, as it is owned by and pursues the interests of the [Member States of the European Union](#). Its activities include financing through loans and advice on investment implementation. The EIB activities are primarily focussed on Europe, however, some of the EU's external and development policies are also supported by the bank, including [activities](#) in Africa, the Caribbean, the Pacific, Asia and Latin America. The EIB's Statement on [Corporate Social Responsibility](#) sets out the environmental and transparency priorities of the EIB. The EIB have a range of [Environmental and Social Principles and Standards](#) and [handbook](#).

## EIB'S COMPLAINTS MECHANISM (EIB CM)

The EIB CM aims to provide the public with procedures to enable the resolution of disputes between the public and EIB group. One of its main objectives is to ensure the right to be heard and the right to complain by any EIB stakeholder. The complaints procedure is two-tiered: The internal Complaints Office and the external [European Ombudsman](#) (EO). The EIB CM has several functions: a Complaints Investigation Office (responsible for handling complaints and any follow up); a mediation function between complainants and other stakeholders; an advisory function related to standards, operating procedures etc, and; monitoring of past complaints. The procedures used (either standard or extended) depend [on the type of complaint](#). The EIB has a set of [Complaints Mechanisms Principles, Terms of Reference and Rules of Procedure](#). These documents set out the role and responsibilities of the Office, its relationship with the European Ombudsman, and steps to take to lodge a complaint.

**REVIEWING COMPLAINTS:** As an individual, a group or NGO/CSO, you may lodge a complaint to the EIB CM if you feel that there is a case of maladministration within the EIB group. You do not have to be directly affected by alleged environmental, developmental or social impacts of the EIB Group's activities. If you are affected, you may submit a complaint even if you do not know the rules, procedures or policies. Once your complaint (in one of the EU's official languages) is received, it is assessed for admissibility. If it is admissible, the EIB CM division will launch an inquiry and compliance review into the issue, review necessary documentation and arrange meetings, if necessary. It will produce an initial assessment report and, depending on this, launch an investigation or engage in a mediation process. It can use processes such as information-sharing, conciliation and dialogue during this time. At the conclusion of the case, the EIB CM may propose actions to correct the issue, improvements to policies and procedures, and must establish an implementation plan with timeframe. A Conclusions Report is drafted, and any corrective actions are followed up within 12 months of the Conclusions report. An opinion is also produced, including the totality of the complaint, and a final version is produced including the opinions and comments of EIB services and other stakeholders. If you are not happy with EIB's response, you have 15 days to lodge another complaint (called a confirmatory complaint). If you feel that any corrective actions are not being implemented, or within the timeframes prescribed, you can lodge a complaint. If you are not satisfied with these outcomes (or you don't want to use the confirmatory complaint procedure), you can file a complaint with the European Ombudsman.

➔ **INDIVIDUAL OR COMMUNITY ACCESS OR NGO ACCESS**

## IMPORTANT INFORMATION

**ELIGIBILITY:** Note that the EIB CM cannot deal with complaints that have already been lodged or settled with other administrative or judicial review mechanisms. Anonymous complaints are also inadmissible. You will need to lodge your complaint within one year of the date on which the facts upon the allegation are grounded.

**TIME:** The EIB CM sets out a number of time lines to deal with complaints. Ideally, the final reply would occur no later than 40 days after the date of acknowledgement, however this time can be extended a further 100 days. If the complaint is submitted in a language other than an official EU language, that timeline may be extended due to translations. In cases of problem solving, these deadlines may be longer.

**COST:** A number of different variables impact on cost. This includes the length of time the complaint is being processed, and whether or not you have legal representation.

**CONFIDENTIALITY:** Whilst anonymous complaints are inadmissible, you have the right to have your complaint dealt with confidentially and your complaint will be dealt with confidentially unless you expressly request otherwise.

## USEFUL PUBLICATIONS AND LINKS

- Here is the Complaints Mechanism's [Operating Procedures](#);
- Here is the Complaint's Mechanism's [Principles, Terms of References and Rules of Procedure](#)
- Here is further information on [how](#) to complain;
- Here are some [FAQs](#) about the complaints process;
- If you are not satisfied with the outcome of the EIB CM, you can complain to the [European Ombudsman](#);
- Here are links to [previous complaints](#) to the EIB;
- Counter Balance challenge public investment banks [here](#);
- Bankwatch monitors the EIB [here](#).

# EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

## OVERVIEW

The European Bank for Reconstruction and Development (EBRD) provides financing for banks, industries and businesses for [projects](#) in central Europe, central Asia, the southern and eastern Mediterranean and northern Africa. As an international financial institution, its shareholders include 64 countries, in addition to the European Union and the European Investment Bank. According to the EBRD, it pledges to follow the “highest standards of corporate governance and sustainable development.” Relevant EBRD policies include the [environmental and social policy](#), and the [public information policy](#).

## PROJECT COMPLAINT MECHANISM (PCM)

The PCM was established to address complaints about projects financed by the EBRD. The PCM is independent from EBRD and has two functions: a compliance review functions; and a problem-solving initiative. The new PCM Rules of Procedure document (available [here](#)) set out details how complaints through the PCM will be processed.

**PROBLEM-SOLVING INITIATIVE:** This function of the PCM is aimed to restore dialogue between the complainant and the client, in order to resolve an issue without attributing blame. If you are an individual or a group located in an Impacted Area, or has an economic (and/or social and cultural interests) in an impacted area, you can submit a complaint to the Problem-solving Initiative. If your complaint is considered eligible and approved for the Problem-Solving Initiative, your complaint will be processed under this procedure. This procedure will be deemed complete once an agreement has been made between relevant parties, or it is decided that dispute resolution is not possible. A Problem-Solving Completion Report is then issued and, agreements will be monitored for implementation, if relevant.

→ **INDIVIDUAL OR COMMUNITY ACCESS**

**COMPLIANCE REVIEW:** This function of the PCM determines whether the EBRD has complied with its own policies with respect to a project. As an individual, group or organisation, you may submit a complaint under Compliance Review. If your complaint is considered eligible and approved for Compliance Review, it will be processed under this procedure. A PCM Expert will be appointed to conduct this review, to establish if (and how and why) any EBRD action or failure resulted in non-compliance with relevant policy, and recommend remedial changes. Interviews and site visits may be conducted. A Compliance Review report will be drafted for comment and then finalised. If it is found that the EBRD’s policies were not complied with, recommendations may be made to address the findings of non-compliance and monitor the implementation of any suggested changes in the Management Action Plan.

→ **INDIVIDUAL OR COMMUNITY OR NGO ACCESS**

**REVIEWING COMPLAINTS:** When lodging your complaint, if you are being assisted by an Authorised representative you must provide written proof that you give this authority. They will then be the point of all contact for the complaint. Once you lodge your complaint, a decision will be made about registering your complaint. If the complaint is registered, a PCM expert will conduct an Eligibility Assessment, where it will be assessed for eligibility for the Problem Solving Initiative, Compliance Review, or both. You will need to indicate what process you prefer, the outcome you seek, copies of all relevant correspondence and details of the relevant EBRD policy at issue. If eligible, an Eligibility Assessment Report will be issued, setting out the terms of reference for the appropriate procedure, if any.

## IMPORTANT INFORMATION

**ELIGIBILITY:** For Problem solving, your complaint should be filed no later than 12 months following the last disbursement of EBRD funds (if it is an equity loan, a complaint can be lodged as long as the bank is a shareholder). It should describe the good faith efforts you have made to address the issues in the complaint and why these did not work (though this can be waived under certain circumstances). A complaint will not be registered if it has already been processed by the PCM or its predecessor (the IRM) unless new evidence or circumstances come to light. [This is different to eligibility for Compliance Review](#), where the complaint must be filed within 24 months after the date the bank ceased to be part of the project. Your complaint will not be eligible if it has been considered by an accountability mechanism of any co-financing institution.

**TIME:** The time taken for processing your complaint will depend on whether or not your complaint passes the registration and eligibility criteria, and then whether or not the President approves the relevant procedure once eligibility has been determined. The processing of some requests has exceeded a year. A request to the EBRD could be one of a number of strategies your community uses to articulate your issues with a development.

**CONFIDENTIALITY:** In your complaint, you may request confidentiality for the PCM Officer to consider. If the PCM officer believes that confidentiality will prevent a review, they will contact you to agree on the best way to proceed.

## USEFUL PUBLICATIONS AND LINKS

- Complaints may be sent to the PCM using the [Sample Complaint Form](#);
- Here is [contact](#) information for the PCM Officer for guidance on how to submit your complaint;
- Here is a PCM [register of complaints](#) and the previous (2004-2010) Independent Recourse Mechanism [register](#) is here;
- Bankwatch monitors the EBRD [here](#).

# INTER-AMERICAN DEVELOPMENT BANK

## OVERVIEW

The Inter-American Development Bank Group (IADB Group) is composed of the Inter-American Development Bank (IDB), the Inter-American Investment Corporation (IIC) and the Multilateral Investment Fund (MIF), and is the leading source of development finance for Latin America and the Caribbean. According to the IDB, through its [projects](#) it aims to support such countries to reduce poverty and inequality, bringing about development in a sustainable, climate-friendly way through the provision of loans, technical assistance and research. The IDB has a number of operational policies that apply to indigenous peoples and local communities that may be affected by projects funded by the Bank, including: [Access to Information](#); [Environment and Safeguards Compliance](#); [Gender Equality in Development](#); [Indigenous Peoples](#); and [Involuntary Resettlement](#). The IDB has established the [Independent Consultation and Investigation Mechanism](#). The IDB also includes an [Office of Institutional Integrity](#) that investigates allegations of fraud and corruption.

## INDEPENDENT CONSULTATION AND INVESTIGATION MECHANISM (ICIM)

The [ICIM](#) is an independent recourse mechanism that aims to provide an independent mechanism and process to investigate allegation of harm (by Requesters), produced as a result of the Bank's failure to comply with its relevant operational policies in bank-financed operations. It provides information to the Board about investigations and is a last-resort mechanism for addressing such concerns. The ICIM has a [new policy as of December 2014](#), applies to relevant [Operational Policies](#) follows [guiding principles](#) relating to transparency and impartiality. There are two phases in the ICIM process: a Consultation Phase and a Compliance Review Phase. You may chose either phase, or both.

**CONSULTATION PHASE:** Once the Request is declared eligible for the Consultation Phase, the ICIM begins assessment, with the objective of understanding the Harm related to potential policy noncompliance raised by the Request, identifying and gathering information from the Requesters, Management, and other stakeholders, determining whether the Parties would agree to seek a resolution using consultation methods, and if so, the best process for addressing any policy noncompliance. Within 40 business days, the assessment will conclude with a decision on whether or not to conduct a Consultation Phase process. The total Consultation Phase time frame is estimated at 12 calendar months (but this is part of new policy and has not been tested). Upon completion of the Consultation Phase, the ICIM prepares a report on the results. When applicable, the ICIM will develop a monitoring plan and time frame for the agreement reached, in consultation with Parties.

→ **GROUP OF 2 OR MORE or COMMUNITY ACCESS or NGO**

**COMPLIANCE REVIEW PHASE:** The [Compliance Review Phase](#) seeks to determine, through investigations, if, how and why the Bank has failed to comply with its relevant operational policies and has caused harm to the Requesters. When a Request is transferred to the Compliance Review Phase, the Compliance Review Phase Coordinator, under the supervision of the ICIM Director, will prepare within 21 business days, a recommendation and TOR for the investigation (including objectives of the investigation, the items to be investigated, a description of the Bank-Financed Operation, a proposed timeline and budget for the investigation, and anticipated use of consultants), in consultation with Management and the Requesters. Once the TOR is completed, the ICIM will send a copy to Management and the Requesters, who will each have a term of up to 15 Business Days to make comments. Upon receipt of comments, or once the term expires, the ICIM will submit its recommendation on whether or not to conduct a Compliance Review investigation to the Board (or the Donors Committee). The recommendation will be considered by the Board (or the Donors Committee) by Short Procedure. The decision by the Board (or the Donors Committee) regarding the recommendation will be communicated to the Requesters and Management. Where Compliance Review is approved, two independent experts will be hired to form the Panel that will conduct the Compliance Review. Once its investigation is completed (including potential site visit), a draft report is issued and forwarded to Management and the Requesters for comments. It is then submitted to the Board (or Donors Committee) to make any final decisions regarding appropriate or necessary actions. If appropriate, the Board will instruct Management to develop an Action Plan for approval, ultimately monitored by ICIM.

→ **GROUP OF 2 OR MORE or COMMUNITY ACCESS or NGO**

**REVIEWING REQUESTS:** As a group of two or more people residing in a country where a bank-financed operation is implemented, or anticipate being affected by an operation, you are able to submit a request to the ICIM. A representative on behalf of those affected can also submit requests (if written evidence of authority to represent can be shown). Requests must contain contact information of the requester, written evidence of authority (of representative), information as to why confidentiality is requested (if it is), description of the bank-financed operation and in which country, the allegation of failure to apply its policies, explanation of harm and its relationship to non-compliance with operational policies, description of efforts to address the issues with management (and the results), and a statement about whether you wish to use the consultation phase, the compliance review phase, or both. After submitting a request, the ICIM verifies that all required information is received (and asks for more information within a prescribed time if requests are incomplete). If complete, the ICIM will send a copy of the request to Management, which has 21 business days to respond (potentially including a decision to suspend the eligibility process for the bank to correct the bank-financed operation). If it proceeds, the request is then analysed for eligibility (within 21 business days) by the ICIM Director in consultation with the Consultation Phase Coordinator and the Compliance Review Phase Coordinator. During this time, the ICIM considers all available information, including site visits. The ICIM then issues an eligibility memorandum, including a determination of whether the request is eligible for either or both the Consultation Phase or the Compliance Review Phase.

## IMPORTANT INFORMATION

**ELIGIBILITY:** ICIM policies set out a number of items that will exclude consideration of requests including anonymous requests, those already reviewed by the ICIM (unless new evidence or circumstances come to light), requests that raise issues currently under review by national and/or other bodies, requests related to operations not yet approved or those that are filed more than 24 months after the last disbursement of the relevant Bank-Financed Operation. A request will be eligible if none of the exclusions above apply, the request is filed by two or more persons (or an authorised representative), identifies an approved bank-financed operation, describes the harm that



could result from potential non-compliance with one or more relevant operational policies and describes efforts to address issues in the Request with Management (and the results of those efforts or an explanation of why contacting Management was not possible).

**TIME:** Given requests must first be assessed for eligibility, then assessed as to whether or not either or both the Consultation and Compliance Phases will progress, this process can be time-consuming. Generally, the time taken for the Consultation Phase depends on the length of time taken to investigate issues raised and the openness through which parties engage in the process. In addition, the Board has oversight of the process at a number of stages, and this additional layer of processing can cause delay. A request to the ICIM could be one of a number of strategies your community uses to articulate your issues with a development.

**COST:** A number of different variables impact on cost. This may include the length of time the Request is being processed, and whether or not you have legal representation (and whether this representation acts pro bono).

**CONFIDENTIALITY:** If you wish for your identity to be confidential, you may request this. However, anonymous complaints are not accepted by the ICIM.

### USEFUL PUBLICATIONS AND LINKS

- Here are the [Operational policies](#) of the ICIM;
- Further information on [how to submit a Request to the ICIM, including a check list of formal requirements](#);
- Here is a link to more information on the [Consultation Phase](#), including a [flow chart](#) describing the process;
- Here is a link to more information on the [Compliance Review Phase](#), including a [flow chart](#) describing the process;
- Use [this link](#) to search for information on particular projects in your country and a registry of previous Requests to the ICIM can be found [here](#);
- Information on the [IADB project cycle](#) and [environmental impact assessments](#) for proposed and approved projects;
- The IDB prohibits a number of practices. Here is information on these [prohibited practices](#); and
- Accountability Counsel's [Accountability Resource Guide](#) page, and [IDB page](#);
- The International Federation for Human Rights (FIDH) contains a helpful summary of the ICIM [here](#);
- Here is a [list of civil society participants](#) by country who are part of the Civil Society Consulting Groups;
- Here is a dedicated section of the website for [civil society](#); and
- Here are [Contact points](#) for civil society in various countries.

[INTER-AMERICAN DEVELOPMENT BANK Homepage](#) | [ICIM](#) |

[Member Countries](#), [Borrowing Member Countries](#), [Non-borrowing Member Countries](#) | [Contact Information](#)

# WORLD BANK GROUP – INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT & INTERNATIONAL DEVELOPMENT ASSOCIATION

## OVERVIEW

The World Bank consists of two organisations within the broader World Bank Group – the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA). The World Bank provides loans, interest-free credits and grants to governments of poor, middle-income and credit-worthy low income countries for a number of purposes. The World Bank's projects and activities must adhere to its Operational Policies, which can be found in its [Operational Manual](#). These Operational Policies contain specific [Safeguard Policies](#), under review, on topics such as:

- [Environmental Assessments](#);
- [Natural Habitats](#);
- [Forests](#);
- [Physical Cultural Resources](#);
- [Involuntary Resettlement](#);
- [Indigenous Peoples](#);
- [Safety of Dams](#); and
- [International Waterways](#)

## INSPECTION PANEL

The Inspection Panel is the independent complaints mechanism for those who believe that they have been, or will be, adversely affected by a World Bank-funded project. It is an independent fact-finding body and cannot provide or compel compensation or remedy. As a result of an investigation, the World Bank may correct non-compliant practices. If you have been, or are likely to be, adversely affected by a World Bank-funded project, you can approach the Inspection Panel.

**INDEPENDENT INVESTIGATIONS:** The Inspection Panel has a mandate to independently investigate World Bank-financed projects to determine whether IT is in compliance with its operational policies and procedures and whether harm has been suffered. The Panel reports its findings to the World Bank's Board of Executive Directors. World Bank Management is required to prepare a response with recommendations and actions to address the Inspection Panel's findings of non-compliance and harm. The Board of Executive Directors considers both the Inspection Panel's findings and World Bank Management's response and decides future actions. Previous [cases](#) can be found on the site.

→ [COMMUNITY ACCESS](#)

## IMPORTANT INFORMATION

**ELIGIBILITY:** Complaints to the Inspection Panel must be lodged before 95% of the project funding is disbursed. Requests can only be submitted after efforts have been made to bring issues to the attention of the Bank, prior to approaching the Panel. This information must be submitted in the request.

**TIME:** The time taken for investigations depends on the length of time taken to investigate issues raised. Some investigations have taken at least 12 months to process. A request to the Panel could be one of a number of strategies your community uses to articulate your issues with a development.

**COST:** A number of different variables impact on cost. This includes the length of time the Request is being processed, and whether or not you have legal representation.

**CONFIDENTIALITY:** If you wish for your identity to be confidential, you may request this. However, for the purposes of correspondence, the name of a contact person that can be made public should be provided.

## USEFUL PUBLICATIONS AND LINKS

- Here is a link to the Inspection Panel website, which provides information on how to contact them for advice, requirements for a request for inspection, who to file a request with, and a suggested format.
- Here is an infographic representing the [Inspection Panel Process](#);
- Here is the [World Bank Project Portfolio](#) by Region and State;
- [Here](#) is a [short brochure](#) on the Inspection Panel by the Centre for Research on Multinational Corporations (SOMO) with Accountability Counsel;
- Accountability Counsel's [Accountability Resource Guide](#) page, and [World Bank page](#);
- The International Federation for Human Rights (FIDH) contains a helpful summary of the Inspection Panel [here](#);
- The Bank Information Centre has a wealth of information on their [website](#), including a page of [resources](#).

[INSPECTION PANEL Homepage](#) | [List of Member States of the World Bank](#) | [Contact Information](#)

# WORLD BANK GROUP - INTERNATIONAL FINANCE CORPORATION & MULTILATERAL INVESTMENT GUARANTEE AGENCY

## OVERVIEW

The [International Finance Corporation \(IFC\)](#) and the [Multilateral Investment Guarantee Agency \(MIGA\)](#) comprise the private sector lending arm of the World Bank Group. The IFC provides investment and advisory services to businesses and advisory services to governments, whilst the MIGA promotes foreign direct investment in developing countries through providing risk insurance. The IFC and MIGA have their own Performance Standards on Environmental and Social Responsibility, defining the responsibilities of their clients to manage their environmental and social risks. The IFC's [Performance Standards](#) and the MIGA's [Performance Standards](#) include:

- Assessment and Management of Environmental and Social Risks and Impacts;
- Resource Efficiency and Pollution Prevention;
- Community Health, Safety, and Security;
- Land Acquisition and Involuntary Resettlement;
- Biodiversity Conservation and Sustainable Management of Living Natural Resources;
- Indigenous Peoples;
- Cultural Heritage.

## THE COMPLIANCE ADVISOR OMBUDSMAN (CAO)

The CAO is an independent recourse mechanism for communities affected by projects supported by the IFC and MIGA. It works in a number of different ways, including dispute resolution, compliance investigation and provision of advice:

**DISPUTE RESOLUTION (OMBUDSMAN):** If you are an individual, group or community directly affected (or likely to be) by the social and/or environmental impacts of a project funded by IFC or MIGA, you can file a complaint (and you may use a representative). The complaint enters a multi-stage process. First, the complaint is assessed for eligibility. Next, the CAO makes an [assessment](#) on the complaint and based on the assessment (and your desire for dispute resolution or compliance), the CAO will work with you and other stakeholders to develop a jointly agreed process (including some engagement with the IFC or MIGA client) to resolve the complaint, or will refer the complaint to the CAO Compliance for appraisal. In addition, if you go through the dispute resolution process and it does not result in an agreement, you may then move to compliance.

→ **INDIVIDUAL OR COMMUNITY ACCESS**

**COMPLIANCE / INVESTIGATIONS:** [Investigations](#) are conducted to determine the IFC and MIGA's performance of social and environmental standards at project-level. CAO Compliance examines whether the relevant policies, standards, guidelines, procedures, and conditions are complied with. At the initial assessment phase of a complaint, the CAO can direct a complaint to compliance (in addition to or instead of to dispute resolution). You can also directly request compliance. The President of the World Bank, senior management of the IFC or MIGA, the CAO vice-president or CAO Ombudsman (transferral where dispute resolution is not possible) can also refer cases. Where CAO Compliance has found that IFC or MIGA have not complied with their standards, it monitors the situation until assurances are made that the project is compliant. The IFC or MIGA must also prepare an action plan.

→ **WORLD BANK, IFC, MIGA, and CAO STAFF**

## IMPORTANT INFORMATION

**ELIGIBILITY:** In comparison with other grievance mechanisms, the CAO is easier to access (with less barriers). Indeed, there are no bars to eligibility, as long as you are directly affected (or are likely to be) by social and/or environmental impacts as a result of a project that is funded by, or is being actively considered by the IFC or MIGA.

**TIME:** The processing of cases can take between one to four years (or longer), though this depends on the nature of the case, whether it is referred to by dispute resolution or compliance, and the caseload at the CAO. A request to the CAO could be one of a number of strategies your community uses to articulate your issues with a project.

**CONFIDENTIALITY:** You may ask for your identity to be confidential. Where requested, a process for handling the complaint will be jointly agreed upon by you and the CAO. Materials will not be released without your consent.

## USEFUL PUBLICATIONS AND LINKS

- The CAO's Operational Guidelines can be found [here](#).
- [Here](#) is a link to brief information on the CAO's Dispute Resolution (Ombudsman) function;
- [Here](#) is a link to brief information on the CAO Compliance's function;
- [Here](#) is a link to the CAO's publications, including short videos of cases and here is a link to [previous cases](#);
- A [short brochure](#) on the CAO by the Centre for Research on Multinational Corporations (SOMO) with Accountability Counsel;
- Accountability Counsel's [Accountability Resource Guide](#) page, and [IFC and MIGA page](#);
- The International Federation for Human Rights (FIDH) contains a helpful summary of the CAO [here](#).

[COMPLIANCE ADVISORY OMBUDSMAN Homepage](#) | [Contact Information](#)

# INDUSTRY AND/OR SPECIFIC MECHANISMS AND STANDARDS

## ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT GUIDELINES FOR MULTINATIONAL ENTERPRISES

### OVERVIEW

The Organisation for Economic Co-Operation and Development (OECD) is a forum of 34 countries, whose mission is to promote policies that improve the economic and social well-being of people around the world. Its newly updated [Guidelines for Multinational Enterprises](#) (OECD Guidelines on MNEs) are government-supported guidelines on responsible business conduct that apply to multinational operations that operate in, or from member or [adhering countries](#). These recommendations are on a range of topics, including [human rights](#), [the environment](#) and [information disclosure](#).

### SPECIFIC INSTANCE PROCEDURE

The National Contact Points (NCPs) are the in-built grievance mechanism for the OECD's Guidelines on MNEs. Under the Guidelines on MNEs, member and adhering countries are obliged to set up National Contact Points (NCPs), who are tasked to undertake promotional activities, handle enquiries and contribute to the resolution of issues that arise relating to the implementation of the Guidelines on MNEs through complaints, called Specific Instances. The NCP receives complaints and offers its good offices to help to facilitate the resolution of the issues presented.

**REVIEWING COMPLAINTS:** If you are an interested party (an individual, community, group, trade union or NGO) and can show your interest in the matter (for example, you may be personally affected, or you may have a broad interest in a company's activities), then you may file a complaint about an alleged breach of the Guidelines. You are only able to file complaints against MNEs from, or operating in an OECD or adhering country. Once your complaint has been submitted, there is an initial assessment of the complaint to determine whether the complaint is admissible and warrants further examination. If so, the process may progress to mediation if agreed upon, where the NCP brings the parties together for mediation in order to reach a mutually acceptable solution. If mediation fails, or if either party refuses to participate, the NCP can make a determination on the alleged violations and recommendations on the implementation of the Guidelines. However, whilst all NCPs are meant to meet the functional equivalence criteria in the Guidelines, each NCP can and does develop its own set of procedures that can vary from one to the other.

→ **INDIVIDUAL ACCESS or GROUP or NGO or TRADE UNION**

### IMPORTANT INFORMATION

**ELIGIBILITY:** When assessed at first instance, you can only lodge a complaint against a company from or operating in an OECD or adhering country. In addition, there are a number of other reasons for the rejection of complaints. See paragraphs 25 and 26 in the [Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises](#).

**TIME:** The Guidelines include an indicative timeline for complaints (a 12 month period), however they are not obligatory and each NCP has its own procedures. This strategy should be considered as one of several advocacy strategies used.

**COST:** A number of different variables impact on cost. This includes the length of time the Complaint is before the NCP, and whether or not you must bear some costs in any investigations or processes by the NCP (including travel costs).

**CONFIDENTIALITY:** Confidentiality and information that is publicised varies per NCP. The confidentiality of mediation proceedings is maintained during the procedure. Sensitive material will remain confidential.

### USEFUL PUBLICATIONS AND LINKS

- A [dedicated website](#) for OECD Guidelines for Multinational Enterprises and database of [Specific Instances](#);
- Here is further information on determining the [eligibility](#) of a complaint to an NCP;
- Here is a link to the OECD's website on [Relations with Civil Society](#);
- Here are the OECD Watch's [steps to filing a complaint](#) to an NCP, [instructions on filing a complaint to an NCP, and strategic considerations](#) you may wish to take into account;
- OECD Watch have developed an [Online Case Check](#) aimed at assisting potential complainants in deciding whether the OECD Guidelines can be used to address corporate misconduct;
- OECD Watch have developed a [short brochure](#), and a [guide](#) on the OECD Guidelines on MNEs;
- OECD Watch also have a [complaints database](#) here, as well as other [useful links](#). The Trade Union Advisory Committee maintains its own [database of cases filed by unions](#);
- Here is a further summary by FIDH *Corporate Accountability for Human Rights Abuses, A Guide for Victims and NGOs on Recourse Mechanisms* ([available via their site](#)).
- OECD Watch is an international network of civil society organisations aiming to inform the wider NGO community about policies and activities of the OECD's Investment Committee, and test the effectiveness of the OECD Guidelines for MNEs. See more information [here](#).

# ROUNDTABLE ON SUSTAINABLE PALM OIL

## OVERVIEW

The Roundtable on Sustainable Palm Oil (RSPO) is a not-for-profit association that brings together stakeholders from the oil palm industry (see list of members [here](#)), to develop and implement global standards for sustainable palm oil. It is a voluntary [certification system](#) that assists member growers to move towards compliance with RSPO's Principles & Criteria for Sustainable Palm Oil Production, which sets out 8 Principles and 39 Criteria as well as Indicators and Guidance for legal, economically viable, environmentally appropriate and socially beneficial management and operations. To accommodate different contexts, the Principles & Criteria are further adapted for use by each country through National Interpretations.

## ROUNDTABLE ON SUSTAINABLE PALM OIL COMPLAINTS SYSTEM

The RSPO's Complaints System is comprised of a number of related components (see [Complaints System Components and ToR](#)) that aim to provide a fair, transparent and impartial process to handle and address complaints against RSPO members or the RSPO system itself. The RSPO Secretariat is responsible for coordination, administration, and communications of all aspects of the Complaints System. Any complaints concerning the performance or decision of auditors or certification bodies are to be addressed first through RSPO's Certification System and accreditation mechanisms. The Dispute Settlement Facility (DSF) is a channel for mediation of disputes, both prior to certification and in remediation. The newest component, Compensation Procedures for land clearance without prior High Conservation Value assessment, applies to non-compliance with specific provisions of RSPO Principle 7.3 and/or the New Plantings Procedure. Complaints concerning these issues can be referred to the Compensation Panel directly by the Secretariat or via the Complaints Panel.

**COMPLAINTS PANEL:** The Complaints Panel serves as a "last resort" to deliberate and decide on complaints falling outside of or not resolved by RSPO's other mechanisms. It is a high-level body that handles complaints against RSPO as an organisation and addresses breaches of the Code of Conduct, among other things. Its tasks include deciding on the legitimacy of complaints, interim measures needed, decide by consensus on a course of action to be taken, and propose sanctions in the case of an unsatisfactory resolution. Complaints can be submitted by anyone within or outside of RSPO's membership. Once a complaint is received, the Secretariat determines whether there is a need for immediate interim measures, mediation, or additional investigation, before transmitting it to a Complaints Panel comprised of RSPO members free of conflict of interest vis-à-vis that specific complaint. If the Complaints Panel deems the complaint legitimate, it notifies the complaints parties and undertakes panel deliberations; it may commission additional investigations, where needed. If the RSPO member fails to cooperate, its membership may be suspended. If the member fails to respond or take action after several weeks, its membership may be terminated. Otherwise, agreement is sought between the complaints parties on a proposed action plan to resolve the complaint (which may include mediation or compensation). Once it is verified as implemented according to the action plan, the case is considered closed.

→ **INDIVIDUAL ACCESS or VIA MEMBER**

**DISPUTE SETTLEMENT FACILITY:** The Dispute Settlement Facility (DSF) is an in-house facilitation service that supports the use of mediation to resolve disputes between RSPO members, local communities and other stakeholders, particularly concerning palm oil production. It helps parties gain access to information, contacts, and experiences to assist them to resolve disputes, particularly relating to RSPO Principles & Criteria 2.2, 2.3, 6.4, 7.3, 7.5, and 7.6 (No. 2). NGOs can provide you with support but cannot act on your behalf. It aims to achieve environmental, social, cultural and economic outcomes through sustainable, negotiated settlements.

→ **INDIVIDUAL ACCESS**

## IMPORTANT INFORMATION

**ELIGIBILITY:** Anyone can submit a complaint to the general RSPO Complaints System. When submitting a complaint, you are encouraged to propose or suggest any specific measures or actions that may resolve the issues you have raised. For the DSF, you must be a party directly affected by dispute (for example, a community impacted by a plantation).

**TIME:** The Complaints Procedure Flowchart includes timeframes for certain parts, but these are not always followed. Complaints have been resolved in less than a year, others remain unresolved more than 4 years after they were submitted.

**COST:** Several complainants have raised concerns about the time and financial and human resources required to follow a complaint through the whole process, especially if it is not handled effectively or efficiently by the Secretariat. However, there are several intermediary organisations (supporting NGOs) that have assisted communities and local NGOs to file and follow up with their complaints. There are also funds available through the RSPO Secretariat and DSF Fund to assist parties with complaints and mediation processes.

**CONFIDENTIALITY:** Although transparency is the norm in RSPO, certain aspects of a complaint may be kept confidential, including if the complainant faces potential or actual repercussions for making the complaint.

## USEFUL PUBLICATIONS AND LINKS

- Complaints should be made in writing using the complaints a template form (in [PDF](#) or [Word](#)) and addressed to the RSPO Secretariat. Here is a summary of [how the Complaints System works](#);
- Search [here](#) for RSPO Members and related data;
- Here is a [database](#) of RSPO complaints received;
- Here are the DSF's [terms of reference](#), [procedure flowchart](#), and [current disputes](#) being handled. The RSPO Secretariat has recently set up a DSF Trust Fund to assist parties requiring financial assistance in pursuing mediation. More information is available [here](#); and
- A review of RSPO's Complaints System was undertaken by Natural Justice in 2014 and is forming the basis of a 3- to 4-year revamp process which will greatly improve the structure and functioning of the System. As of mid-2014, improvements are being made on a continual basis by the Secretariat and Complaints Panel, among others;
- See [The Roundtable on Sustainable Palm Oil \(RSPO\) and complaint resolution: Guidance on submitting a complaint for civil society organisations and local communities](#) by the Forest Peoples Programme (2013).
- See [Free, Prior and Informed Consent and the Roundtable on Sustainable Palm Oil: A guide for companies](#) by the Forest Peoples Programme (2008). An updated version of this guide has been prepared by the RSPO's Human Rights Working Group and is being finalised as of November 2014. A presentation on the updated version is available [here](#).
- <http://betterpalmoildebate.org/>, an independent site promoting constructive debate on issues around sustainable palm oil.

[RSPO COMPLAINT SYSTEM Homepage](#) | [List of Members](#) | [Contact Information](#)

# ROUND TABLE ON RESPONSIBLE SOY

## OVERVIEW

The Round Table on Responsible Soy (RTRS) is a multi-stakeholder initiative, with members including [producers](#), [social organisations](#), and [business and industry](#). The RTRS brings together stakeholders involved in the soy production value chain, with the objective of promoting responsible soy production. It is a [certification system](#) that is based on the [RTRS Standard for Responsible Soy Production](#) which includes requirements to halt conversion of areas with high conservation value, to promote best management practices, to ensure fair working conditions, and to respect land tenure claims.

## ROUND TABLE ON RESPONSIBLE SOY ASSOCIATION GRIEVANCE PROCESS

The RTRS presides over the RTRS Grievance Process. As an affected community or individual, you (or your representative) are entitled to use the Grievance Process and it is open to all stakeholders, whether members of the RTRS or not. The process allows for any person or organisation to raise a complaint against RTRS members, the RTRS as an Association, the RTRS Secretariat, the RTRS Executive Board, and other RTRS authorized representatives, based on breaches of specific RTRS [Statutes or By-laws](#); motions approved by the General Assembly or other approved policies, such as the RTRS [Standards](#); [Code of Conduct](#) for Members of the RTRS; and RTRS [Policies](#).

**GRIEVANCE PROCEDURE:** The RTRS Committee is tasked with deciding the legitimacy of and deliberating on grievances brought to the RTRS, and then deciding on the course of action and providing recommendations for resolution of the grievance. It receives complaints via email ([grievances@responsiblesoy.org](mailto:grievances@responsiblesoy.org)) that set out details of the complaint, including the name of the RTRS member or representative to whom the complaint is being made against, details on the nature of the grievance, supporting evidence, evidence of steps to resolve the matter with the party directly, and specific actions or activities to correct the problem. Once a complaint is received, the RTRS sends a notice to the Grievance Committee and realizes research on the case, presenting the full case to the Grievance Committee. The Grievance Committee then decides on its legitimacy, and, if the grievance is justified, requests a response from the member within a 30 day period. If a response is received, the Grievance Committee produces an opinion and asks for a response from both parties. The Grievance Committee then decides on a particular course of action. If, however, the member does not respond to the Grievance Committee, the procedure is terminated with recommendation. Alternatively if a response is received from a member, though the decision of the Grievance Committee is disputed, the RTRS releases its own position on the matter.

→ [INDIVIDUAL ACCESS](#) or [VIA MEMBER](#)

## IMPORTANT INFORMATION

**ELIGIBILITY:** Your complaint must contain the following before it will be considered: Details on the background on complainant, including information pertinent to demonstrate legitimacy as legal entity and the issues raised; name of the RTRS Member or RTRS representative or entity to whom the grievance is against; nature of the grievance in detail and the five RTRS policies being violated, supporting evidence, details of previous steps undertaken to seek resolution directly and clear specific actions, proposed activities or steps needed to correct the problem.

**TIME:** The RTRS Grievances Procedure sets out clear timelines for review. However, it is unclear as to whether these subscribed time limits are followed.

**COST:** A number of different variables impact on cost. This includes the length of time the complaint is with the RTRS Committee and whether or not you have legal representation.

**CONFIDENTIALITY:** There is little information publicly available about whether your complaint can be confidential..

### IMPORTANT INFORMATION

- [RTRS Grievance Procedure](#) document.
- For stakeholder engagement information see [ISEAL](#) (global association for sustainability standards).

[RTRS ASSOCIATION Homepage](#) | [Contact Information](#)

# ROUNDTABLE ON SUSTAINABLE BIOMATERIALS

## OVERVIEW

The Roundtable on Sustainable Biofuels (RSB) is a multi-stakeholder initiative bringing together farmers, companies, NGOs, experts, governments, and inter-governmental agencies (see full list of [members](#)) concerned with ensuring the sustainability of biomaterial and biomass production and processing. The RSB is a [certification system](#), based on particular environmental, social and economic [sustainability standards](#), including guidelines on land rights, food security, rural and social development, and water rights.

## ROUNDTABLE ON SUSTAINABLE BIOMATERIALS GRIEVANCE PROCEDURE

The RSB's grievance procedure aims to deal with grievances against the implementation of RSB policies and procedures. Note that as required by the RSB's own standards, "participating operators" (or organisations who have either applied for and/or gained RSB membership) should have their own grievance processes that are accessible to communities. This means that you should have recourse to address your issues with the company at first instance, then through this mechanism.

**GRIEVANCE PROCEDURE:** The RSB allows you (or your representative) as an affected community or individual to initiate proceedings, if you have a 'material interest' in the activities of RSB. The grievance procedure is open to all stakeholders, whether members of the RSB or not, and disputes can be raised against any constituent of the RSB certification system (Participating Operator, Certification Body, Accreditation Body, RSB Secretariat, RSB Members). The procedure can be initiated against the implementation of the RSB policies and procedures, recognised certifiers, their certification decisions, and RSB Members.

Once a complaint is received, an acknowledgement of receipt is sent to you and the other party is informed of the complaint. The Grievance Manager within the RSB determines whether or not the complaint is admissible, based on its admissibility criteria. If the complaint is denied, all parties will be informed and there will be an opportunity to appeal to another stakeholder within a period of 10 days after the denial of admissibility. If the complaint is admissible, the Grievance Manager will define and conduct an investigation or nominate another to conduct an investigation, based on documentary evidence supplied by both parties. Failure to engage in the process on the part of a "participating operator" may result in suspension of certification. Once all evidence has been received and considered, the investigator provides a written report of findings and recommendations. If the outcome is that the complaint is unfounded, you may lodge an appeal. However, where there is a breach of standards that has been supported by the evidence, then Standard Operating Procedures will be followed for managing the dispute and complaint. Outcomes may result in action by the complainant to provide redress, including corrective actions, suspension of certification or decertification.

→ **INDIVIDUAL OR COMMUNITY ACCESS or AS NGO or TRADE UNIONS or RSB MEMBERS or RSB SECRETARIAT**

## IMPORTANT INFORMATION

**ELIGIBILITY:** Before lodging a formal grievance, you must make reasonable attempts to resolve the matter with the party directly (including giving the other party an opportunity to respond), through an Operator's own grievance process if relevant. If unresolved, you must demonstrate your good faith effort to resolve the grievance at first instance. The grievance filed must be based on events occurring in the last 12 months and must be supported by compelling, objective evidence and must explicitly relate to RSB standards, policies or activities.

**TIME:** The RSB sets out in its procedures that the report of the investigator be completed within 90 days of receipt of the formal grievance, however this period could be extended if there are delays (such as security or seasonal considerations).

**COST:** A number of different variables impact on cost. This includes the length of time the complaint is with the Grievance Manager and whether or not you have legal representation.

**CONFIDENTIALITY:** You may request anonymity throughout the grievance process. You will need to request this at the time of filing the formal grievance, together with an explanation as to why anonymity should be maintained. The organisation will consider the request. If anonymity is not granted, you have the opportunity to withdraw the request.

## PUBLICATIONS AND LINKS

- Look [here](#) for all relevant documents sustainability standards;
- Here is the [RSB Grievance Procedure](#);
- [RSB Guidelines](#) for operators, including those relating to land rights, food security, rural and social development, and water rights;
- For stakeholder engagement information see [ISEAL](#) (global association for sustainability standards).



# OTHER OPPORTUNITIES FOR ADVOCACY

## (AARHUS) CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

### OVERVIEW

The United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (otherwise known as the Aarhus Convention) is an international legal framework that provides for the right to access to information, the right to participate in decision-making, and the right to access justice, in relation to environmental matters.

### AARHUS CONVENTION COMPLIANCE COMMITTEE (COMPLIANCE COMMITTEE)

The Compliance Committee examines alleged non-compliance with provisions of the Aarhus Convention. These rights apply to you if you are affected, or have an interest in, environmental decision-making by one of the [States bound by this treaty](#), irrespective of whether projects affect you personally or not. Note that the signatories of this Convention are mainly from Europe and central Asia. The mechanism in four ways:

- A Party making a decision about another Party;
- A Party making a submission about its own compliance;
- The Secretariat of the Convention making a referral to the Compliance Committee; or,
- Members of the public making communications about a Party's non-compliance.

**COMMUNICATIONS:** As an individual, a group of individuals, or as an organisation, you may send a communication to the Compliance Committee. A communication can contain concerns of a Party's compliance with the Convention including a specific case where individual rights of access to information, public participation, or access to justice were violated. The Committee's measures are non-confrontational, non-judicial and consultative. It can make recommendations to the State in question.

→ **INDIVIDUAL or COMMUNITY ACCESS or AS NGO**

### IMPORTANT INFORMATION

**ELIGIBILITY:** Communications must only address issues that arose after a State became a party to the Aarhus Convention. The Committee will not consider anonymous communications, or those considered manifestly unreasonable. Whilst it is not a strict requirement, the Committee may turn down your request if domestic remedies have not been exhausted prior to lodgement with the Committee. It will also deem inadmissible though communications already considered by the Committee.

**TIME:** There is little information publicly available as to the processing time of the Committee. However, it should be considered as one of several different advocacy strategies you may use.

**CONFIDENTIALITY:** If you are concerned that disclosure of information to the Committee may result in persecution or harassment, you may ask for information to be kept confidential. However, you must indicate what information should be kept confidential (if this is not clear, no information will be deemed confidential).

### USEFUL PUBLICATIONS AND LINKS

- Here is an information sheet on [preparing communications](#) to the Compliance Committee;
- Communications should be addressed to the Compliance Committee and sent via the [Secretariat](#);
- Here is a [list of Communications](#) addressed by the Committee;
- [Aarhus Clearinghouse for Environmental Democracy](#) offers a source of information on laws and practices relevant to the public's right to access to information, participation in decision-making and access to justice;
- Here is a set of [infographics](#) analysing the work of the Committee;
- There are a number of environmental and other NGOs that have been involved in implementation and advocacy on the Aarhus Convention. See the list [here](#).

[AARHUS CONVENTION COMPLIANCE COMMITTEE Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)

# CONVENTION CONCERNING INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES (NO. 169)

## OVERVIEW

The [International Labour Organisation's Convention concerning Indigenous and Tribal Peoples in Independent Countries](#) (ILO Convention 169) specifically seeks to protect the rights of indigenous and tribal peoples. It covers issues such as non-discrimination, consultation and participation, and the right to decide development priorities.

## INTERNATIONAL LABOUR ORGANISATION SUPERVISORY SYSTEM (SUPERVISORY SYSTEM)

The ILO is a 'tripartite' organisation, meaning that there are three main constituents and decision-makers: government, workers and employers. All parties are included in the [supervision](#) of ratified ILO conventions. There are two ways it supervises the application of its Conventions: the first mechanism is a regular system of supervision and through special procedures. **PLEASE NOTE:** The Supervisory System has not yet been used for ILO Convention 169, but is considered effective for supervision of other ILO Conventions. The types of procedures are:

**REGULAR SYSTEM OF SUPERVISION:** Member States are required to provide periodic reports to the ILO on the measures they have taken to implement the provisions of relevant Conventions. These reports are examined by the [Committee of Experts on the Application of Conventions and Recommendations](#) (CEACR) who engage in dialogue with governments on implementation and information gaps and improved mechanisms for implementation. Workers' and employers' organisations can also submit information to the CEACR. Observations by the CEACR results in either Observations (public comments on the application of the ILO Conventions) or Direct Requests (asking for more information, and sent directly to the government).

→ VIA WORKERS' or EMPLOYERS' ORGANISATIONS

**SPECIAL PROCEDURES:** Special procedures deal with alleged violations of ILO Conventions. There are three types of procedure:

**REPRESENTATIONS:** [Representations](#) are governed by Article 24 of the ILO Constitution and grants an industrial association of employers or workers the right to present a representation against any Member State on its alleged failure to observe provisions of an ILO Convention. The representation (and the government's response) may be examined by a three-member tripartite committee of the Governing Body, and a report produced. If the government's response is unsatisfactory, the Governing Body may publish the representation and response.

→ VIA WORKERS' or EMPLOYERS' ORGANISATIONS

**COMPLAINTS:** [Complaints](#) are governed by Articles 26 to 34 of the ILO Constitution and allow complaints by Member States, the ILO Governing Body of another Member State's non-compliance with a ratified convention. Individuals cannot use it. A Commission of Inquiry deals with the complaint. This is the highest-level investigative procedure.

**COMMITTEE ON FREEDOM OF ASSOCIATION (CFA):** The [CFA](#) was set up to examine complaints about violations of the freedom of association, irrespective of whether the relevant country had ratified the Conventions. This Committee grants employers and workers' organisations the opportunity to bring a complaint. If a violation of freedom of association standards is found, a report is issued and recommendations made. Government must report on implementation of recommendations.

→ VIA WORKERS' or EMPLOYERS' ORGANISATIONS

## IMPORTANT INFORMATION

**ELIGIBILITY, TIME, COST and CONFIDENTIALITY:** There is little information available as to eligibility for these procedures, or the time, or cost they take to process, in addition to the ability to request confidentiality. It is suggested that such advocacy tools be used as one of several strategies you may use to raise the profile of your issues.

## USEFUL PUBLICATIONS AND LINKS

- See [previous Representation Procedures](#) and [Complaints / Commissions of Inquiry](#) already dealt with;
- ILO's dedicated [webpage](#) for Indigenous Peoples;
- Here is the [Indigenous & Tribal People's Rights in Practice - A Guide to ILO Convention No. 169](#);
- Here is a [Leaflet on Indigenous and Tribal peoples - No.1 The ILO standards and supervisory system](#);
- Here is a [Monitoring Indigenous and Tribal Peoples' Rights through ILO Conventions - A compilation of ILO Supervisory Bodies' Comments 2009-2010](#); and
- [FIDH Corporate Accountability for Human Rights Abuses, A Guide for Victims and NGOs on Recourse Mechanisms](#) (available via their site).

# DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

## OVERVIEW

The United Nations Declaration on The Rights of Indigenous Peoples (UNDRIP) is an international legal instrument devoted to the rights of indigenous Peoples. It sets out the minimum standards that States should follow in the protection and treatment of Indigenous Peoples. UNDRIP may be useful as a tool for advocacy, however please note that there are growing calls for a binding international legal framework on the rights of Indigenous Peoples.

If you feel your rights under UNDRIP have been violated, there are no mechanisms directly related to the Declaration that you can submit a grievance or complaint to. However, there are avenues you may wish to consider.

## OTHER HUMAN RIGHTS CONVENTIONS AND COVENANTS

Whilst UNDRIP is not enforceable in its present form, the rights of Indigenous Peoples are, particularly as many of the rights in UNDRIP are modelled on rights set out in existing UN and ILO treaties. There are several international legal frameworks that provide protection to Indigenous Peoples both generally and specifically to minorities. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, ILO Convention 169, and the Convention on Biological Diversity. The treaty-based mechanisms associated with these international legal frameworks can be used for issues with respect to Indigenous Peoples.

## SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES

In addition to treaty-based mechanisms above, the UNCHR created the Special Rapporteur on the Rights of Indigenous Peoples. It is a Special Procedure under the UN's Charter-based mechanisms. The Special Rapporteur has a thematic [mandate](#) including the [promotion of good practices](#), reporting on overall human rights situations of indigenous peoples in selected [countries](#), addressing specific cases of alleged violations of the rights of indigenous peoples ([communications](#)), and adding to the [thematic studies](#) on indigenous peoples rights. The Special Rapporteur also produces [annual reports](#) and can follow-up on previous recommendations.

**URGENT APPEALS:** The Special Rapporteur receives two types of communications: urgent appeals (in the case of imminent danger of violations of the rights of indigenous peoples); and allegation letters (where violations have occurred or the situation is less urgent). The Special Rapporteur gives priority to cases involving infringements of collective rights of Indigenous Peoples. The Special Rapporteur does not require exhaustion of local remedies to receive and send communications on alleged violations. Note that due to the volume of cases received, the Special Rapporteur cannot respond to every communication. The decision of the Special Rapporteur to respond to a communication will depend on the credibility of information received, details provided, the extent to which the case is representative of Indigenous peoples generally, and the likelihood that an intervention will have a positive impact. Communications are confidential and sources are not revealed.

→ [INDIVIDUAL ACCESS](#)

## IMPORTANT INFORMATION

**ELIGIBILITY, TIME, COST and CONFIDENTIALITY:** As you would use this Declaration as more of an advocacy tool, eligibility, or the time, cost or confidentiality implications are irrelevant. It is suggested that such advocacy tools be used as one of several strategies you may use to raise the profile of your issues.

## USEFUL PUBLICATIONS AND LINKS

- Here is information about [submitting information to the Special Rapporteur](#), as well as a list of its [Special Reports](#);
- Here is information on the [Expert Mechanism on the Rights of Indigenous Peoples](#). It has the mandate to provide the Human Rights Council with thematic advice, through studies and research, on the rights of Indigenous Peoples;
- Here is information on the [UN Permanent Forum on Indigenous Issues](#). It is an advisory body to the Economic and Social Council (ECOSOC) with a [mandate](#) to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights;
- Here is information on the UN [Indigenous Peoples Partnership](#). It is a collaboration between the International Labour Organisation (ILO), OHCHR and United Nations Children's Fund (UNICEF) with a goal to develop national capacities to promote effective dialogue and partnership to fulfil rights at the country level;
- Here is [Fact Sheet 9 \(Rev. 2\): Indigenous Peoples and the United Nations Human Rights System](#);
- [Relevant Instruments](#) with UN Structure;
- Here is a list of Human Rights Council [Resolutions](#) on Indigenous Peoples' Rights;
- [UN Publications on Indigenous Peoples](#).

[SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES Homepage](#) | [Declaration](#)

# DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

## OVERVIEW

The [Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#) (Declaration on Minority Rights) details essential standards and guidelines to secure the rights of minority groups. Indigenous peoples and local communities are often considered minority groups. The Declaration on Minority Rights may be useful as a tool for advocacy.

If you feel your rights under the Declaration on Minority Rights have been violated, there are no mechanisms directly related to the Declaration that you can submit a grievance or complaint to. However, there are avenues you may wish to consider:

## OTHER HUMAN RIGHTS CONVENTIONS AND COVENANTS

Whilst the Declaration of Minority Rights is not enforceable, the rights of national or ethnic, religious and linguistic minorities are. There are several other international legal frameworks that provide protection against discrimination, both generally and specifically to minorities. These include the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. The treaty-based mechanisms associated with these international legal frameworks can be used for issues of discrimination.

## INDEPENDENT EXPERT ON MINORITY ISSUES

In addition to treaty-based mechanisms above, the UNCHR created the Independent Expert on Minority Issues. It is a Special Procedure under the UN's Charter-based mechanisms. The Independent Expert has a thematic mandate and carries this out through receipt of information and issuance of communications to States on the implementation of the Declaration on Minority Rights. The Independent Expert also submits annual reports on its activities and undertakes country visits at the invitation of governments. Its mandate includes:

- Promote implementation of the declaration, including consultations with governments;
- Examine ways and means to overcome obstacles to realisation of the rights of minorities;
- Identify best practices;
- Apply a gender perspective to the work;
- Cooperate and coordinate with other UN bodies and mechanisms;
- Take into account and cooperate with NGOs; and
- Guide the work of the Forum on Minority Issues (see here for more [information](#)).

→ AS NGO (the last two mandate items only)

## IMPORTANT INFORMATION

**ELIGIBILITY, TIME, COST and CONFIDENTIALITY:** As you would use this Declaration as more of an advocacy tool, eligibility, or the time, cost or confidentiality implications are irrelevant. It is suggested that such advocacy tools be used as one of several strategies you may use to raise the profile of your issues.

### USEFUL PUBLICATIONS

- Here is the UN's website on [Minority Rights](#);
- Here is a link to the [Independent Expert on Minority Issues](#);
- Here is a [UN publication](#) on the Declaration on Minority Rights, a guide for advocates on [Protecting and Promoting Minority Rights](#) and [Minority Rights: International Standards for Guidance and Implementation](#);
- Here is a link to the [UN Network on Racial Discrimination and Protection of Minorities](#), created to enhance dialogue and cooperation between UN and other agencies;
- Here is further information from the UN about [Minorities in International Law](#);
- [Additional UN Resources](#); and
- [UN Minorities documents database](#).

[INDEPENDENT EXPERT ON MINORITY ISSUES Homepage](#) | [Declaration](#) | [Contact Information](#)

# (ESPOO) CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

## OVERVIEW

The United Nations Economic Commission for Europe [Convention on Environmental Impact Assessment in a Transboundary Context](#) (Espoo Convention) sets out obligations of [State Parties](#) regarding the assessment of the environmental impact of certain activities, including the construction of large dams and reservoirs, major mining projects, and deforestation of large areas. Appendix 1 of the Convention lists the types of activities requiring environmental impact assessment, whilst Appendix II details expectations of content of an environmental impact assessment. Note that the signatories of this Convention are mainly from Europe, central Asia, as well as the United States and Canada.

## ESPOO CONVENTION IMPLEMENTATION COMMITTEE

The Implementation Committee was established by the second Meeting of the Parties (MOP) to the Espoo Convention to review compliance of obligations under the Convention by State Parties. It is not a mechanism that addresses individual or community grievances.

**SUBMISSIONS BEFORE THE COMMITTEE:** This procedure is largely directed towards State Parties, who have concerns about their own or other Party's compliance with the Convention. State parties may express these concerns in submissions to the Implementation Committee through their national focal point. The Convention's Secretariat receives the submission and sends a copy of the focal point of the State Party at issue. Replies and supporting information will be collated and then sent to the Implementation Committee for its consideration.

The Implementation Committee will review submissions and make recommendations to the Party to ensure it is compliant with the Espoo Convention.

→ STATE PARTY

On the basis of information submitted, the Implementation Committee may decide to open a "[Committee Initiative](#)". If the Implementation Committee finds that a State has not complied with the Espoo Convention, the case will be submitted to the MOP. The MOP may then, among other things, request the suspension of the project.

→ VIA IMPLEMENTATION COMMITTEE

**HOW TO ACCESS THIS FORA:** You (as an individual or NGO) may submit a complaint (formally called "information") to the Implementation Committee alleging that a State, either your own or another State Party to the Espoo Convention, has failed to implement the Espoo Convention. It is not a formal complaints procedure or grievance mechanism.

→ INDIVIDUAL ACCESS or AS NGO

## IMPORTANT INFORMATION

**ELIGIBILITY, TIME, COST and CONFIDENTIALITY:** As this is more of an advocacy tool rather than a formal grievance mechanism, there is little information available as to eligibility for these procedures, or the time, or cost they take to process, in addition to the ability to request confidentiality. It is suggested that such advocacy tools be used as one of several strategies you may use to raise the profile of your issues.

## USEFUL PUBLICATIONS AND LINKS

- More information on the [Implementation Committee](#), and a [template document](#) to use for your communication to the Implementation Committee;
- [Official Focal Point](#) for the Espoo Convention in your State; and
- List of [Information submitted to the Implementation Committee by Non-parties](#). See, for example, the submission by Friends of the Irish Environment, submitted in 2013.
- Here is a page a [Review of the compliance procedure](#);
- Here is a link to [Reviews of national implementation](#) of the Espoo Convention;
- Here are [Guidance documents](#) and other publications intended to help with the implementation of the Espoo Convention;
- Here is a [Practical Guide for Citizens and NGOs](#);

[ESPOO CONVENTION Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)  
[ESPOO IMPLEMENTATION COMMITTEE Homepage](#) | [List of Member States](#) | [Contact Information](#)

# (RAMSAR) CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT

## OVERVIEW

The [Convention on Wetlands of International Importance especially as Waterfowl Habitat](#) (the Ramsar Convention) is an international legal framework for the conservation and wise use of wetlands and their resources. The Ramsar Convention does not set out rights belonging to individuals or communities. It aims to maintain the ecological character of wetlands of international importance, within the context of sustainable development. If an area you are concerned about is a Ramsar-protected wetland, the Ramsar Convention may be a useful tool for advocacy. Note that there are no mechanisms directly related to the Ramsar Convention that you can submit a grievance or complaint to, if you feel that a State is failing to implement their commitments under the Ramsar Convention. However, there are avenues you may wish to consider:

**RAMSAR LIST OF WETLANDS OF INTERNATIONAL IMPORTANCE:** The Ramsar Convention requires Parties to the Convention to add at least one wetland site to the [List of Wetlands of International Importance](#) (so long as it meets the [criteria for identifying wetlands of international importance](#)). A [record](#) of these is kept by the Secretariat. If you, as an individual or a group, want a site to be added to the list you should first consult your domestic [administrative authorities](#), as each State has its own procedure. If a Ramsar site that you are interested in experienced changes in ecological character in the past, or such changes are occurring at present, or are likely to occur as a result of human interference in the future, you can advocate to your government to have the site listed on the [Montreux Record](#) or ask your government to request the Ramsar Secretariat for a [“Ramsar Advisory Mission”](#) (a technical assistance mechanism for those listed wetland sites whose ecological character is threatened).

→ VIA GOVERNMENT

**SCIENTIFIC AND TECHNICAL REVIEW PANEL (STRP):** The [STRP](#) is tasked with providing scientific and technical guidance to the Conference of the Parties, the Standing Committee and the Ramsar Secretariat. It receives information for its work from the nominated technical expert for each Contracting Party, known as the [Ramsar National Focal Point](#). The STRP has created a web-based platform ([the STRP Platform](#)), which provides access to information and also enables National Focal Points “and anyone else” to contribute to its work (also see [requests for information](#)). Note that this isn’t a grievance mechanism, but may be an opportunity to raise an issue concerning the welfare of a Ramsar-protected wetland.

→ DIRECT ACCESS or AS NGO

**NATIONAL WETLANDS COMMITTEES:** The National Wetlands Committees are created by civil society and report on threats to listed wetland sites, share information and help to prepare National Reports for Conferences of the Parties. National Focal Points are expected to participate in meetings of National Committees, where they exist. These vary from country to country.

→ DIRECT ACCESS or AS NGO

## IMPORTANT INFORMATION

**ELIGIBILITY, TIME, COST and CONFIDENTIALITY:** As you would use the Ramsar Convention as more of an advocacy tool, eligibility, or the time, cost or confidentiality implications are irrelevant. In general, it is suggested that such advocacy tools be used as one of several strategies you may use to raise the profile of your issues.

## USEFUL PUBLICATIONS

- See the [Ramsar Convention Manual](#) setting out detailed information about the Ramsar Convention and State Party obligations;
- [Ramsar Sites Information Service](#) provides access to information on wetlands designated as internationally important.
- Briefing note on [Avoiding, Mitigating, and Compensating for Loss and Degradation of Wetlands in National Laws and Policies](#);
- The Ramsar Convention, in a number of Resolutions and Recommendations, recognises the importance of indigenous peoples and local communities’ participation in the management of wetlands. See [Resolution VII.8](#) and [Resolution VIII.19](#): Guiding principles for taking into account the cultural values of wetlands for the effective management of sites.
- The Ramsar Convention works closely with five international NGOs: [Birdlife International](#); [International Union for Conservation of Nature \(IUCN\)](#); [International Water Management Institute](#); [Wetlands International](#); and [World Wildlife Fund \(WWF\)](#). For more information on these partnerships, [click here](#).

[RAMSAR CONVENTION Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)

# UNESCO CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

## OVERVIEW

The United Nations Educational, Scientific and Cultural Organisation's (UNESCO) Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) is an international legal framework that links the protection of natural heritage and conservation with cultural heritage.

Note that there are no mechanisms directly related to the World Heritage Convention that you can submit a grievance or complaint to, if you feel that a State is failing to implement its commitments under this instrument, or for when compliance with the World Heritage Convention negatively impacts indigenous peoples or local communities. However, there are avenues you may wish to consider:

## WORLD HERITAGE COMMITTEE

The World Heritage Committee has the mandate to monitor the implementation of the World Heritage Convention. The types of procedures are:

**IDENTIFYING & INSCRIBING PROPERTIES:** The World Heritage Committee can identify cultural or natural sites (on the basis of Tentative lists or nominations submitted by States Parties) that are of outstanding universal value (Article 11(2)). When nominating a property, the State should consult local peoples, NGOs, communities, and other stakeholders and interested parties (para. 123, Operational Guidelines). You may wish to advocate to your government or other stakeholders to have a site nominated, if you feel it needs these protections.

→ VIA GOVERNMENT

**REACTIVE MONITORING:** [Reactive monitoring](#) is reporting by the World Heritage Committee, the Secretariat, other sectors of UNESCO and Advisory Bodies on the state of a specific World Heritage property that is under threat (Article 11(7)). The Committee can then ask the State Party to respond. If you have concerns about a particular site, you may wish to advocate to these bodies.

→ VIA SECRETARIAT, UNESCO BODIES AND ADVISORY BODIES

**PERIODIC REPORTING:** State Parties are required to submit reports on the legislative and administrative action taken to implement the World Heritage Convention (Article 29). The World Heritage Committee may ask State Parties to take action when properties listed on the World Heritage List are not managed properly.

→ VIA GOVERNMENT

**MANAGEMENT OF WORLD HERITAGE PROPERTIES:** The management of inscribed properties is the responsibility of the State (para. 117, Operational Guidelines). However, the World Heritage Committee prefers a partnership approach and specifically identifies individuals and other stakeholders, especially local communities, governmental and NGOs as key actors (para. 39-40, Operational Guidelines).

→ DIRECT ACCESS or AS NGO

## IMPORTANT INFORMATION

**ELIGIBILITY, TIME, COST and CONFIDENTIALITY:** As you would use the World Heritage Convention as more of an advocacy tool, eligibility, or the time, cost or confidentiality implications are irrelevant. It is suggested that such advocacy tools be used as one of several strategies you may use to raise the profile of your issues.

## USEFUL PUBLICATIONS AND LINKS

- Here is the [World Heritage List](#) and a [List of criteria](#) for inscription on the World Heritage List;
- Here is a [List of World Heritage in Danger](#);
- [Operational Guidelines for the Implementation of the World Heritage Convention](#) (OG) July 2013 (including template forms);
- Here are [Rules of Procedure](#) (available on the right side of the webpage);
- This is the [list](#) of organisations maintaining official relations with UNESCO; and
- An [application form](#) for those NGOs wishing to become accredited;
- Movement so far on [UNESCO and Indigenous Peoples](#);
- The [International Centre for the Study of the Preservation and Restoration of Cultural Property](#) (ICCROM), the [International Council on Monuments and Sites](#) (ICOMOS), and the [International Union for Conservation of Nature](#) (IUCN) are Advisory Bodies to the World Heritage Convention.

[WORLD HERITAGE COMMITTEE Homepage](#) | [Convention](#) | [List of Member States](#) | [Contact Information](#)

# UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

## OVERVIEW

The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (Intangible Cultural Heritage Convention) is an international legal framework that aims to safeguard the traditions and living experiences for future generations. This includes oral traditions, social practices, festive events, knowledge and practices concerning nature.

Note that there are no mechanisms directly related to the Intangible Cultural Heritage Convention that you can submit a grievance or complaint to, if you feel that a State is failing to implement its commitments under this instrument, or when compliance with the Intangible Cultural Heritage Convention negatively impacts indigenous peoples or local communities. However, there are avenues you may wish to consider:

## INTER-GOVERNMENTAL COMMITTEE FOR THE SAFEGUARDING OF INTANGIBLE CULTURAL HERITAGE (INTANGIBLE HERITAGE COMMITTEE)

The Intangible Heritage Committee is tasked with promoting the objectives of the Intangible Cultural Heritage Convention. The Intangible Heritage Committee provides guidance on best practices, makes recommendations on measures for the safeguarding of the intangible cultural heritage and examines requests for inscription of intangible heritage on the Lists. The members of the Intangible Heritage Committee are State Parties to the Intangible Cultural Heritage Convention. Types of procedures are:

**NOMINATIONS FOR URGENT SAFEGUARDING:** In addition to advocating to your government to send nominations for the Representative List of Intangible Cultural Heritage of Humanity, nominations can be made for the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Urgent Safeguarding List).

→ VIA GOVERNMENT

**NGO PARTICIPATION:** NGOs with recognised competence, which have been accredited by the General Assembly (see Article 9(1) of the Cultural Heritage Convention), may attend the meetings of the Intangible Heritage Committee in an advisory capacity.

→ AS NGO

## IMPORTANT INFORMATION

**ELIGIBILITY, TIME, COST and CONFIDENTIALITY:** As you would use the Intangible Cultural Heritage Convention as more of an advocacy tool, eligibility, or the time, cost or confidentiality implications are irrelevant. It is suggested that such advocacy tools be used as one of several strategies you may use to raise the profile of your issues.

## USEFUL PUBLICATIONS AND LINKS

- Information on UNESCO's [What is Intangible Cultural Heritage?](#);
- A List of [UNESCO publications](#) on intangible cultural heritage;
- [Instructions and forms](#) for nominations to the Representative List and the Urgent Safeguarding List, as well as for financial assistance requests (can only be completed by State Parties);
- An [Application form](#) for NGO accreditation;
- More [information for NGOs](#) and on [NGO Forums](#).
- Consult the [list](#) of organisations maintaining official relations with UNESCO; and
- Consult the [list of accredited NGOs](#) permitted to provide advisory information to the Intangible Heritage Committee.

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# UNESCO CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

## OVERVIEW

The UNESCO Convention Concerning the Protection and Promotion of the Diversity of Cultural Expressions (Convention on Cultural Expressions) is a legal framework that recognises the distinctive nature of cultural goods, services and activities as vehicles of identity, values and meaning.

Note that there are no mechanisms directly related to the Convention on Cultural Expressions that you can submit a grievance or complaint to, if you feel that a State is failing to implement its commitments under this instrument, or when compliance with the Convention on Cultural Expressions negatively impacts indigenous peoples or local communities. However, there are avenues you may wish to consider:

## INTER-GOVERNMENTAL COMMITTEE

The Inter-Governmental Committee for the protection and promotion of the diversity of cultural expressions is tasked, among other things, with promoting the objectives of the Convention on Cultural Expressions, monitoring its implementation, and making recommendations to States Parties when particular situations come to its attention. The types of procedures are:

**PARTICIPATION IN MEETINGS:** Intergovernmental organisations and NGOs that have an interest in and are active in the field covered by the Convention on Cultural Expressions may attend Inter-Governmental Committee meetings, as non-voting observers.

→ AS NGO

**SUBMISSION OF WRITTEN CONTRIBUTIONS:** Within the observatory role, NGOs may submit written contributions relevant to the work of the Inter-Governmental Committee when authorised by the Chairperson, to be circulated to all delegations and observers by the Secretariat to the Convention on Cultural Expressions as information documents.

→ AS NGO

**CONFERENCE OF THE PARTIES (COP):** The COP is responsible for review of the periodic reports of the State Parties. NGOs and other civil society groups may participate in the preparation of the quadrennial periodic reports by States Parties. As part of their report, State Parties must comment on actions taken to involve civil society in cultural policy processes.

→ AS NGO

**INTERNATIONAL FUND FOR CULTURAL DIVERSITY:** The International Fund for Cultural Diversity provides financial assistance. International NGOs may apply for assistance with regards project proposals with a “demonstrated impact at the sub-regional, regional or inter-regional level.” More information can be found [here](#).

→ AS INTERNATIONAL NGO

## IMPORTANT INFORMATION

**ELIGIBILITY, TIME, COST and CONFIDENTIALITY:** As you would use the Convention on Cultural Expressions as more of an advocacy tool, eligibility, or the time, cost or confidentiality implications are irrelevant. It is suggested that such advocacy tools be used as one of several strategies you may use to raise the profile of your issues.

## USEFUL PUBLICATIONS AND LINKS

- Here is an [Information kit](#) on the Convention;
- Here is a publication on [Cultural Diversity in International Law](#);
- Here are [Rules of Procedure](#) and [National Points of Contact](#) for the Convention;
- Here is a [list](#) of organisations maintaining official relations with UNESCO.
- Here are [Operational Guidelines for the Role and Participation of Civil Society](#);
- Here is an [Application form](#) for accreditation of NGOs; and
- More information on [Civil Society and the Convention](#).

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