

# Guide

**to International Human  
Rights Mechanisms  
for Internally Displaced  
Persons and their  
Advocates**



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UNIVERSITÄT  
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# **Guide to International Human Rights Mechanisms for Internally Displaced Persons and their Advocates**

**by David Fisher**

THE BROOKINGS INSTITUTION – UNIVERSITY OF BERN PROJECT ON INTERNAL DISPLACEMENT

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## ABOUT THE AUTHOR

**David Fisher** is a lawyer specializing in humanitarian and human rights law. He prepared this guide while serving as the Senior Legal and Research Officer for the Brookings Institution-University of Bern Project on Internal Displacement and as a consultant to the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons. He is currently the Senior Legal Research Officer for the International Disaster Response Laws, Rules and Principles Programme of the International Federation of Red Cross and Red Crescent Societies. The views expressed in this text do not necessarily represent those of the International Federation.

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As noted below, the book owes much of its inspiration to the late Joan Fitzpatrick and the other contributors to her book on *Human Rights Protection for Refugees, Asylum Seekers, and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002).

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## FOREWORD BY THE REPRESENTATIVE OF THE UN SECRETARY-GENERAL ON THE HUMAN RIGHTS OF IDPs

**In countries** of every region of the world, internally displaced persons are victims of violations of human rights. These span the whole range of civil, political, economic, social and cultural rights. At the same time, the internally displaced are also a group particularly vulnerable to violations of their rights, both during and after displacement. They face discrimination on account of their status as displaced persons, as well as exposure to discrimination on racial, ethnic and gender grounds. For internally displaced persons, this kind of “double discrimination” can prove devastating.

In legal terms, however, internally displaced persons do have rights – the very same rights as other persons in their country. They are protected not only by the human rights treaties in effect for the country where they reside, but also by basic norms of customary international law that bind all states – standards such as the prohibition of torture, of racial discrimination, and of slavery.

What often has been missing has been any means for internally displaced persons to enforce these rights. Countries often fail to discharge their responsibility to protect and promote the human rights of displaced persons, and these persons find it difficult to access practical remedies. Even less do the internally displaced have awareness of the procedures available for the realization of their rights at the international level, when the national authorities fall short of their obligations.

This *Guide to International Human Rights Mechanisms for Internally Displaced Persons and their Advocates* is an important step towards overcoming these barriers. A step-by-step reference guide for internally displaced persons and those acting on their behalf, the *Guide* sets out in accessible format the legal rights that internally displaced persons enjoy, as well as the international mechanisms that have been established to protect these rights. These include regional institutions which have procedures attuned to the particular contexts of those parts of the world, as well as United Nations mechanisms.

What makes this *Guide* particularly valuable is that, grouped according to the three phases of displacement, it carefully sets out the themes that are particularly relevant to internally displaced persons and illustrates the sources of law for these rights. This sets the groundwork for the *Guide*'s examination of the processes and practical details for engaging the various mechanisms. Even for experts, the variations in procedures and processes utilised can prove daunting, making all the more valuable the *Guide*'s clear illustrations of the key stepping stones of each. Human rights mechanisms are designed for the layperson and seek to avoid undue complexity; however, where legal advice is available to a person bringing a complaint, assistance of this kind can markedly improve the chances of pursuing a complaint to a successful conclusion. To this end, this *Guide* is aimed equally

at advocates, whether or not legally trained, who are looking for a sense of the various advantages and drawbacks of the different procedures, so that they may choose the best way forward for the persons on whose behalf they are engaged.

A cardinal feature of my work as Representative of the Secretary-General of the United Nations on the Human Rights of Internally Displaced Persons has been raising awareness of the human rights of internally displaced persons and of the means by which these rights can be achieved. While it can be painstaking and laborious work, I have seen situations and lives changed for the better by judicious use of these processes. Thus I welcome warmly this *Guide* and commend it to internally displaced persons, their advocates and the wider international community working to effect positive changes for the internally displaced around the world.

**DR. WALTER KÄLIN**

*Representative of the Secretary-General on the  
Human Rights of Internally Displaced Persons  
Geneva, June 2006*

## ACRONYMS AND ABBREVIATIONS

### TREATIES AND OTHER INSTRUMENTS

ACHR	American Convention on Human Rights
ACVW	Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women
AfCRWC	African Charter on the Rights and Welfare of the Child
ADRDM	American Declaration on the Rights and Duties of Man
AfCHPR	African Charter on Human and Peoples' Rights
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of Discrimination against Women
CRC	Convention on the Rights of the Child
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ESC	European Social Charter, 1961
ESC revised	Revised European Social Charter
CCPR	International Covenant on Civil and Political Rights
CERD	International Convention on the Elimination of all Forms of Racial Discrimination
CESCR	International Covenant on Economic, Social and Cultural Rights
Rome Statute	Rome Statute of the International Criminal Court
San Salvador Protocol	Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights
UDHR	Universal Declaration of Human Rights

### OTHER ABBREVIATIONS

ECOSOC	United Nations Economic and Social Council
IDP	Internally Displaced Person
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
NGO	Non-governmental organization
OHCHR	Office of the UN High Commissioner for Human Rights
RSG	Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization

## HOW TO USE THIS GUIDE

While reading from cover to cover can provide a useful overview, this guide is primarily designed as a sort of encyclopedia of human rights mechanisms for IDPs. It is formatted to direct the reader to the information and the mechanisms most relevant to his or her particular situation at any given time.

### **BACKGROUND MATERIAL AND DOMESTIC MECHANISMS**

Section I will be useful to those new to human rights law, human rights mechanisms and the rights of IDPs.

Section II discusses domestic alternatives to the use of international human rights mechanisms.

#### General Procedural Information

It is strongly recommended that all readers using this guide for the first time carefully review Section III, which contains general procedural information relevant to all the mechanisms and explains commonly used terms.

### **THEMATIC ROADMAP TO THE MECHANISMS**

The “Thematic Roadmap” in Section IV and the Table of Contents are the keys to this guide. In most cases, more than one human rights mechanism will be available to address a particular violation of an IDP’s rights. The Thematic Roadmap lists the rights violations IDPs commonly experience and suggests the mechanisms that may be most appropriate to address them. The mechanisms themselves are described in Section V.

Readers are encouraged to:

- (1) locate the particular rights issue(s) most relevant to their situation in the Table of Contents,
- (2) read the pertinent portion(s) of Section IV, and then
- (3) refer to the descriptions of the mechanisms available to address situations of these types in Section V.

### **DESCRIPTIONS OF THE MECHANISMS**

Section V describes the mechanisms and the requirements for their use and provides a brief evaluation of their particular utility for IDPs. It also reproduces any suggested forms or guidelines issued by the mechanisms themselves.



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## INTRODUCTION

**This guide** is meant for internally displaced persons (IDPs) and their advocates, including representatives of civil society and the staff of national and international humanitarian organizations.

By publishing it, the Brookings Institution-University of Bern Project on Internal Displacement (“Project on Internal Displacement”) hopes to encourage and assist these people to use international human rights mechanisms, both at the global and regional levels, when governments fail to respect, protect and fulfill IDPs’ human rights. Few have taken advantage of these avenues to date, despite the many and frequently extreme human rights violations IDPs face. While it must be admitted that the power of most of the mechanisms is limited, they have nevertheless brought tangible results for many of those who have used them in the past and they might well be able to do so for IDPs.

This work was inspired by the publication of an excellent and comprehensive volume on this subject edited by the late Professor Joan Fitzpatrick entitled: *Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan M. Fitzpatrick, ed., Transnational Publishers, Inc., 2002). For a time, the Project on Internal Displacement distributed copies of Professor Fitzpatrick’s book to partners in the field. However, it soon became clear that there was need for an IDP-specific guide that would also serve the needs of those lacking the time and inclination to become experts in international institutions and human rights law. This guide attempts to meet these needs, drawing in part on the work of Professor Fitzpatrick and her contributors.

Unlike Professor Fitzpatrick’s book, this guide does not address the issues of refugees or asylum seekers and it therefore makes some different choices in the “human rights mechanisms” it describes. It generally includes those that:

- identify themselves as human rights mechanisms,
- enjoy official standing vis-à-vis governments through their association with a particular treaty or inter-governmental organization,
- are accessible to IDPs or their advocates, either for individual complaints or to receive and act upon more general information about the situation of IDPs, and
- focus on issues conceivably of interest and use to IDPs.

This list being already quite long, a great many other international actors that can play important roles for the protection of IDPs’ rights, such as United Nations humanitarian and development agencies and non-governmental organizations, are not fully described. On the other hand, a few

exceptions have been made for actors that act very much like human rights mechanisms and that have great potential for IDPs. For example, the complaints mechanisms of the World Bank and regional development banks are included, inasmuch as they may be of importance with regard to avoiding or mitigating displacement due to development projects. There is also a description of the International Committee of the Red Cross in light of its particular role in promoting implementation of the Geneva Conventions.

Some of the mechanisms described in this guide are courts or act in many ways like them. To use these mechanisms, it is recommended that IDPs try to obtain the assistance of a competent lawyer or experienced human rights NGO to avoid procedural pitfalls. However, very few mechanisms formally require legal representation and most are used to receiving communications from lay people.

This book is neither a legal treatise nor an exhaustive guide to human rights practice. Professor Fitzpatrick's book and the references provided throughout the text are good starting points for those who wish to learn more.



# I. BACKGROUND

# OVERVIEW OF INTERNATIONAL HUMAN RIGHTS LAW AND MECHANISMS

## BASICS OF INTERNATIONAL HUMAN RIGHTS LAW

The mechanisms described in this guide interpret, monitor and, in some instances, even help to create international human rights law.

**International law** is the set of rules that bind states (i.e. countries) in their relations with each other. The currently prevailing theory of international law (called the “positivist” theory) considers that international law can be created only with the consent and participation of states. They can do this by entering into a **treaty**, a written agreement by two or more states intended to be legally binding between them. Treaties are also sometimes called “covenants,” “conventions,” “protocols” and “charters.” States can also create international law through “**custom**,” when a group regularly behaves in a particular way over a period of time and comes to believe that the practice is required. States can also indirectly create law by empowering **international organizations** or international courts to develop binding rules or standards, or by accepting standards developed by other non-governmental actors.

**Human rights** are a relatively new branch of international law and one that, in some ways, challenges its central assumptions. In particular, human rights are considered to “derive from the inherent dignity of the human person” (Convention on Economic Social and Cultural Rights, para. 2). In this way, it harks back to an early theory of international law (known as “natural law” theory) that held that some rules and principles of international law arose through the natural order (or through divine law) independent of the desires or actions of states. Human rights, in focusing on individuals, make the behavior of states within their own borders an issue of international concern at a previously unprecedented level. Nevertheless, states still retain a primary role in recognizing and enforcing these “inherent” rights.

Soon after the end of World War II and in reaction to the atrocities of Nazism, the member states of the newly formed United Nations adopted the Universal Declaration of Human Rights (UDHR), the most comprehensive international human rights instrument as of that date. The UDHR itself was not originally intended to be binding, but spawned a number of binding treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights that were both adopted in 1966 and entered into force in 1976. Together, these instruments and the UDHR are considered the “International Bill of Human Rights.” They have been followed by a number of more particular human rights treaties that mainly elaborate on the same themes. Extremely important **regional human rights regimes** have also developed in the Americas, Africa and Europe.

Most human rights laws may be broadly divided into “**civil and political rights**,” which include, among others, the rights to life, physical integrity, and political participation as well as freedom from discrimination, arbitrary detention, and suppression of opinion or expression, and “**economic, social and cultural rights**,” which include, among others, the rights to adequate food, shelter, clothing, health care, an adequate standard of living, as well as guarantees concerning work, social welfare, education and participation in cultural life. In theory, it is asserted that all human rights are interdependent and indivisible, and both sets of rights were included in the UDHR. In practice, however, most other human rights instruments – and human rights mechanisms – fall primarily into one or the other of these categories.

Human rights law normally applies both in times of peace and armed conflict, though some rights may be limited by important state interests, such as national security, and others may be suspended (or “derogated”) altogether in times of national crisis. Certain core rights, such as the right not to be killed or tortured, the prohibition of slavery and ex post facto prosecution (i.e. prosecution for conduct not illegal at the time it occurred), the right to be considered a person before the law, and freedom of opinion and religion, may never be derogated.

In addition to human rights treaties, there are a great number of international documents (or “instruments”) with authoritative character in the human rights field, including **declarations and resolutions** of international and regional inter-governmental bodies, as well as some **expert-produced documents** that have received widespread government support, such as the Guiding Principles on Internal Displacement (see Annex 1). Some of these documents reflect the development of customary law and their provisions are therefore considered binding. This is arguably the case with regard to many provisions of the UDHR, which, while originally intended as non-binding, have gained sufficient authority and adherence over time to be considered binding rules of customary law.

Even where this is not the case, however, the moral force and wide acceptance of many non-binding human rights documents can have a persuasive effect that, as a practical matter, is just as important as binding law. Non-binding instruments of this kind are referred to as “**soft law**” (in contrast to the “hard law” of treaties and custom).

## OTHER INTERNATIONAL LAW OF INTEREST TO IDPS

Two other major branches of international law are also of interest to IDPs:

**Humanitarian law** (also known as “the law of war”) applies only in situations of armed conflict, and provides protections for persons not, or no longer, taking part in hostilities. Humanitarian law requires combatants to refrain from attacks on or abuse of civilians and civilian property and to ensure that civilians receive items necessary for their survival. Its best-known codification is in the Geneva Conventions of 1949, their two Additional Protocols of 1977 and the third Additional Protocol of 2005.

While providing crucial legal protections for IDPs and other civilians, humanitarian law has not spawned the multitude of interpretive and enforcement mechanisms that have grown up in the field of human rights. However, the International Committee of the Red Cross ([page 142](#)) is acknowledged as the primary “custodian” and promoter of the implementation of humanitarian law and it has an acknowledged role to monitor and formally consult with parties to armed conflict about their obligations and conduct. Moreover, the International Criminal Court ([page 144](#)) tries and punishes war crimes defined by humanitarian law in addition to crimes against humanity and genocide.

**Refugee law** is also of interest to IDPs, but generally only by way of analogy. Refugee law guarantees the right to flee across borders in order to avoid persecution and (for some of the instruments) other dangers, such as those created by armed conflict. Refugee law applies only to persons who have crossed an international border or who seek to do so. This might be directly relevant to an IDP if he or she attempts to cross a border but is prevented from doing so. In other cases, however, persons displaced within their own borders are outside the scope of refugee law. Still, the approach refugee law takes to the humanitarian needs of refugees is a relevant reference point for many similar needs of IDPs.

The most important refugee treaties are the 1951 Convention Relating to the Status of Refugees and its 1967 protocol at the universal level and the Organization for African Unity’s Convention Governing the Specific Aspects of Refugee Problems in Africa and the Organization of American States’ Cartagena Declaration on Refugees at the regional level. The United Nations High Commissioner for Refugees has a specially mandated role to advocate for the rights of refugees.

Nearly all of the mechanisms compiled in this guide refer primarily to human rights law; however, they will sometimes also make reference to provisions of humanitarian or refugee law. The relevant provisions of human rights and humanitarian law and analogous concepts from refugee law have been compiled and restated in the Guiding Principles on Internal Displacement (Annex I).

## RELEVANT INTERNATIONAL HUMAN RIGHTS MECHANISMS

As noted above, international law is primarily created and enforced by states. However, to facilitate this process, a complex network of international and regional institutions has been formed and many of these institutions have monitoring, interpretive or (more rarely) rule making or enforcement roles conferred on them by member states. These institutions operate at either the universal or regional levels.

### AT THE UNIVERSAL LEVEL<sup>1</sup>

The **United Nations** (UN) is the world’s pre-eminent international institution, with membership including nearly every recognized state in the world and a broad mandate from its Charter to main-

<sup>1</sup> In this guide the “universal level” denotes international instruments and mechanisms that are not limited to a particular region. As used here, “universal” does not necessarily mean unanimously adopted by all states.

tain global peace and security, increase international cooperation on economic, social, cultural and humanitarian problems and to promote human rights.

The UN **Human Rights Council**, which in June 2006 replaced the Commission on Human Rights, is a subsidiary body of the General Assembly and is the UN’s major human rights body. Made up of 47 states elected by the General Assembly in accordance with equitable geographical representation and with consideration of contribution to the promotion and protection of human rights, members set standards, monitor human rights compliance, and discuss human rights issues. The Human Rights Council carried over the Commission’s responsibilities and mandates, including the sub-bodies such as the **Sub-Commission on the Promotion and Protection of Human Rights** and the special rapporteurs, representatives and working groups (known as the “Special Procedures”), which address particular country and thematic situations. The sub-bodies of the Council and Special Procedures can address issues concerning any UN member state.

The **Special Procedures** established by the Human Rights Council’s predecessor, the Commission on Human Rights, currently consist of 41 special rapporteurs, special representatives (including the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons), working groups and independent experts focused on specific human rights themes or countries. This guide will refer to these simply as the “Special Procedures.” The mandates, goals and working methods of the Special Procedures vary, but most can accept communications from individuals concerning violations of their rights and intervene with national authorities through letters (including “urgent appeals” for imminent rights violations and “letters of allegation” for violations that have allegedly already taken place), press statements and public reports. Most also undertake country visits to assess human rights conditions and offer recommendations. Many additionally sponsor thematic studies. All of the Special Procedures previously reported regularly to the Commission and presumably will continue to report to the Council. Some also report to the UN General Assembly. The Special Procedures are generally free to make use of any relevant human rights treaty, resolution or other document in their work. A review of the Special Procedures and mechanisms will be completed within one year of the Council’s first session.

Other United Nations bodies, including the **Commission on the Status of Women**, the **International Labour Organizations** (ILO) and the **United Nations Educational, Scientific and Cultural Organization** (UNESCO), also have important human rights functions, including the capacity to accept complaints of violations.

Seven of the major universal human rights treaties have created interpretive and monitoring committees known as “**treaty bodies**.” These include the Committee on the Rights of the Child; the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of Racial Discrimination; the Committee on the Elimination of Discrimination against Women; the Committee on the Rights of Migrant Workers (not described in this guide); the Committee against Torture; and the Human Rights Committee. The treaty bodies receive and comment on periodic reports from states parties to their respective treaties and promulgate general comments concerning

the interpretation of treaty provisions. To varying degrees, they also have the authority to accept individual communications concerning rights violations in states that have accepted this procedure.

The **Office of the High Commissioner for Human Rights** serves as secretariat to the Human Rights Council and its sub-bodies and to most of the treaty bodies, in addition to carrying out its own human rights promotion, education, technical assistance and monitoring functions.

The **International Committee of the Red Cross** plays a unique role in promoting and monitoring compliance with humanitarian law, including certain direct services to protect civilians at risk. The **International Criminal Court** is designed to deter war crimes, crimes against humanity and genocide. The **World Bank**, which provides loans and guarantees to development projects to address world poverty, also has complaints mechanisms to respond to the problems caused by these projects.

## AT THE REGIONAL LEVEL

In **Africa**, the primary human rights mechanisms are the African Commission on Human and Peoples' Rights, its special rapporteurs, the African Court of Human and Peoples' Rights, and the African Committee of Experts on the Welfare of the Child. In the **Americas**, the main bodies are the Inter-American Commission on Human Rights, its special rapporteurs, the Inter-American Court of Human Rights, and the Inter-American Commission of Women.

In both Africa and the Americas, the "Commissions" are expert bodies formed by treaties that act in many ways like the treaty bodies at the universal level, considering state reports, addressing individual complaints, and issuing interpretive guidelines. Both also play a gate-keeping function for their respective "Court," as the Commissions must generally address all complaints before the Courts take them up. Also in both regions, the special rapporteurs of the Commissions are almost all members of the Commissions themselves.

**Europe** has created a number of human rights mechanisms associated with its varying parallel systems of regional cooperation, including the Council of Europe, the European Union and the Organization for Security and Cooperation in Europe. The flagship of these mechanisms is the European Court of Human Rights, which can address individual complaints of violations of civil and political rights provided by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its protocols. Europe has a number of mechanisms that target issues of racism and minority rights, including the Advisory Committee of the Framework Convention for the Protection of National Minorities, the European Commission against Racism and Intolerance, and the High Commissioner on National Minorities. It also has several bodies that can address social and economic rights issues, including the European Committee of Social Rights, and the European Parliamentary Committee on Petitions.

**Asia** has no regional human rights-specific mechanisms; persons in this region must therefore turn to the universal mechanisms if domestic remedies are ineffective.

Like the World Bank, the **regional development banks** in the Americas, Asia and Europe have developed complaints mechanisms for persons affected by their projects.

## FOR MORE INFORMATION

The website of the Office of the High Commissioner for Human Rights compiles the major human rights instruments and provides information on the Human Rights Council, its sub-bodies, and the treaty bodies: [www.ohchr.org](http://www.ohchr.org).

The website of the International Committee of the Red Cross describes its functions and compiles the humanitarian law instruments: [www.icrc.ch](http://www.icrc.ch).

The University of Minnesota Human Rights Library website compiles a number of refugee law instruments ([www1.umn.edu/humanrts/instree/auov.htm](http://www1.umn.edu/humanrts/instree/auov.htm)), and a number of other relevant documents are available on the website of the United Nations High Commissioner for Refugees ([www.unhcr.ch](http://www.unhcr.ch)).

*Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002).

*Guide to International Human Rights Practice* (Hurst Hannum, ed., 4th ed., Transnational Publishers, Inc., 2004).

Thomas Buergenthal et al., *Law in a Nutshell: International Human Rights* (3rd ed., West Publishers 2005).

## OVERVIEW OF INTERNAL DISPLACEMENT

### WHO ARE IDPS?

Internally displaced persons (IDPs) are “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally-recognized State border” (Guiding Principles on Internally Displaced Persons, para. 2). This definition was created in recognition of the many common protection needs and problems that persons in these situations tend to share.

The two primary components of the definition of an IDP are **coerced movement** and **remaining within national borders**. The first establishes the importance of distinguishing between persons who must involuntarily leave from those who choose to migrate, for instance, to seek better employment opportunities elsewhere. The second component excludes persons who cross borders because other legal regimes pertinent to migrants, asylum seekers and refugees already cover their situation.

As indicated in the non-exhaustive list in the above definition, the causes of internal displacement are varied. Currently, **armed conflict** and gross human rights violations account for approximately 23.7 million internally displaced persons worldwide.<sup>2</sup> Millions more are displaced by **natural and technological disasters** and **development projects**.

### THE RIGHTS OF IDPS

IDPs do not have a special status in international law. Instead they enjoy the same rights guaranteed to other human beings by human rights law and to other civilians by humanitarian law. These include the rights to life, integrity and dignity of the person (e.g. against rape and torture), non-discrimination, recognition as a person before the law, freedom from arbitrary detention, liberty of movement, respect for family life, an adequate standard of living (including access to basic humanitarian needs), medical care, access to legal remedies, possession of property, freedom of expression, freedom of religion, participation in public life and education.

In 1996 and 1998, the former Representative of the United Nations Secretary-General on Internally Displaced Persons<sup>3</sup> produced two major studies of the situation of IDPs in international human rights and

<sup>2</sup> Norwegian Refugee Council Global IDP Project, Internal Displacement: Global Overview of Trends and Developments in 2005 (March 2006), 6.

<sup>3</sup> Francis Deng served as the Representative of the Secretary-General on Internally Displaced Persons from 1992 to 2004. In 2004, his mandate expired and he was succeeded by Walter Kälin who was given the title of Representative of the Secretary-General on the Human Rights of Internally Displaced Persons.



humanitarian law. These studies determined that while existing law covered many of the common protection problems of IDPs, there was a lack of understanding about which rules applied to them and grey areas in which the applicability of existing rules to IDP problems was unclear. He concluded that a comprehensive international document was required to clarify IDPs' existing rights and address the grey areas.

With the encouragement of the UN Human Rights Council's predecessor, the Commission on Human Rights, and the General Assembly, he convened a team of international legal experts and developed the **Guiding Principles on Internal Displacement** in 1998 (reproduced in Annex 1). The Guiding Principles compile, restate and interpret the existing rules of human rights and humanitarian law applicable to IDPs and also refer to refugee law standards by analogy, where appropriate.

The Guiding Principles are divided into four sections, articulating guarantees against arbitrary displacement in the first instance, the rights of persons once they have been displaced, rights and obligations connected with humanitarian assistance, and the rights of IDPs to voluntary, safe and dignified solutions to displacement. In some areas, they clarify how general rules apply to the specific situations of IDPs. For instance, Guiding Principle 12 provides that IDPs "shall not be interned or confined in a camp" absent exceptional circumstances. This is a particular application of more generally-worded rules in human rights instruments concerning freedom of movement and residence and arbitrary detention.

The growing use of the Guiding Principles has been welcomed by the UN General Assembly as well as the UN Human Rights Council's predecessor, the Commission on Human Rights. The General Assembly's 2005 World Summit Outcome recognized the Guiding Principles as "an important international framework for the protection of human rights."<sup>4</sup> A number of regional organizations have adopted similar resolutions or declarations encouraging their implementation. Similarly, a number of national legislative bodies, executives and courts have made use of the Guiding Principles in the development of domestic law and policy concerning IDPs.

A comprehensive set of *Annotations to the Guiding Principles* has been prepared, setting out the bases in existing international law for each Principle (see below under "For More Information"). The "Thematic Roadmap" in Section IV of this guide draws from the Guiding Principles and Annotations and provides relevant provisions of the former for particular issues. As an interpretive "soft law" document, the Guiding Principles are not binding on any of the mechanisms included in this guide, but may be cited to them as a supplementary source of guidance as to how "hard law" norms should be applied to the situation of IDPs.

## HOW THE INTERNATIONAL COMMUNITY APPROACHES IDPS

There is no single agency within the United Nations with overall responsibility for IDPs. Instead, the relevant UN humanitarian, human rights and development agencies have opted for a "col-

<sup>4</sup> UN Doc. A/RES/60/1, para. 132.

**laborative approach**” or “collaborative response” in which all cooperate to provide assistance and protection to IDPs. As a result, a number of agencies and organizations, inside and outside of the UN, have roles to play, particularly in situations of armed conflict.

Agencies such as the World Food Program (WFP), the Food and Agricultural Organization (FAO), the United Nations Development Programme (UNDP) and UN Settlements Programme (UN HABITAT) look primarily to **survival and livelihood needs**. The World Health Organization (WHO) and UN Population Fund (UNFPA) focus on health-related interventions, while the United Nations Children’s Fund (UNICEF) frequently seeks to address **water and sanitation** needs in situations of mass displacement. UNICEF also provides a number of services for children, in particular with regard to **education**. Outside the UN, the Red Cross movement and a large number of humanitarian NGOs are also involved in these activities. The International Organization for Migration (IOM), an inter-governmental organization outside the UN system, plays an important and varied role in IDP situations, particularly in assisting returns.

Several international agencies and organizations have traditionally considered themselves to have some role in advocacy for IDP **protection**. These include the United Nations High Commissioner for Refugees (UNHCR), UNICEF (with regard to displaced children), the Office of the High Commissioner for Human Rights (OHCHR – discussed in greater detail at [page 115](#)), the Office for the Coordination of Humanitarian Affairs (OCHA) which has a dedicated “Inter-Agency Internal Displacement Division,” and, outside the UN system, the International Committee of the Red Cross (ICRC – described in greater detail at [page 142](#)), as well as a growing number of international NGOs.

Because the collaborative approach has frequently left gaps in the coverage of IDPs’ needs, United Nations agencies agreed in 2005 to pilot a new “**cluster approach**,” in which individual agencies take a leading role in coordinating the activities of all interested agencies in certain specific “sectors.” UNHCR agreed to take the lead on clusters dedicated to protection, camp management and emergency shelter for persons internally displaced in conflict situations. Other clusters (covering both displaced and non-displaced populations) include nutrition, water and sanitation, logistics, telecommunications, and early recovery. As of the date of writing, discussion is ongoing about the creation of clusters for protection, camp management and shelter in non-conflict disasters.

Although many international humanitarian agencies and organizations are not necessarily focused on direct advocacy for the rights of IDPs, their mere presence can sometimes provide a measure of protection from some of the worst abuses in times of war. Certainly, IDPs and their advocates should consider seeking the assistance of those agencies concerned with advocacy where they are active in their countries in addition to seeking relief from the international human rights mechanisms compiled in this guide. Assuming the new cluster approach is fully implemented, contacting UNHCR might become a convenient first contact point for IDPs seeking to identify an advocacy agency in their area.

## FOR MORE INFORMATION

Roberta Cohen and Francis Deng, *Masses in Flight* (Brookings Institution, 1998).

Walter Kälin, *Guiding Principles on Internal Displacement: Annotations* (American Society of International Law & Brookings Institution, 1998) (available at [www.asil.org/pdfs/study\\_32.pdf](http://www.asil.org/pdfs/study_32.pdf)).

*No Refuge: The Challenge of Internal Displacement* (UN Office for the Coordination of Humanitarian Affairs, 2003).

United Nations Inter-Agency Standing Committee, *Implementing the Collaborative Response to Situations of Internal Displacement: Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams* (September 2004).

Protecting and assisting the internally displaced: the way forward, *Forced Migration Review*, Special Supplement, October 2005: [www.fmreview.org/mags1.htm](http://www.fmreview.org/mags1.htm).

Website of the Brookings Institution-University of Bern Project on Internal Displacement: [www.brookings.edu/idp](http://www.brookings.edu/idp).

Norwegian Refugee Council's Internal Displacement Monitoring Centre: [www.internal-displacement.org](http://www.internal-displacement.org).

Website of the Office for the Coordination of Humanitarian Affairs Internal Displacement Division: [www.reliefweb.int/idp](http://www.reliefweb.int/idp).

## II. DOMESTIC MECHANISMS TO IMPLEMENT HUMAN RIGHTS

**It is crucial** to recall that it is national authorities, not international institutions, that have the primary responsibility for implementing human rights. Domestic institutions, if willing to confront human rights issues, are commonly much more powerful and efficient than international mechanisms, nearly all of which lack true enforcement power. Most international mechanisms can do little more than provide recommendations and suggestions to domestic authorities and, in many cases, rely mainly on the power of publicity to persuade them to comply.

Some of the most important international mechanisms require that all available remedies at the national level be exhausted or shown to be ineffective before they will examine a particular case (see Section III below). For other mechanisms, it is possible to pursue both national and international remedies at the same time. This can sometimes be advantageous, as the international mechanisms' early intervention might sway the actions of local authorities before formal decisions are made. On the other hand, international involvement can, in some circumstances, provoke a defensive reaction and hardening of local attitudes. In sum, it is always wise to thoroughly consider what can be achieved with domestic mechanisms before international avenues are pursued.

Human rights law may be directly enforceable through domestic courts or administrative procedures. In other words, in some states, it is possible to bring a case involving violation of the provisions of a human rights treaty directly to a domestic court. Even where this remedy is not available, national constitutions and statutes frequently lay out rights that are the same as, or at least similar to, many of those provided by international human rights law and these rights can frequently be enforced through domestic courts or administrative bodies.

Where helpful domestic laws or policies are not in place, it may be possible to spur their development through legislative advocacy. Legislative committees can provide a visible platform for airing large-scale grievances as well as the development of new laws. Frequently, IDP problems are not isolated to individual cases, and it is therefore appropriate for such broader solutions to be considered. A number of countries, including Angola, Burundi, Colombia, Georgia, Peru, Liberia, Sri Lanka, Turkey and Uganda have in fact already adopted policies or laws based on or inspired by the Guiding Principles on Internal Displacement.

An increasing number of states are establishing national human rights institutions, such as ombudsmen or human rights commissions. When properly constituted, these institutions are governmental but enjoy wide independence. They can accept and act upon individual complaints of human rights violations, and usually have a formal role in encouraging the development of policy and law. They can therefore form a bridge between IDPs, civil society and other parts of government.

In many cases, the most powerful engine for change will be IDPs themselves and allies from non-governmental organizations and other elements of civil society, such as labor unions, universities and community associations, who can mobilize public opinion, reach out to media outlets, and create pressure for domestic authorities to comply with their human rights obligations.

## FOR MORE INFORMATION

*Enforcing International Human Rights in Domestic Courts* (Benedetto Conforti and Francesco Francioni, eds., Martinus Nijhoff Publishers, 1997).

Erin Mooney, *Addressing Internal Displacement: A Framework for National Responsibility* (Brookings Institution-University of Bern Project on Internal Displacement, 2005).

Mario Gomez, *National Human Rights Commissions and Internally Displaced Persons: Illustrated by the Sri Lankan Experience* (Brookings-SAIS Project on Internal Displacement, 2002).



III. GENERAL CONSIDERATIONS  
IN USING INTERNATIONAL AND  
REGIONAL MECHANISMS

**This section** will summarize the general factors that should be taken into account when submitting communications or otherwise sharing information with international human rights mechanisms. It will also explain the categories used in Section V.

Many of these categories address the issue of “admissibility” of a communication (sometimes also called a complaint, application or petition). A communication is “admissible” if it satisfies all the procedural requirements of the mechanism to which it is directed. These requirements vary from mechanism to mechanism and range from the extremely complex and legalistic, as exemplified by the European Court of Human Rights, to near complete informality, as is the case for some of the Special Procedures. For mechanisms with the most informal avenues of communication open to IDPs and their advocates, such as certain independent experts, not all of the categories described below are needed or presented in their descriptions.

**What You Can Do** After setting out the background, the first question answered in the entries in Section V is what the reader can do with regard to the particular mechanism. Many of the mechanisms in this guide accept communications concerning individual or collective cases of human rights violations and can intervene in some fashion on behalf of these cases. Others use general information from NGOs and affected persons in their assessment of how states comply with human rights treaties. Still others simply allow for informal sharing of information in aid of their decision-making on when and where to make country visits, thematic studies, or other interventions with states. A number of mechanisms do all of these things.

**Evaluation** Each entry in this guide includes a brief evaluation of the utility of the mechanism for IDPs in order to facilitate comparison with others. The prior experience and apparent interest of the mechanism in IDP issues is summarized with advantages and disadvantages highlighted. The purpose of these evaluations is not to imply that some mechanisms are “good” and others “bad” or even that some are good or bad for IDPs, since IDPs may have different needs, goals and expectations that might be met by differing mechanisms in any particular situation.

**Who May Submit Communications** Rules vary as to who may present communications or other information to the various mechanisms. Among those that accept individual communications, some allow them only from those directly affected or their attorneys. Others allow for a slightly broader range of specifically authorized representation, for example, by NGOs, if they have written authorization. Still others allow NGOs or other organizations to present communications about any situation with which they are familiar through their work. Even where specific authorization of those directly affected is not required, it is certainly best practice for an NGO submitting a communication to try to obtain it.

Some mechanisms only allow communications from certain types of groups. For instance, communications to the International Labour Organization must be sent through labor unions or employer



organizations. The European Committee of Social Rights allows communications to be filed only by labor unions, employers' organizations, certain regional work-related organizations, and NGOs in consultative status with the Council of Europe. These requirements mean that individual IDPs or their advocates will need to find and convince one of the authorized organizations to present a communication on their behalf. While burdensome, this is not impossible.

On the other hand, a number of the mechanisms in this guide allow states to seek the intervention of the mechanisms with regard to human rights violations by other states. This procedure, however, is rarely used and the author considers that it will nearly always be beyond the practical reach of IDPs and their advocates. Therefore, detailed information about this type of procedure has been omitted from this guide. Some mechanisms, such as the International Court of Justice, can only be addressed by states. These mechanisms have been left out of this guide altogether.

**Competence** Many international mechanisms have a limited “competence” or authority to receive communications. A number can only address communications concerning violations of specific treaties.

Moreover, most international human rights mechanisms can only address the acts or omissions of governments. Bad acts of individuals, corporations or organizations are outside the scope of most the mechanisms in this book, unless governments fail to take reasonable precautions to prevent them (e.g. if a government fails to prohibit rape). Exceptions to this rule include the International Criminal Court, the International Committee of the Red Cross and some Special Procedures, which can intervene with non-state actors.

Mechanisms focused on particular treaties can only accept communications with regard to states parties to those treaties and with regard to situations arising after the date on which the treaty came into force for the state in question. Some states have entered “reservations” or “declarations” concerning particular rights provided in these treaties. These may limit the state’s obligations with regard to those rights and, consequently, also limit the competence of the associated international mechanism to consider violations of them.

In addition, many human rights treaty regimes involving monitoring bodies provide for individual communication procedures only on an optional basis, requiring states to affirmatively accept the procedure through a declaration or ratification of a particular protocol before they will be subject to it. The human rights mechanism’s competence to accept communications about a particular country is therefore dependent on that country’s prior consent to the procedure.

On the other hand, some mechanisms, including most of the Special Procedures, are not tied to a particular human rights treaty and can generally accept communications about any state.

**Exhaustion of Domestic Remedies** A common admissibility requirement for many human rights mechanisms is “exhaustion of domestic remedies.” This means that before submitting a communication to that mechanism, the complaining party must show that she or he has tried to resolve the problem by all available legal or administrative means at the domestic level. This includes exercising

all rights of appeal to higher courts that may be available. However, the rule does not require any particular use of non-legal remedies, such as the possibility of lobbying for a change in legislation or organizing a media campaign.

Exceptions to this rule are generally made where domestic remedies are ineffective or unreasonably prolonged. Domestic remedies are ineffective if there is no reasonable chance that they may bring relief (but not merely because the complaining party doubts that he or she will prevail). The jurisprudence of each mechanism that requires exhaustion of domestic remedies is slightly different and should be studied carefully before submitting a communication.

**Duplication of Procedures** Some of the mechanisms discussed in this guide forbid “duplication of procedures.” In other words, they will refuse to take up a communication if the same matter is pending before another international human rights mechanism.

For some mechanisms, the rule against duplication of procedures only applies while the matter is actually pending before the other mechanism; for others it applies if it is currently or has in the past been brought before another mechanism. Generally, the bar on duplication of procedures does not apply if the other mechanism does not respond individually to complaints. Thus, for example, consideration of a case by the 1503 procedure, which has traditionally addressed human rights violations in a collective fashion only, does not bar submitting the same individual complaint to a treaty body. Moreover, many mechanisms that bar duplication of procedures make a further exception for consideration of a case by Special Procedures, even though most of them do address cases individually.

Some mechanisms have no formal rule on duplication of procedures but, in practice, they will frequently refrain from addressing a case pending before another body. This is the case, for instance, with the Special Rapporteur on Torture as well as the UNESCO Committee on Conventions and Recommendations.

A substantial number of international human rights mechanisms have no bar against duplication of procedures and it is therefore possible to appeal to more than one of them simultaneously.

**Time Issues** There are several time-related issues of particular importance with regard to using international human rights mechanisms. The first is the deadline by which communications must be made or look more generally at the question whether delay in reporting in light of the circumstances of the particular case amounts to an abuse of process. A number of mechanisms that require exhaustion of domestic remedies also require that communications be sent to them in a fixed period after this has been done.

A second issue concerns the speed at which matters can be taken up. There is great variation between the mechanisms in the amount of time required for them to take action. A number have special expedited or urgent procedures for particularly pressing matters, particularly when the life or health of the communicating party is in immediate jeopardy or when a violation of rights is imminent. For the Special Procedures, this usually takes the form of an “urgent appeal,” a letter sent almost immediately upon receipt of credible information of a pending violation with a request for a

prompt reply by the government concerned. The treaty bodies and regional commissions and courts of human rights can issue requests for “interim” or “provisional” measures to the government while a communication is pending consideration.

**Language and Format** Without exception, every mechanism in this guide requires that communications or other information be provided in writing and many require a signature by the submitting party. Beyond this, however, there is substantial variation as to format. Some mechanisms have issued forms, guidelines or sample communications (which are reproduced after the description of the mechanism in Section V), although few absolutely require their use. The allowable languages also vary, though English is universally accepted.

As a general matter, the mechanisms request that communications include the identity and contact information of the submitting person or organization, and a comprehensive description of the facts of the case, including relevant dates, places, names of witnesses, and the identities, if known, of those responsible for the violation. Where relevant, a description of activities taken to exhaust domestic remedies along with copies of final decisions at the domestic level may also be required. Some of the mechanisms further require that the submitting person identify the treaty provision(s) that they claim have been violated. However, where it is shown that it is impossible in a particular case to obtain such details, many mechanisms will agree to act with less than total information.

A central dilemma for all human rights mechanisms is assessing the credibility of the communications they receive. It is therefore advisable to provide as much corroborating documentation and information as possible with the communication. This could include press reports, signed witness statements, photographs, medical reports, and/or copies of any relevant official documents. (Documents are generally not returned to the sender, so only copies should be sent to the mechanisms.) On the other hand, those responsible for these mechanisms realize that there frequently is no document proving a particular rights violation and communications will not be rejected only because they have no documentary support.

Abusive or overly politicized language should also be avoided, as it may lead to rejection of the communication. It is far better simply to state the facts in as objective a manner as possible and let them speak for themselves.

As noted above, a number of mechanisms accept information from affected individuals and NGOs as background for their consideration of reports from states. This information can range from comprehensive “shadow reports” (i.e. “shadows” to the states’ own periodic reports) to single-issue updates. There is usually no required format for such information, although it is generally encouraged that information be organized by the articles of the particular treaty.

**Confidentiality** In many cases, persons making complaints of human rights violations justifiably fear retaliation from the authorities. The policies of the various mechanisms vary widely on this

point and this may be a factor to consider in choosing among them. Information on their policies in this respect has been included where available.

**Procedure** The procedures for the mechanisms vary greatly. In general, the Special Procedures and the special rapporteurs of the regional human rights commissions in Africa and the Americas are among the most informal in their procedures with regard to communications. On the other extreme are the regional courts in Africa, the Americas and Europe, with very formal rules of procedure.

**Potential Result** It is important to carefully consider what each available human rights mechanism can deliver. Few of the mechanisms in this guide have the power to issue binding orders to states to halt a particular human rights violation or to provide compensation or other recompense for past violations. Most of the mechanisms rely on publicity of one kind or another to encourage states to abide by their human rights obligations. This can be in the form of public reports, opinions, decisions or press statements. Others rely on confidential dialogue, at least at initial stages.

Given the lack of enforcement power for most of the mechanisms, IDPs and their advocates should not necessarily expect the final product of a human rights mechanism to be the end of the matter. An opinion, statement, report or decision by a human rights mechanism can, however, be one more piece of persuasive authority to use in a larger campaign to persuade authorities to provide relief.

## IV. THEMATIC ROADMAP

**In most** situations, IDPs will have a choice between a number of different human rights mechanisms to address a particular human rights issue or set of issues. Some of them may be used simultaneously, while others may only be used alone or successively. The following “Thematic Roadmap” identifies mechanisms that IDPs and their advocates might consider with regard to a number of rights issues. In each category, the mechanisms are cited in the order of their appearance in the table of contents and not in any order of priority or preference.

For some of the mechanisms, it is important to cite particular treaty provisions in making communications. In such cases, suggestions are cited here. Relevant provisions of the Guiding Principles on Internal Displacement are also provided and it may be helpful to cite them as well as supplementary support for a communication.

## PARTICULAR GROUPS OF PEOPLE

Some of the mechanisms described in this guide are focused on particular groups of people and generally respond to the full range of their human rights. Only two specifically focus on IDPs as a target group, while others cover populations such as children, women, and minorities, who make up the majority of internally displaced populations world-wide.

While use of these mechanisms may be appropriate in particular situations, IDPs and concerned NGOs should also look to the more general mechanisms that may be able to help these populations in the section on “Protection During Displacement,” [page 30](#).

### IDPS

This would be a very short guide indeed if it only described those international human rights mechanisms that specifically focus on IDPs. Nevertheless, the establishment of these two dedicated mechanisms has been a very important step at the universal and African regional levels toward focusing attention on the particular human rights issues of this group. They do not, however, generally take up the cases of individuals.

#### At the universal level

Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#))

#### At the regional level

Special Rapporteur of the African Commission on Human and Peoples’ Rights on Refugees, Asylum Seekers and Displaced Persons in Africa ([page 161](#))

## CHILDREN

Children and women make up the majority of the displaced in most situations and it is usually children who suffer the most from being displaced.

### At the universal level

- Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography ([page 94](#))
- Special Rapporteur on Trafficking in Persons, Especially Women and Children ([page 97](#))
- Committee on the Rights of the Child ([page 131](#))
- Special Representative of the Secretary-General on Children in Armed Conflict ([page 116](#))

### At the regional level

- African Committee of Experts on the Rights and Welfare of the Child ([page 169](#))

## WOMEN

As noted above, women and children make up the majority of most displaced populations and tend to have unique protection needs.

### At the universal level

- Special Rapporteur on Trafficking in Persons, Especially Women and Children ([page 97](#))
- Special Rapporteur on Violence Against Women ([page 91](#))
- Committee on the Elimination of Discrimination Against Women ([page 128](#))
- Commission on the Status of Women ([page 112](#))

### At the regional level

- Special Rapporteur of the African Commission on Human and Peoples' Rights on the Rights of Women in Africa ([page 164](#))
- Inter-American Commission of Women ([page 180](#))
- Special Rapporteur of the Inter-American Commission on Human Rights on the Rights of Women ([page 179](#))

## MINORITIES AND INDIGENOUS PERSONS

Minorities and indigenous persons are disproportionately affected by internal displacement worldwide.

### At the universal level

- Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of

- Indigenous Peoples ([page 100](#))
- Independent Expert on Minority Issues ([page 102](#))
- Sub-Commission on the Promotion and Protection of Human Rights Working Group on Indigenous Peoples ([page 54](#))

#### At the regional level

- Special Rapporteur of the Inter-American Commission on Human Rights on Persons of African Descent and Racial Discrimination ([page 177](#))
- Advisory Committee of the Framework Convention for the Protection on National Minorities ([page 192](#))
- Organization for Security and Cooperation in Europe High Commissioner on National Minorities ([page 210](#))

## HUMAN RIGHTS DEFENDERS

“Human rights defenders” are persons who advocate for the human rights of others – whether professionally, as lawyers, journalists or representatives of NGOs, or simply out of personal initiative. IDPs who advocate for the rights of their fellow displaced can be considered human rights defenders as well. Human rights defenders are frequently subject to reprisal and therefore have been the object of special attention by the international community.

#### At the universal level

- Special Representative of the United Nations Secretary-General on Human Rights Defenders ([page 102](#))

#### At the regional level

- Special Rapporteur of the African Commission on Human and Peoples’ Rights on Human Rights Defenders ([page 163](#))

## PARTICULAR COUNTRIES

The predecessor to the Human Rights Council, the Commission on Human Rights, approved country-specific rapporteurs or experts for Belarus, Burundi, Cambodia, Cuba, Democratic People’s Republic of Korea, the Democratic Republic of the Congo, Haiti, Liberia, Myanmar, the Palestinian Territories, Somalia, Sudan and Uzbekistan ([page 56](#)). These rapporteurs and experts can address any of the rights issues described in this section for the states they cover; however, few regularly take up individual cases.



## NON-STATE ACTORS

Most of the mechanisms described in this guide confine themselves to addressing the acts and omissions of governments. However, the conduct of non-state actors, such as individuals, corporations, and insurgent groups, can come within the competence of those mechanisms if government actors either acquiesced in them or failed to take reasonable steps to prevent them. Thus, for example, a mechanism such as the Human Rights Committee ([page 120](#)) could be addressed for an individual rape if it were carried out by a member of a paramilitary group acting on behalf of a government, or if a government failed to enact and/or implement a law prohibiting rape.

Some mechanisms, moreover, will directly address non-state actors in their advocacy. For example, the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#)) promotes compliance with the Guiding Principles on Internal Displacement by all actors, including insurgent groups. The International Committee of the Red Cross ([page 142](#)) maintains a dialogue with all parties to armed conflicts. The International Criminal Court ([page 144](#)) is empowered to adjudicate charges of war crimes, crimes against humanity and genocide brought against individuals. Likewise, the complaints mechanisms of the World Bank ([page 147](#)), Inter-American Development Bank ([page 181](#)), Asian Development Bank ([page 184](#)) and European Bank for Reconstruction and Development ([page 201](#)) address their own acts and omissions.

## CROSS-CUTTING TYPES OF HUMAN RIGHTS VIOLATIONS

### LARGE-SCALE VIOLATIONS OF HUMAN RIGHTS

Several of the mechanisms in this guide are particularly focused on large-scale violations of human rights, such as mass displacements, mass killings, failure to provide food, shelter, or rehabilitation for displaced populations, or other abuses against large groups of people. The 1503 procedure ([page 51](#)) and the Commission on the Status of Women's complaint procedure ([page 112](#)) fall into this category. Large-scale attacks and other abuses of civilians, including massive displacement, may amount to genocide, crimes against humanity or war crimes under the jurisdiction of the International Criminal Court ([page 144](#)). Both the existence of and the potential for genocide are of interest to the Secretary-General's Special Advisor on the Prevention of Genocide ([page 116](#)). UNESCO ([page 139](#)), while normally addressing only individual claims through its Committee on Conventions and Recommendations, is also empowered to address massive violations of the rights with which it is concerned in its General Conference.

A number of mechanisms with less formal criteria for intervention may become involved in cases involving large numbers of IDPs. These include the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#)), the Office of the High Commissioner for Human Rights ([page 115](#)), the Special Rapporteur of the African Commission on Human and Peoples' Rights on Refugees, Asylum Seekers and Displaced Persons ([page 161](#)), and the European Commissioner for Human Rights ([page 193](#)). For their part, the World Bank ([page 147](#)), Inter-American Development Bank ([page 181](#)), Asian Development Bank ([page 189](#)) and European Bank for Reconstruction and Development ([page 201](#)) require complaints to involve more than one person and tend to formulate remedies that affect entire communities.

In addition, large-scale rights violations are most appropriate for NGO interventions in the quasi-legislative fora described in this guide, including the sessions of the Human Rights Council ([page 51](#)), the Sub-Commission on the Promotion and Protection of Human Rights and its various working groups ([page 54](#)), the Commission on the Status of Women ([page 112](#)), the International Labour Organization ([page 136](#)), the African Commission on Human and Peoples' Rights ([page 156](#)), the Inter-American Commission on Human Rights ([page 171](#)), the Inter-American Commission of Women ([page 180](#)), and the Organization for Security and Cooperation in Europe's Human Dimension Meetings ([page 211](#)).

These violations are also most appropriate for inclusion in the “shadow reports” (i.e. in comprehensive NGO reports mirroring the states' own periodic reports) to the treaty bodies and the regional commissions on human rights in Africa and the Americas.

## DISCRIMINATION

Discrimination is an over-arching human rights issue that can arise in any of the “phases” of displacement (i.e. time of flight, the period after losing one's home, the period of rehabilitation and reintegration). It is a violation of human rights and can also be closely linked to the violation of other human rights. For example, persons are frequently denied the rights to life, physical integrity, food, water, housing, access to work, political participation and many others due to discriminatory policies, attitudes or beliefs.

Where there is such a linkage, the number of human rights mechanisms available to address a particular case increases. For example, although the right to food cannot be asserted in complaints to mechanisms that are exclusively focused on civil and political rights, such as the Human Rights Committee, it may become admissible if food is denied due to racial or other bias. Similarly, bodies that specifically focus on discrimination, such as the Committee on the Elimination of Racial Discrimination, can be invoked to deal with cases that mix discrimination with other rights abuses.

Overall, IDPs must benefit from the same human rights as others, without discrimination on the basis of race, color, sex, language, religion or belief, political or other opinion, national, ethnic or

social origin, legal or social status, age disability, property, birth or any other similar criteria or status (Guiding Principle 4).

As a corollary, IDPs should not be discriminated against on the ground that they are displaced (Guiding Principle 1). Thus, for example, restricting the rights of an IDP to work, have access to health care, or vote because he or she has had to move from one part of a country to another without official authorization would constitute improper discrimination on the basis of displacement in addition to violations of underlying rights.

Discrimination on any of these bases may be brought to the attention of:

### At the universal level

- Committee on Economic Social and Cultural Rights ([page 119](#)), citing CESCR arts. 2 and 3 (gender)
- Committee on the Rights of the Child ([page 131](#)), citing CRC art. 2
- Human Rights Committee ([page 120](#)), citing CCPR arts. 2 and 3 (gender)
- Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#))

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 2
- African Committee of Experts on the Rights and Welfare of the Child ([page 169](#)), citing AfCRWC art. 3
- Inter-American Commission of Women ([page 180](#))
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 1
- European Court of Human Rights ([page 195](#)), citing ECHR art. 14
- European Parliament Committee on Petitions ([page 208](#))
- Special Rapporteur of the African Commission on Human and Peoples' Rights on Refugees, Asylum Seekers and Displaced Persons ([page 161](#))

The following mechanisms are particularly focused on issues of discrimination on the basis of **race, ethnicity or religion**:

### At the universal level

- Special Rapporteur on Freedom of Religion and Belief ([page 86](#))
- Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action ([page 117](#))
- Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance ([page 84](#))
- Committee on the Elimination of Racial Discrimination ([page 124](#))

### At the regional level

- Special Rapporteur of the Inter-American Commission on the Human Rights of Persons of African Descent and Racial Discrimination ([page 177](#))
- European Commission against Racism and Intolerance ([page 197](#))

The mechanisms focused on the rights of **women**, **minorities** and **indigenous persons** ([page 23](#)) may be of particular relevance with regard to discrimination against these particular groups.

## PROTECTION FROM ARBITRARY DISPLACEMENT

Both human rights and humanitarian law forbid arbitrary displacement (i.e. being forced to flee or leave one's home in violation of international law), as noted in Guiding Principle 6. Guiding Principle 7 sets out the procedural guarantees required for displacement not to be considered arbitrary, both in times of peace and of armed conflict.

Arbitrary displacement can violate the rights to freedom of movement and to choose one's residence, freedom from arbitrary interference with one's home, and the right to housing. In general, such situations may be brought to the attention of:

### At the universal level

- Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#))
- Special Rapporteur on the Right to Adequate Housing as a Component of the Right to an Adequate Standard of Living ([page 62](#))
- Human Rights Committee ([page 120](#)), citing CCPR arts. 12(1) (freedom of movement) and 17 (interference with one's home)
- Committee on Economic, Social and Cultural Rights ([page 119](#)), citing ESCR art. 11 (right to housing)

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 12(1) (freedom of movement)
- Special Rapporteur of the African Commission on Human and Peoples' Rights on Refugees, Asylum Seekers and Displaced Persons ([page 161](#))
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR arts. 11 (interference with one's home) and 22(1) (freedom of movement) and/or ADRDM arts. 8 (freedom of movement) and 9 (inviolability of home)
- European Court of Human Rights ([page 195](#)), citing ECHR arts. 8 (interference with one's home) and ECHR protocol 4, art. 2(1) (freedom of movement)

- European Committee of Social Rights ([page 198](#)), citing ESC art. 16 (right to housing), ESC revised, art. 31 (right to housing)

In addition, displacement in the context of **armed conflict** may violate provisions of the Geneva Conventions and IDPs might consider contacting the International Committee of the Red Cross ([page 142](#)). Displacement can also constitute a war crime or a crime against humanity, and it might be appropriate to seek the intervention of the International Criminal Court ([page 144](#)).

For situations of **massive displacement**, see [page 25](#). Where mercenaries are responsible for displacement, the Working Group on the Use of Mercenaries as a Means of Impeding the Exercise of the Right of People to Self Determination ([page 110](#)) may be interested. Displacement resulting from the “war on terror” may interest the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism ([page 111](#)).

Displacement resulting from **development** projects may concern a number of additional mechanisms. The World Bank ([page 147](#)), Inter-American Development Bank ([page 181](#)), Asian Development Bank ([page 184](#)) and European Bank for Reconstruction and Development ([page 201](#)) all have policies calling for minimizing and mitigating displacement from any projects in which they are involved as well as complaints mechanisms for persons affected by them. Use of these procedures might result in greater information sharing, reduction or elimination of displacement, or more generous provisions for resettlement. The Special Representative of the Secretary-General on Human Rights and Transnational Corporations and other Business Enterprises ([page 109](#)) might intervene in development projects sponsored by private actors.

Persons who cannot obtain **information** about pending development projects that they fear will displace them might consider a complaint to the mechanisms described beginning on [page 42](#) below.

Situations of displacement due to **toxic and other dangerous products** might be referred to the Special Rapporteur on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights ([page 108](#)).

Displacement of **indigenous persons**, particularly due to development projects, is a special concern of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples ([page 100](#)) and can be brought to the International Labour Organization ([page 136](#)), citing ILO Conventions 107 art. 12, and 169 art. 16. If minority groups are targeted, the mechanisms focused on minorities might also be of assistance ([page 23](#)).

Displacement is frequently motivated by **racial or ethnic bias**, sometimes with the goal of “ethnically cleansing” a particular geographic area. In such cases it may be useful to seek the involvement of mechanisms focused on racial and ethnic discrimination ([page 27](#)) citing, in the case of the Committee on the Elimination of Racial Discrimination ([page 124](#)), CERD arts. 3 (racial segregation), 5(d)(i) (freedom of movement and residence), 5(d)(v) (right to property), and/or 5(e)(iii) (right to housing).

## PROTECTION DURING DISPLACEMENT

### ARBITRARY KILLINGS

IDPs have the right to life and must therefore be protected against murder, summary executions, and genocide (Guiding Principle 10), in other words, against arbitrary killings. Not all killing is forbidden (or “arbitrary”) pursuant to human rights law; for instance, as a last resort, police may kill a person to prevent him causing imminent injury or death to others. Similarly, soldiers may kill armed enemy combatants in times of armed conflict. However, these exceptions to the general prohibition of killing are narrow.

In situations of armed conflict, both parties must try to avoid actions that may lead to the killing of civilians. In particular, IDPs may not be taken hostage or otherwise used as “human shields” in conflict and must be protected against the use of anti-personnel landmines.

Arbitrary killings or threatened killings of IDPs may generally be brought to the attention of:

#### At the universal level

- Special Rapporteur on Extrajudicial, Arbitrary or Summary Executions ([page 81](#))
- Human Rights Committee ([page 120](#)), citing CCPR art. 6
- Special Advisor of the Secretary-General on the Prevention of Genocide ([page 116](#))

#### At the regional level

- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 4 and/or ADRDM art. 1
- African Commission (and Court) on Human and Peoples’ Rights ([page 156](#)), citing AfCHPR art. 4
- European Court of Human Rights ([page 195](#)), citing ECHR art. 2

For **mass killings**, see the section on Large-Scale Violations of Human Rights ([page 25](#)). Where mercenaries are responsible for the killings, the new Working Group on the Use of Mercenaries as a Means of Impeding the Exercise of the Right of People to Self Determination ([page 110](#)) may be interested.

When killings may amount to **genocide, crimes against humanity** or, if in the context of armed conflict, **war crimes**, it may be advisable to involve the International Criminal Court ([page 144](#)). The International Committee of the Red Cross might also be able to intervene for arbitrary killings in situations of **armed conflict** ([page 142](#)).

For killings or threatened killings of women, children, indigenous peoples, minorities and human rights defenders, the mechanisms listed in the section on Particular Groups of People ([page 22](#))

might be appropriate (citing, in the case of the Committee on the Rights of the Child ([page 131](#)), art. 6 of the CRC). For additional mechanisms that might be available concerning killings motivated by **racial or ethnic discrimination**, see [page 26](#).

For killings of women motivated or caused by **gender discrimination**, IDPs and their advocates might turn in particular to the Special Rapporteur on Violence against Women ([page 91](#)) and to the mechanisms described on [page 23](#).

## TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT

IDPs have the right to be protected from torture, cruel, inhuman or degrading treatment (Guiding Principle 11). Definitions used for these concepts vary for the different mechanisms. At a minimum, torture includes severe pain or suffering intentionally inflicted by a government agent (or with the acquiescence or consent of a government) on a person for the purpose of extracting information, punishing or coercing that person or others, or for a reason based on discrimination (see CAT art. 1). It does not include suffering or pain arising from lawful sanctions (e.g. a jail sentence upon conviction of a crime is not torture). Cruel, inhuman and degrading treatment is generally understood to include ill treatment that does not rise to the level of torture. This might include, for example, sexual abuse by state agents short of rape, such as soldiers forcing a woman to undress.

Such issues may generally be brought to the attention of:

### At the universal level

- Special Rapporteur on Torture ([page 73](#))
- Committee against Torture ([page 132](#))
- Human Rights Committee ([page 120](#)), citing CCPR art. 7
- International Criminal Court ([page 144](#))

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 5
- Special Rapporteur of the African Commission on Human and Peoples' Rights on Prisons and Conditions of Detention in Africa ([page 161](#))
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 5 and ADRDM art. 1
- European Court of Human Rights ([page 195](#)), citing ECHR art. 3
- European Committee for the Prevention of Torture ([page 194](#))

For torture of women, children, indigenous, minorities and human rights defenders, the mechanisms listed in the section on Particular Groups of People ([page 22](#)) might be appropriate (citing, in the case of the Committee on the Rights of the Child ([page 131](#)), art. 37 of the CRC).



For massive, generalized or systematic torture, see [page 25](#).

For torture in situations of **armed conflict** it may be advisable to contact the International Committee of the Red Cross ([page 142](#)), and/or the Special Representative of the Secretary-General on Children in Armed Conflict ([page 116](#)). Torture can also be punished as a **war crime** or a crime against humanity by the International Criminal Court ([page 144](#)).

For additional mechanisms that might be available concerning torture motivated by **racial or ethnic discrimination**, see [page 26](#).

## RAPE AND SEXUAL VIOLENCE

IDPs have the right to be protected against rape and other sexual violence (Guiding Principle 11). Rape can be a method of internationally inflicting pain or suffering and may therefore amount to torture ([page 31](#)). Even when this is not the case, where rape of women or children is carried out by government representatives or forces or the government has failed to take reasonable steps to prevent and punish rape, the following mechanisms might be contacted:

### At the universal level

- Special Rapporteur on Violence against Women ([page 91](#))
- Commission on the Status of Women ([page 112](#))

### At the regional level

- Special Rapporteur of the African Commission on Human and Peoples' Rights on the Rights of Women in Africa ([page 164](#))
- Inter-American Commission of Women ([page 180](#))
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 5, ADRDM art. 1 and ACVW arts. 2 & 7
- Special Rapporteur of the Inter-American Commission on Human Rights on the Rights of Women ([page 179](#))

For massive, generalized or systematic rape, see [page 25](#).

For rape in situations of **armed conflict** it may be advisable to contact the International Committee of the Red Cross ([page 142](#)), and/or the Special Representative of the Secretary-General on Children in Armed Conflict ([page 116](#)). Rape can also be punished as a **war crime** or a crime against humanity by the International Criminal Court ([page 144](#)).

For additional mechanisms that might be available concerning rape motivated by **racial or ethnic discrimination**, see [page 26](#).



## SLAVERY, SALE INTO MARRIAGE, FORCED LABOR, SEXUAL EXPLOITATION AND TRAFFICKING

IDPs may not be pressed into slavery, including its contemporary forms, such as forced labor, sale into marriage, and sexual exploitation (Guiding Principle 11).

Another abusive practice widely acknowledged as a type of contemporary slavery is trafficking. A person is trafficked when he or she is moved, by means of coercion or deceit, for the purpose of exploitation. While trafficking is normally discussed with regard to the movement of people (especially women and children) across borders, “internal trafficking” is also implicit in the leading definitions. IDPs can be particularly vulnerable to being trafficked due to the loss of community support structures and financial distress.

Slavery and related issues may generally be brought to the attention of:

### At the universal level

- Working Group of the Sub-Commission on Promotion and Protection of Human Rights on Contemporary Forms of Slavery ([page 54](#))
- Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography ([page 94](#))
- Special Rapporteur on Trafficking in Persons, Especially in Women and Children ([page 97](#))
- Committee on the Elimination of Discrimination against Women ([page 128](#)), citing CEDAW
- Committee on the Rights of the Child ([page 131](#)), citing CRC arts. 32-36
- Human Rights Committee ([page 120](#)), citing CCPR arts. 8 (slavery and forced servitude) or art. 23 (forced marriage)
- International Labour Organization ([page 136](#))

### At the regional level

- African Commission (and Court) on Human and Peoples’ Rights ([page 156](#)), citing AfCHPR art. 5 (slavery)
- Special Rapporteur of the African Commission on Human and Peoples’ Rights on the Rights of Women in Africa ([page 164](#))
- African Committee of Experts on the Rights and Welfare of the Child ([page 169](#)), citing AfCRWC arts. 21 (child marriage), 27 (sexual exploitation)
- Inter-American Commission of Women ([page 180](#))
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR arts. 6 (slavery and forced labor) and 17 (forced marriage)
- Special Rapporteur of the Inter-American Commission on Human Rights on the Rights of Women ([page 179](#))
- European Court of Human Rights ([page 195](#)), citing ECHR arts. 4 (slavery and forced labor)

Enslavement can also amount to a **crime against humanity** that can be punished by the International Criminal Court ([page 144](#)).

## ARBITRARY DETENTION

IDPs may not be arbitrarily detained (Guiding Principle 12). This means that they may not be arrested or held in detention (whether in a prison or any other place) without a legal justification and proper judicial process. For example, where IDPs are forced into camps and not allowed to leave, they may be considered arbitrarily detained. Moreover, if the sole reason for detention is to punish the exercise of human rights, such as the right to freedom of expression, to organize workers collectively, to exercise one's religion, or to advocate for the human rights of others, it is considered arbitrary.

Issues of arbitrary detention can generally be brought to the attention of:

### At the universal level

- Working Group on Arbitrary Detention ([page 69](#))
- Human Rights Committee ([page 120](#)), citing CCPR art. 9

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 6
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 7 and/or ADRDM art. 1
- European Court of Human Rights ([page 195](#)), citing ECHR art. 5

Where persons are detained due to **racial or ethnic bias**, or for other discriminatory reasons, the mechanisms described above in the section on Discrimination ([page 26](#)) may also be of use. Where a person is detained specifically because of the exercise of the rights to education, freedom of expression and opinion, sharing in scientific advancement and participation in cultural life, it is possible to invoke the UNESCO Committee on Conventions and Recommendations ([page 139](#)).

**Human rights defenders** are often detained in retaliation for their advocacy efforts. In such cases, the Special Representative of the United Nations Secretary-General on Human Rights Defenders ([page 102](#)) and/or the Special Rapporteur on the African Commission on Human and Peoples' Rights on Human Rights Defenders ([page 163](#)) may be of particular interest. Arbitrary detention motivated by efforts to counter terrorism may be of interest to the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism ([page 111](#)).

For detention of displaced **children**, the Committee on the Rights of the Child ([page 131](#)), citing CRC art. 37, may be appropriate.

Widespread arbitrary detention may amount to a **crime against humanity**, punishable by the International Criminal Court ([page 144](#)).

Note that issues concerning poor **living conditions** during detention do not fall under this category, and should instead be addressed by mechanisms concerned with torture and cruel or inhuman treatment ([page 31](#)) or more generally considering the rights to adequate food, shelter and other necessities of life ([page 36](#)).

## DISAPPEARANCES AND MISSING PERSONS

IDPs have the right to be protected against “disappearances” (Guiding Principle 10). A person is “disappeared” under human rights law when he or she is detained by governmental authorities, or by others acting with governmental consent or acquiescence, after which the government denies the detention and/or refuses to state what has happened to the person or reveal where he or she is located.

Disappearances may generally be brought to the attention of the Working Group on Enforced and Involuntary Disappearances ([page 76](#)) at the universal level, and to the Inter-American Commission (and Court) on Human Rights ([page 171](#)) (citing the Inter-American Convention on Forced Disappearances of Persons), on the regional level.

They might also be brought to the mechanisms available for communications concerning arbitrary killing if it appears that the victim has been killed ([page 30](#)) and/or arbitrary detention ([page 34](#)).

Disappearances on a **massive scale** may be appropriate for the mechanisms described in the section on Large-Scale Violations of Human Rights ([page 25](#)). Disappearances may amount to a **crime against humanity** punishable by the International Criminal Court ([page 144](#)).

In situations of **armed conflict**, humanitarian law requires the parties to facilitate efforts to trace missing persons (Guiding Principle 16). The International Committee of the Red Cross ([page 142](#)) offers a central tracing service in many such situations.

## RESPECT FOR FAMILY LIFE, FAMILY UNITY AND PRIVACY

IDPs have the right to respect for their family life. This means, among other things, that family members should not be involuntarily separated and, if they do become separated, authorities should assist them to reunify (Guiding Principle 17). This right also extends to privacy in family relations. Thus, for example, shelters for IDPs that unnecessarily impinge on family privacy violate this right.

Issues concerning respect for family life may generally be brought to the attention of:

### At the universal level

- Committee on the Rights of the Child ([page 131](#)), citing CRC arts. 9 & 16
- Human Rights Committee ([page 120](#)), citing CCPR art. 17

### At the regional level

- African Committee on the Rights and Welfare of the Child ([page 169](#)), citing AfCRWC arts. 10 & 19
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 11 and/or ADRDM art. 5
- European Court of Human Rights ([page 195](#)), citing ECHR art. 8

## RECRUITMENT INTO ARMED FORCES, INCLUDING OF CHILD SOLDIERS

Displaced children should not be compelled or even allowed to take part in combat (Guiding Principle 13).

Issues of child recruitment into armed forces can generally be brought to the attention of:

### At the universal level

- Committee on the Rights of the Child ([page 131](#)), citing CRC art. 38
- Special Representative of the Secretary-General on Children in Armed Conflict ([page 116](#))
- International Labour Organization ([page 136](#)), citing ILO Convention No. 182, art. 3

### At the regional level

- African Committee on the Rights and Welfare of the Child ([page 169](#)), citing AfCRWC art. 22

Involuntary recruitment of adults, including IDPs, is not necessarily prohibited by human rights law. However, IDPs may not be subjected to **discriminatory recruitment practices** on the basis of their displacement or other status ([page 26](#)). Moreover, any punishments for failing to comply with involuntary recruitment that amount to **cruel, inhuman or degrading practices** are prohibited ([page 31](#)).

## ADEQUATE STANDARD OF LIVING

IDPs have the right to an adequate standard of living (Guiding Principle 18). This includes the rights to adequate housing, food and water, appropriate clothing and essential medical services and sanitation. The individual aspects of this right are described in more detail below.

In situations of **armed conflict**, objects necessary to survival, such as foodstuffs, crops, livestock, drinking water and civilian shelter may not be attacked, removed or destroyed. Moreover, if a party to the conflict displaces civilians from their homes for reasons of military necessity, that party must ensure the adequate accommodation, hygiene, health, safety and nutrition of those so moved. Violations of these rights may be brought to the attention of the International Committee of the Red Cross ([page 142](#)) and may also constitute war crimes under the jurisdiction of the International Criminal Court ([page 144](#)).

Note that discrimination on the basis of **race**, **ethnicity**, or **gender** in any of the aspects of the right to an adequate standard of living may be brought to the attention of mechanisms concerned with discrimination in general ([page 26](#)). Likewise, situations where there is no adequate standard of living might generally be brought to the attention of the Independent Expert on Extreme Poverty ([page 66](#)).

## ADEQUATE HOUSING

IDPs have the right to adequate housing. This right is violated if they are driven from their homes and also if they are afterwards housed in substandard shelter.

Issues concerning housing may generally be brought to the attention of:

### At the universal level

- Special Rapporteur on the Right to Adequate Housing as a Component of the Right to an Adequate Standard of Living ([page 62](#))
- Committee on Economic, Social and Cultural Rights ([page 119](#)), citing ESCR art. 11
- Committee on the Rights of the Child ([page 131](#)), citing CRC art. 27

### At the regional level

- African Committee on the Rights and Welfare of the Child ([page 169](#)), citing AfCRWC art. 20
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ADRDM art. 11.
- European Committee of Social Rights ([page 198](#)), citing ESC art. 16, ESC revised, art. 31

## FOOD AND WATER

IDPs have the right to food. This means that they should have access to food that is adequate in quantity and quality to sustain a healthy and active life and that this food be culturally appropriate. The right to potable water is an element of the right to food.

Issues concerning the right to food and water may be brought to the attention of:

**At the universal level**

- Special Rapporteur on the Right to Food ([page 63](#))
- Committee on Economic, Social and Cultural Rights ([page 119](#)), citing ESCR art. 11
- Committee on the Rights of the Child ([page 131](#)), citing CRC arts. 24 and 27

**At the regional level**

- African Committee on the Rights and Welfare of the Child ([page 169](#)), citing AfCRWC art. 14
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ADRDM art. 11

**ADEQUATE CLOTHING**

IDPs have the right to adequate clothing, meaning clothing that is adequate for the climate and culture in which they live.

Issues concerning adequate clothing may be brought to the attention of:

**At the universal level**

- Committee on Economic, Social and Cultural Rights ([page 119](#)), citing ESCR art. 11
- Committee on the Rights of the Child ([page 131](#)), citing CRC art. 27

**At the regional level**

- African Committee on the Rights and Welfare of the Child ([page 169](#)), citing AfCRWC art. 20
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ADRDM art. 11

**HEALTH, MEDICAL SERVICES AND SANITATION**

IDPs have the right to the “highest possible standard of health.” This includes, among other things, the right to appropriate medical services (for physical, mental and other health issues) as well as to adequate sanitation.

Issues related to this right may be brought to the attention of:

**At the universal level**

- Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health ([page 67](#))
- Committee on Economic, Social and Cultural Rights ([page 119](#)), citing ESCR art. 12
- Committee on the Rights of the Child ([page 131](#)), citing CRC art. 27

**At the regional level**

- African Committee on the Rights and Welfare of the Child ([page 169](#)), citing AfCRWC art. 14

- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ADRDM art. 11
- European Committee of Social Rights ([page 198](#)), citing ESC art. 11 or ESC (revised) art. 11

## EMPLOYMENT

IDPs have the right to seek opportunities for employment and to participate in economic opportunities (Guiding Principle 22). IDPs also have the right to a safe and healthy workplace, and to organize collectively within their workplaces. Issues concerning employment may generally be brought to the attention of:

### At the universal level

- Committee on Economic, Social and Cultural Rights ([page 119](#)), citing ESCR arts. 6 & 7
- International Labour Organization ([page 136](#))

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 15
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ADRDM art. 14 and San Salvador Protocol art. 8
- European Committee of Social Rights ([page 198](#)), citing ESC arts. 1 & 2, or ESC (revised) arts. 1 & 2
- European Parliament Committee on Petitions ([page 208](#))

Discrimination is a frequent problem with regard to employment. **Discrimination** on the basis of **displacement, race, ethnicity, and gender** may be brought to the attention of the mechanisms described in the section on Discrimination ([page 26](#)). In particular, IDPs might consider the Committee on the Elimination of Racial Discrimination ([page 124](#)), citing CERD art. 5 and the Committee on the Elimination of Discrimination against Women ([page 128](#)), citing CEDAW art. 11. IDPs who fall into poverty because of the inability to find appropriate employment might consider informing the Independent Expert on Extreme Poverty ([page 66](#)).

## PENSIONS, UNEMPLOYMENT SUPPORT AND OTHER SOCIAL SECURITY

IDPs have the right to social support when they are not in a position to make their own living, including in the event of unemployment, sickness, disability, widowhood, old age (e.g. pensions) or other lack of livelihood in circumstances beyond their control (UDHR art. 25). Issues concerning these types of social protections may generally be brought to the attention of:

### At the universal level

- Committee on Economic, Social and Cultural Rights ([page 119](#)), citing ESCR art. 9
- International Labour Organization ([page 136](#))

### At the regional level

- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ADRDM art. 16
- European Committee of Social Rights ([page 198](#)), citing ESC art. 12 or ESC (revised) art. 12
- European Parliament Committee on Petitions ([page 208](#))

**Discrimination** on the basis of **displacement, race, ethnicity, and gender** in social security services may be brought to the attention of the mechanisms described above in the section on Discrimination ([page 26](#)). In particular, IDPs might consider the Committee on the Elimination of Racial Discrimination ([page 124](#)), citing CERD art. 5 and the Committee on the Elimination of Discrimination against Women ([page 128](#)), citing CEDAW art. 11. IDPs who fall into poverty because of inadequacy of social security assistance might consider informing the Independent Expert on Extreme Poverty ([page 66](#)).

## FREE MOVEMENT AND RESIDENCE

IDPs have the right to move freely within their own countries and to choose their own residence (Guiding Principle 14). This means, for example, that IDPs have the right to choose whether or not they wish to live in camps. They also have the right to leave their countries, in particular if they wish to do so in order to seek asylum (Guiding Principle 15).

Restrictions on IDPs' freedom of movement may generally be brought to the attention of:

### At the universal level

- Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#))
- Human Rights Committee ([page 120](#)), citing CCPR art. 12

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 12
- Special Rapporteur of the African Commission on Human and Peoples' Rights ([page 169](#))
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 22 and/or ADRDM art. 8
- European Court of Human Rights ([page 195](#)), citing ECHR protocol 4, art. 2



## ACCESS TO THE COURTS AND TO IDENTIFICATION AND OTHER LEGAL DOCUMENTS

IDPs have the right to be recognized everywhere as persons before the law (Guiding Principle 20). This means, among other things, that they are entitled to access to the courts. Also, they have the right to be provided identification and other necessary legal documents (e.g. birth, marriage or death certificates) without having to comply with unreasonable requirements, such as that they return to the areas from which they have fled.

Issues of these kinds may be brought to the attention of:

### At the universal level

- Special Rapporteur on the Independence of Judges and Lawyers ([page 111](#))
- Representative of the Secretary-General on the Human Rights of Internally Displaced Persons ([page 61](#))
- Committee on the Rights of the Child ([page 131](#)), citing CRC art. 24 (right to identity)
- Human Rights Committee ([page 120](#)), citing CCPR art. 4

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 5
- Special Rapporteur of the African Commission on Human and Peoples' Rights on Refugees, Asylum Seekers and Displaced Persons ([page 161](#))
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 3 and/or ADRDM art. 17

## EXPRESSION, OPINION, INFORMATION, BELIEF AND RELIGION

IDPs have the rights to hold opinions and express themselves (Guiding Principle 22). A corollary of these rights is the right to freely seek and receive information – including information held by public authorities. Similarly, they have the right to form and express religious beliefs and to practice their religion.

Issues concerning these rights may generally be brought to the attention of:

### At the universal level

- Special Rapporteur on Freedom of Opinion and Expression ([page 87](#))
- Special Rapporteur on Freedom of Religion and Belief ([page 86](#))
- Human Rights Committee ([page 120](#)), citing CCPR arts. 18 (religion) & 19 (opinion, expression, and information)

- UNESCO Committee on Conventions and Recommendations ([page 139](#)) (opinion, expression and information)

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR arts. 8 (religion) & 9 (expression and information)
- Special Rapporteur of the African Commission on Human and Peoples' Rights on Freedom of Expression in Africa ([page 161](#))
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR arts. 12 (religion) & 13 (expression and information) and/or ADRDM art. 4 (expression, information and opinion)
- Office of the Special Rapporteur of the Inter-American Commission on Human Rights for Freedom of Expression ([page 178](#))
- European Court of Human Rights ([page 195](#)), citing ECHR arts. 9 (religion) & 10 (expression, information and opinion)

For **children**, these issues may also be brought to the Committee on the Rights of the Child ([page 131](#)) citing CRC arts. 13 (expression, information and opinion) and 14 (religion) and the African Committee of Experts on the Rights and Welfare of the Child ([page 169](#)), citing ACRWC art. 9. Restrictions particularly targeted against **human rights defenders** may be of interest to the mechanisms described on [page 24](#).

In addition, with regard to the right to seek and receive information, where the World Bank ([page 147](#)), Inter-American Development Bank ([page 181](#)), Asian Development Bank ([page 184](#)) or the European Bank for Reconstruction and Development ([page 201](#)) are involved in a **development project**, their accountability mechanisms are available if potentially affected persons are unable to obtain information about the project.

## PUBLIC ASSOCIATION AND ASSEMBLY, PARTICIPATION IN CIVIC AFFAIRS AND VOTING

IDPs have the right to associate and assemble freely and participate equally in community affairs. This includes joining and participating in civic, worker, cultural, political and other associations. Likewise, they have the right to vote and to participate in governmental and public affairs (Guiding Principle 22).

These issues may generally be brought to the attention of:

### At the universal level

- Representative of the Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#))

- Human Rights Committee ([page 120](#)), citing CCPR art. 21 (association), & 25 (voting and government participation)
- International Labour Organization ([page 136](#)) (association and assembly of workers)
- UNESCO Committee on Conventions and Recommendations ([page 139](#)) (assembly and association for cultural, education and scientific purposes)

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR arts. 11 (assembly), & 13 (participation in government)
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR arts. 15 (assembly), 16 (association) & 23 (participation in government and voting) and/or ADRDM arts. 20 (participation in government and voting), 21 (assembly), & 22 (association)
- European Court of Human Rights ([page 195](#)), citing ECHR art. 11 (assembly and association)
- European Committee of Social Rights ([page 198](#)) (association and assembly of workers)

Where restrictions on the rights to association, assembly and public participation amount to a **bar on free expression**, the mechanisms beginning on [page 41](#) might also be used.

For **children**, these issues may also be brought to the Committee on the Rights of the Child ([page 131](#)) citing CRC art. 15 (assembly and association). Restrictions particularly targeted against **human rights defenders** may be of interest to the mechanisms described on [page 24](#).

**Discrimination** in the provision of these rights may be brought to the mechanisms in the section beginning on [page 26](#), citing, in the case of the Committee on the Elimination of Racial Discrimination ([page 124](#)) art. 5 of CERD, and in the case of Committee on the Elimination of Discrimination against Women ([page 128](#)), CEDAW art. 7 (equal assembly, association, and participation in government).

## PROPERTY AND POSSESSIONS

IDPs may not be arbitrarily deprived of their property or possessions (Guiding Principle 21). This right is most directly covered by mechanisms at the regional level, where it may be brought to the attention of:

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 14
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR arts. 21 and/or ADRDM art. 23
- European Court of Human Rights ([page 195](#)), citing ECHR protocol 1, art. 1

**Discriminatory** deprivation of property or possessions may be brought to the attention of the mechanisms beginning on [page 26](#), citing, in the case of the Committee on the Elimination of Racial

Discrimination ([page 124](#)), CERD art. 5 and, in the case of the Committee on the Elimination of Discrimination against Women ([page 128](#)), CEDAW arts. 15 or 16.

In times of **armed conflict**, civilian property must be protected against pillage, direct or indiscriminate attacks on their property, including for purpose of reprisal, use of their property as a shield, and destruction or appropriation as collective punishment. Violations of these rules may be brought to the attention of the International Committee of the Red Cross ([page 142](#)) as well as the mechanisms noted above and may constitute war crimes under the jurisdiction of the International Criminal Court ([page 144](#)).

With regard to restitution or compensation for lost property, see [page 47](#).

## MINORITY LANGUAGES

IDPs have the right to communicate in a language they understand (Guiding Principle 22). This includes the right to educate their children in their language, freedom to publish, broadcast and receive media in their language, the ability to use their language in cultural and community settings, and access to interpretation in any criminal court proceedings against them.

Issues concerning minority and indigenous languages may generally be brought to the attention of the mechanisms focused on national minorities beginning on [page 23](#), as well as to the attention of:

### At the universal level

- Committee on the Rights of the Child ([page 131](#)) citing CRC art. 29 (education of children in minority languages)
- Human Rights Committee ([page 120](#)), citing CCPR arts. 14 (court translation) or 27 (use of minority languages generally)
- International Labour Organization ([page 136](#)), citing ILO Convention No. 169 arts. 28 & 30 (indigenous languages).

### At the regional level

- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 8 (court translation)
- European Court of Human Rights ([page 195](#)), citing ECHR art. 6 (court translation)

Restrictions on language rights may amount to violations of the freedoms of **expression** and to seek and receive **information** and may thus be brought to the attention of the mechanisms beginning on [page 44](#). Similarly, restrictions on the use of particular languages in assemblies and associations may be brought to the attention of the mechanisms beginning on [page 42](#).

## EDUCATION

IDPs have the right to education. This means, among other things, that authorities must ensure that IDPs, and particularly displaced children, receive free and compulsory primary education. Education should respect IDPs' cultural identity, language and religion (Guiding Principle 23).

Issues concerning the right to education may generally be brought to the attention of:

### At the universal level

- Special Rapporteur on the Right to Education ([page 65](#))
- Committee on Economic Social and Cultural Rights ([page 119](#)), citing ESCR art. 13
- Committee on the Rights of the Child ([page 131](#)), citing CRC art. 28
- UNESCO Committee on Conventions and Recommendations ([page 139](#))

### At the regional level

- African Commission (and Court) on Human and Peoples' Rights ([page 156](#)), citing AfCHPR art. 17
- African Committee of Experts on the Rights and Welfare of the Child ([page 169](#)), citing ACRWC art. 11
- Inter-American Commission (and Court) on Human Rights ([page 171](#)), citing ACHR art. 26, ADRDM art. 7, and the San Salvador Protocol art. 13
- European Court of Human Rights ([page 195](#)), citing ECHR protocol 2, art. 17
- European Committee of Social Rights ([page 198](#))

For issues concerning the education of **minorities** and **indigenous** peoples (particularly concerning cultural and linguistic issues) the mechanisms described on [pages 23](#) and [44](#) above may be appropriate. For those concerning **religion** and **education**, IDPs might refer to the mechanisms beginning on [page 41](#).

**Discrimination** in the provision of education may be brought to the mechanisms beginning on [page 26](#), citing, in the case of the Committee on the Elimination of Racial Discrimination ([page 126](#)), art. 5 of CERD, and in the case of Committee on the Elimination of Discrimination against Women ([page 128](#)), CEDAW art. 10 (equal assembly, association, and participation in government).

In situations of **armed conflict**, the parties to the conflict have obligations with regard to the education of orphans and deliberately displaced children. Failure to abide by these obligations may be brought to the attention of the International Committee of the Red Cross ([page 142](#)) and to the Special Representative of the Secretary-General on Children in Armed Conflict ([page 116](#)).

## HUMANITARIAN ASSISTANCE

In situations of disaster (including armed conflict and natural and technological disasters), IDPs have the right to request and receive humanitarian assistance (Guiding Principle 3). This derives from their rights to life and to an adequate standard of living (which encompasses the rights to housing, food and water, adequate clothing, health). If humanitarian assistance is not withheld or blocked, any of these rights may be violated and the mechanisms described above in the sections on Arbitrary Killings ([page 30](#)) and Adequate Standard of Living ([page 36](#)) can be called upon.

In situations of **armed conflict**, humanitarian organizations have the right under humanitarian law to offer to assist authorities to provide assistance to IDPs and authorities should not arbitrarily withhold permission (Guiding Principle 25). Rather, they should facilitate free passage of humanitarian assistance and respect and protect humanitarian personnel and supplies (Guiding Principle 26).

Where parties to conflict block humanitarian assistance to IDPs, divert that assistance for their own use, or attack humanitarian personnel, property or equipment, their conduct may constitute crimes against humanity, war crimes, or even genocide, and it may be appropriate to contact the International Criminal Court ([page 144](#)). Killings of humanitarian personnel (and indirect killings of IDPs through denial of humanitarian assistance) might also be brought to the attention of mechanisms concerned with arbitrary killings described above ([page 30](#)).

## RETURN, RESETTLEMENT, REHABILITATION AND REINTEGRATION

### RIGHT TO RETURN OR RESETTLE

IDPs have the right to voluntarily return to their homes or permanently resettle in other areas of the country, in safety and dignity (Guiding Principle 28). They must not be forced to resettle or return against their wills. This type of coercion would violate their rights to freedom of movement and residence, and may be brought to the attention of the mechanisms concerned with these violations ([page 40](#)).

The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#)) and the Special Rapporteur of the African Commission on Human and Peoples' Rights on Refugees, Asylum Seekers and Displaced Persons in Africa ([page 165](#)) are likely to be especially interested in responding to situations of forcible return as an issue of particular application to IDPs.

Also, if forcible return might subject those affected to a risk of **torture** or of being **arbitrarily killed**, the mechanisms beginning on, respectively, pages 31 and 30 might be appropriate. Likewise, if issues of **discrimination** are a barrier to safe, voluntary and dignified return, the mechanisms beginning on [page 31](#) may be of interest.

## ASSISTANCE WITH REHABILITATION AND REINTEGRATION

IDPs are entitled to assistance with rehabilitation and reintegration, whether they decide to return to their homes or permanently resettle elsewhere (Guiding Principle 28). This entitlement arises from their right to an adequate standard of living and issues of this regard and may therefore be brought to the attention of the mechanisms concerned with these issues ([page 36](#)).

The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#)) and the Special Rapporteur of the African Commission on Human and Peoples' Rights on Refugees, Asylum Seekers and Displaced Persons in Africa ([page 161](#)) are likely to be especially interested in responding to failures of rehabilitation and reintegration as an issue of particular application to IDPs.

## RESTITUTION AND COMPENSATION FOR LOST OR ABANDONED PROPERTY

IDPs have the right to restitution of their property left behind upon displacement, or compensation for property that cannot be returned to them (Guiding Principle 29). This right derives from IDPs' right to property and possessions. Issues of restitution and compensation may therefore be brought to the attention of the mechanisms concerned with property and possessions ([page 43](#)).

The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#)) and the Special Rapporteur of the African Commission on Human and Peoples' Rights on Refugees, Asylum Seekers and Displaced Persons in Africa ([page 161](#)) are also likely to be interested in responding to failures of authorities to guarantee restitution or compensation for lost property, as an issue of particular application to IDPs.

IDPs unable to access courts or obtain legal assistance to handle property restitution claims might consider communications to the mechanisms described in the section on access to courts ([page 41](#)).

## V. HUMAN RIGHTS MECHANISMS



# INTERNATIONAL MECHANISMS

## UN BODIES

### HUMAN RIGHTS COUNCIL

**Background** In April 2006, the United Nations General Assembly passed Resolution 60/251, abolishing the Commission on Human Rights, which, for the previous 60 years, had been the UN's highest human rights organ, and replacing it with a new Human Rights Council. Like the Commission before it, the Council will be made up of representatives of certain UN member states and will be charged with promoting respect for human rights, addressing situations of violations of human rights, and developing new human rights law and norms. The Council will be smaller and meet more frequently than the Commission did, and will also have some different procedures for addressing human rights violations. Like the Commission, the Council will be a crucial forum for promoting the human rights of IDPs, particularly as its status within the UN has been raised from a sub-body of the Economic and Social Council (ECOSOC) to a body reporting directly to the General Assembly.

It is likely that the primary and most accessible entry point to the Council by IDPs and their advocates will continue to be through the system of "Special Procedures" created by the Commission. The Special Procedures are comprised of special rapporteurs, special representatives, working groups, and other actors with mandates focused on particular thematic areas of human rights. They are described in detail below. The April 2006 resolution provides that the Council shall have "substantive interaction with special procedures" which will hopefully ensure that their reports will be given enhanced attention at Council sessions.

In addition, as described below, IDP advocates can attend sessions of the Council to speak directly on matters of concern and may be able to invoke the "1503 procedure" ([page 51](#)) or its equivalent to address massive or systematic violations of human rights and/or provide information pertinent to a "periodic review" of all states' human rights situations.

**Meetings** According to Resolution 60/251, the Council will meet "regularly throughout the year" in no fewer than three separate sessions, in addition to special sessions when necessary.

**What You Can Do** If you represent an NGO with consultative status, you may attend Council sessions to lobby and make brief statements. In particular, you might attempt to influence the language of the resolution on internal displacement and the resolution on human rights and mass exoduses, prompt the Council to develop country-specific resolutions on countries with displacement problems and ensure that attention is given to displacement situations in other country-specific discussions, or seek to include IDP issues in thematic resolutions. You can also sponsor and participate in side events devoted to IDP issues to raise visibility. Finally, you can bring issues and ideas to the Council indirectly through the Sub-Commission on the Promotion and Protection of Human Rights ([page 54](#)).

You can also cite the resolutions of, and reports to, the Council and its predecessor, the Commission on Human Rights, on issues of relevance to IDPs in your advocacy at the national level. The Office of the High Commissioner for Human Rights has prepared a thematic compilation of Commission on Human Rights resolutions and reports concerning IDPs and refugees over the period of 1994-2004, which may serve as a beginning point of reference (U.N. Doc. E/CN.4/2005/80/Add.1, available at [www.ohchr.org](http://www.ohchr.org)).

**Evaluation** As the highest level international forum on human rights, the Council will serve as an important vehicle for drawing attention to IDP issues. This was the case with its predecessor, the Commission. In 1992, thanks in large part to the lobbying of a handful of NGOs, the Commission passed a resolution calling upon the Secretary-General to appoint a representative on IDPs (RSG) ([page 60](#)), who reported to the Commission annually. In 1998, the RSG presented the Guiding Principles on Internal Displacement (see Annex 1) to the Commission, and its resolutions since that time noted and encouraged their growing use. Since 1991, the Commission passed a resolution on IDPs by consensus every year and made increasing reference to IDP issues in other resolutions.

As with the Commission, membership in the Human Rights Council is limited to states. NGOs who wish to formally address the Council will likely be limited to brief statements. At the Commission, it was often the contacts in the corridors and side events where NGOs had the greatest impact.

**Competence** The Council can consider human rights issues in any UN member state. It is not bound by any particular human rights instrument as its authority is based on the Charter of the United Nations and General Assembly Resolution 60/251 (discussed above).

**Procedure** To participate in the Council, an NGO must have consultative status. The granting of such status, up to the present, has been handled by the Economic and Social Council (ECOSOC).

Applications received by ECOSOC by June 1 of a particular year are decided upon in the fall of the following year. (Thus, an application sent in April 2006 would be decided in fall 2007.) Once consultative status is granted, individual representatives of the NGO are required to seek “accreditation” from the Office of the High Commissioner for Human Rights at least one month before the session to be attended.

### Send Applications to:

To apply for consultative status, send a letter of intent on the organization’s letterhead and signed by its secretary-general or president to:

DESA NGO Section  
One UN Plaza. Room DC1-1480  
New York, NY 10017  
USA  
Tel: +1 212 963 8652  
Fax: +1 212 963 9248

E-mail: [desangosection@un.org](mailto:desangosection@un.org)

The NGO section will send an application package. For information on accreditation for a particular session of the Council or its predecessor Commission, see [www.ohchr.org](http://www.ohchr.org) or contact the Office of the High Commissioner for Human Rights at +41 22 917 92 56.

**Potential Result** While NGOs cannot vote or directly sponsor resolutions at the Council, their expertise and advocacy can influence state members to act in a positive manner for IDPs. Resolutions raising IDP issues can generate press attention internationally and in the target country and can be used by IDPs, international organizations and concerned NGOs in domestic advocacy. Resolutions can also strengthen existing mechanisms like the RSG and create new ones, which can lead to year-round attention outside the confines of the annual meeting. Strong resolutions and decisions can also strengthen the international normative framework (e.g. as expressed in the Guiding Principles).

### For More Information

Human Rights Council website: <http://www.ohchr.org/english/bodies/hrcouncil>

Commission on Human Rights website: [www.ohchr.org/english/bodies/chr/index.htm](http://www.ohchr.org/english/bodies/chr/index.htm)

ECOSOC website: [www.un.org/esa/coordination/ngo/](http://www.un.org/esa/coordination/ngo/)

## 1503 PROCEDURE

The Commission on Human Rights previously accepted and acted upon some direct complaints from individuals, NGOs, and civil society about consistent patterns of gross human rights abuses of human rights in a particular state pursuant to the “1503 procedure” named after the number of the ECOSOC resolution authorizing the practice.

Inasmuch as it was focused on massive human rights violations, it would seem well-suited for IDP crises involving masses of people. However, many considered it “toothless” because of its strict confidentiality. Even those submitting communications were not allowed to witness the proceedings and were not informed about the Commission’s substantive findings or decisions. The only public acknowledgement normally available was an announcement at the annual meeting of the Commission that a country situation was under consideration. Nevertheless, the formality of the procedure did seem to have some effect on some states subjected to the procedure.

At the time of writing, it was not clear whether the 1503 procedure would be continued by the Human Rights Council. However, it is likely that the Council will have some method of directly addressing complaints about massive human rights violations. It may therefore be worthwhile for IDPs and their advocates to continue to forward communications to the Council that would have been appropriate under the 1503 procedure, the rules for which are described directly below.

**What You Can Do** You can submit a communication about gross human rights abuses as illustrations

of a “consistent pattern” of such violations in a particular state.

**Evaluation** The fact that the 1503 procedure only responds to “situations” as a whole rather than to individual complaints should be considered very carefully when considering this avenue. It should not be assumed that because a particular IDP is only one among a great many suffering violations of human rights that she should not seek to access a mechanism focused on her individual rights. On the other hand, if the aim is to promote a larger political process, for example, to address governments that refuse to admit that a displacement problem exists, deny humanitarian access, or fail to allocate funds for adequate security or assistance, a broader perspective, such as that offered by the 1503 procedure, may be appropriate.

Plainly, the 1503 procedure would not be the best choice for a complaint about an isolated case of eviction. In fact, if a communication to the 1503 procedure about a particular violation appears on its face to be an isolated instance, the secretariat will frequently forward it elsewhere, such as to the Representative of the Secretary-General on the human rights of internally displaced persons ([page 60](#)). For this reason, for those who would prefer to use the 1503 procedure, it may be helpful to collate a number of incidents of violations together (such as information on conditions in a number of large camps) in a single communication.

**Who May Submit Communications** Communications may be submitted by individuals or groups of persons who have suffered gross violations of human rights or by any other individual, group or NGO with “direct and reliable knowledge” of the violations (e.g. not based entirely on media reports) and who is acting in “good faith” without “political motivation.”

**Competence** The Council is empowered to consider communications about consistent patterns of gross human rights abuses in any UN member state.

**Exhaustion of Domestic Remedies** Those whose rights are alleged to be violated in a particular communication must show that they have exhausted domestic remedies or that such remedies would be “ineffective or unreasonably prolonged.”

**Duplication of Procedures** Although there is no express rule against duplication in the various resolutions related to the 1503 procedure, official guidelines issued by the Office of the High Commissioner for Human Rights advise that overlap “should be avoided.” At a minimum, it appears that appeals also made to the Special Procedures will not lead to rejection under the 1503 procedure. However, communications about individual rights violations in states that have accepted the right to individual petition under the CCPR, CAT or CERD will be rejected, unless they are presented as “general information” rather than individual complaints.

**Time Issues** Communications must be submitted “within a reasonable time” after the exhaustion of any domestic remedies. Previously, communications submitted prior to May of a given year would be considered by the Commission in March/April of the following year, if they survived the steps of the process described below. Those submitted after May would not be considered until the

following session (i.e. two years later). There is no procedure of expedited review of urgent cases in the 1503 procedure.

**Language and Format** Communications may be in any of the official UN languages: Arabic, Chinese, English, French, Russian, or Spanish. There is no required format, but abusive language or clearly asserted political motives will lead to rejection. At a minimum, communications should set out the facts of the case(s), describe how those facts were learned, explain why they reveal a consistent pattern of gross violations, describe how domestic remedies have been exhausted (or why they have not) and submit any supporting evidence or documentation (including any evidence of exhaustion of remedies).

**Confidentiality** Complaints may not be anonymous but authors may request that their names and those of the victim(s) not be revealed to the government concerned.

**Procedure** As operated by the Human Rights Council’s predecessor, the Commission on Human Rights, when a communication was received, the secretariat and the Chair of the Working Group on Communications performed an initial screening to determine if it was “manifestly ill-founded.” If not, acknowledgement was sent to the author and the government concerned is invited to respond.

The communication was then considered at the annual meeting (usually in August) of the Working Group on Communications, a body of the Sub-Commission on the Promotion and Protection of Human Rights. If the Working Group on Communications deemed the communication admissible, it was forwarded to the Working Group on Situations, a body made up of five member state representatives (which usually met in February).

If the Working Group on Situations believed that there was a consistent pattern of gross violations of human rights, it would forward the matter to the Commission on Human Rights, along with a recommendation for action. The Commission would then consider the matter (with the participation of the government in question but not of the author of the communication) during its annual meeting. All proceedings were confidential.

**Potential Result** After consideration of a “situation,” the Commission could decide to (1) end consideration of the matter, (2) continue considering the matter in its next session, (3) appoint an independent expert or special rapporteur to gather more information (to be provided in a confidential report), or (4) shift the matter to the public portion of its agenda and thus raise the possibility of a public resolution and creation of a monitoring mechanism with public reporting responsibility. A public announcement would be made after the private session indicating only which countries were under consideration. While it offered precious little information about the proceedings, this small detail nonetheless frequently generated some press attention.

### Send Communications to:

1503 Procedure  
Treaties and Commission Branch  
OHCHR-UNOG

1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 11

### For More Information

OHCHR Fact Sheet No.7/Rev.1: Complaints Procedures (available at: [www.ohchr.org/english/about/publications/docs/fs7.htm](http://www.ohchr.org/english/about/publications/docs/fs7.htm)).

*Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 227-32.

*Guide to International Human Rights Practice* (4<sup>th</sup> ed., Hurst Hannum, ed., Transnational Publishers, Inc., 2004), 69-74.

## PERIODIC REVIEW

Resolution 60/251 also created a new method for the Council to address human rights violations, a periodic review “based on objective and reliable information, of the fulfillment of each State of its human rights obligations and commitments.” This means that the Council, unlike the Commission, will examine the human rights records of all states. How this new procedure will operate has not yet been decided upon, but it is probable that this “periodic review” will be an additional avenue for advocacy by IDPs and their advocates.

## SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

**Background** The Sub-Commission on the Promotion and Protection of Human Rights (formerly known as the Sub-Commission on the Prevention of Discrimination and Protection of Minorities) was created as a subsidiary of the Commission on Human Rights, now replaced by the Human Rights Council. The Sub-Commission was made up of 26 experts who were elected to serve in their individual capacities for four-year terms. It served as a sort of “think tank” for the Commission, carrying out studies and suggesting topics, new standards, and actions for the Commission’s consideration. It will presumably play the same role for the Council, perhaps with a new title. The Sub-Commission has several working groups, including the Working Group on Communications, which assists with the 1503 procedure ([page 51](#)), the Working Group on Minorities, the Working Group on Contemporary Forms of Slavery, and the Working Group on Indigenous Populations. The Sub-Commission meets annually (usually in August) and its Working Groups also meet once per year between sessions of the full body. This schedule may change according to the different schedule of the Council. The procedures described below may also be subject to change.

**What You Can Do** You can provide input to the Sub-Commission and its Working Groups on relevant studies under development and suggest the creation of new standards. If you represent an



NGO with consultative status with ECOSOC, you may attend Sub-Commission and Working Group meetings to lobby for resolutions and standards relevant to IDP issues and to make written and/or oral statements.

**Evaluation** The Sub-Commission does not handle individual complaints, but can act as a springboard for the consideration of issues, new human rights standards, and country situations and may be able to influence the Human Rights Council to act. The Sub-Commission has passed numerous resolutions of interest to IDPs, such as the right not to be arbitrarily displaced<sup>5</sup> or forcibly evicted,<sup>6</sup> the right to housing,<sup>7</sup> and property restitution for refugees and IDPs.<sup>8</sup> It has also worked to generate new guidelines, such as on property restitution.<sup>9</sup>

While the Human Rights Council will likely consider internal displacement as a general topic at each of its sessions (as the Commission did previously), the Sub-Commission might be used to introduce elements that have not yet been addressed, such as particular rights issues for development or natural-disaster induced displacement. As a starting point, it is sufficient to interest one of the members in an issue, something often easier to accomplish than influencing states parties to the Commission.

**Competence** The Sub-Commission is not limited in the issues it may address, however, its power to address specific countries was limited by the Commission in previous years.

**Potential Result** The Sub-Commission may produce relevant studies, pass resolutions, and induce the Council to take up consideration of a particular issue or proposed human rights standard.

#### **Send Information and Applications to:**

Sub-Commission on the Promotion and Protection of Human Rights  
Treaties and Commission Branch  
OHCHR-UNOG  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 11

To apply for consultative status, send a letter of intent on the organization's letterhead and signed by its secretary-general or president to:

DESA NGO Section  
One UN Plaza, Room DC1-1480  
New York, NY 10017  
USA

5 Res. 1996/9, 1994/24.

6 Res.1997/6.

7 Res. 1991/26, 1993/36, 1994/8, 1995/27.

8 Res. 1998/26, 2002/7.

9 U.N. Doc. E/CN.4/Sub.2/2004/22.

Tel: +1 212 963 8652  
 Fax: +1 212 963 9248  
 E-mail: [desangosection@un.org](mailto:desangosection@un.org)

The NGO section will send an application package. For information on accreditation for a particular session of the Sub-Commission, see [www.ohchr.org](http://www.ohchr.org) or contact the Office of the High Commissioner for Human Rights at +41 22 917 92 56.

**Note:** For meetings of the Working Group on Indigenous Peoples, consultative status is not required if you represent indigenous peoples or societies.

### For More Information

Sub-Commission website: [www.ohchr.org/english/bodies/index.htm](http://www.ohchr.org/english/bodies/index.htm)  
 International Service for Human Rights: [www.ishr.ch/About%20UN/Charter-based%20bodies/Sub.2/sub\\_2.htm](http://www.ishr.ch/About%20UN/Charter-based%20bodies/Sub.2/sub_2.htm)

*Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 232-34.

## SPECIAL PROCEDURES

### Country-Specific Rapporteurs, Representatives and Experts

**Background** In addition to thematic mandates (described below), the Human Rights Council's predecessor, the Commission on Human Rights, created special rapporteurs, experts, or requested the Secretary-General to appoint representatives, concerning the human rights situations in particular countries. They have tended to be mandated only for one year at a time, and these mandates are more often "retired" than those of thematic Special Procedures. Country-specific rapporteurs, representatives and experts have been empowered to report, make periodic visits to the country with the government's permission and provided annual reports to the former Commission – and, in some instances, the General Assembly – but have not handled individual complaints.

Within one year of the Human Rights Council's first meeting, a review will be completed to examine ways to "rationalize and strengthen" these and other special mechanisms.

**What You Can Do** You can informally provide information to the relevant rapporteur, representative or expert about systematic human rights violations relating to IDPs and request that they be taken up with national officials during a country visit and noted in the annual report. Annual reports – previously made to the Commission – will presumably be presented to the Human Rights Council.

**Evaluation** A number of these rapporteurs, representatives and experts have raised IDP issues in the past but some have not done so, notwithstanding serious problems in this area in the countries they



address. Country-specific mechanisms frequently receive more attention than thematic rapporteurs, and their reports can have an important impact on the resolutions adopted by the Council. Thus, although they generally do not deal with individual complaints, it can be valuable for NGOs to ensure that they have updated information on the situation of IDPs within the countries about which they are concerned. The mandates provided to the various country-specific mechanisms vary, with some expressly charged with monitoring and reporting back on human rights violations (e.g. the mechanisms for Belarus, Cambodia, Cuba, the Democratic People's Republic of Korea, and the Democratic Republic of Congo), and others mainly called upon to provide technical assistance to the country (e.g. the independent experts on Liberia and Somalia). Gradations between these types of roles are sometimes unclear; the list below therefore provides representative language from recent resolutions on the scope of each mandate.

**Potential Results** The special rapporteur, representative or expert may raise IDP issues on country visits and/or discuss them in his or her annual report.

### Current Mandate List

#### **Special Rapporteur on the situation of human rights in Belarus**

Website: [www.ohchr.org/english/countries/by/mandate/index.htm](http://www.ohchr.org/english/countries/by/mandate/index.htm)

Mandate: Establish direct contacts with the government and with the people of Belarus, with a view to examining the situation of human rights in Belarus and following any progress made towards the elaboration of a program on human rights education for all sectors of society, in particular law enforcement, the judiciary, prison officials and civil society.<sup>10</sup>

#### **Independent Expert on the situation of human rights in Burundi**

Website: [www.ohchr.org/english/countries/bi/mandate/index.htm](http://www.ohchr.org/english/countries/bi/mandate/index.htm)

Mandate: Provide backing for the government of Burundi in its efforts to improve the human rights situation, consider the situation of human rights in Burundi, and ensure that the authorities are honoring the commitments they have made.<sup>11</sup>

#### **Special Representative of the Secretary-General for human rights in Cambodia**

Website: [www.ohchr.org/english/countries/kh/mandate/index.htm](http://www.ohchr.org/english/countries/kh/mandate/index.htm)

Mandate: Assist the government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and report on recommendations.<sup>12</sup>

#### **Personal Representative of the High Commissioner for Human Rights on the situation of human rights in Cuba**

Website: [www.ohchr.org/english/countries/cu/mandate/index.htm](http://www.ohchr.org/english/countries/cu/mandate/index.htm)

Mandate: Foster cooperation between the High Commissioner's Office and the government of Cuba in the implementation of the Commission (now Council) resolutions.<sup>13</sup>

<sup>10</sup> U.N. Doc. E/CN.4/RES/2005/13, para. 4.

<sup>11</sup> U.N. Doc. E/CN.4/RES/2004/82, paras. 23-24.

<sup>12</sup> U.N. Doc. E/CN.4/RES/2003/79, para. 1.

<sup>13</sup> U.N. Doc. E/CN.4/RES/2002/18, para. 3.

**Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea**

Website: [www.ohchr.org/english/countries/kp/mandate/index.htm](http://www.ohchr.org/english/countries/kp/mandate/index.htm)

Mandate: Establish contact with the government and the people, report on the situation of human rights in the country and on the government's compliance with its obligations under international human rights instruments, including through visits to the country and information received from all relevant actors, and examine alleged human rights violations and report on them.<sup>14</sup>

**Independent Expert on the situation of human rights in the Democratic Republic of the Congo (ex-Zaire)**

Website: [www.ohchr.org/english/countries/zr/mandate/index.htm](http://www.ohchr.org/english/countries/zr/mandate/index.htm)

Mandate: Provide assistance to the government in the field of human rights, study the evolving situation of human rights in the country and verify that its obligations in this field are being fulfilled.<sup>15</sup>

**Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti**

Website: [www.ohchr.org/english/countries/ht/mandate/index.htm](http://www.ohchr.org/english/countries/ht/mandate/index.htm)

Mandate: Furnish assistance to the government in the area of human rights, examine the development of the situation of human rights in the country and monitor the fulfillment by the government of its obligations in this field.<sup>16</sup>

**Independent Expert on technical cooperation and advisory services in Liberia**

Website: [www.ohchr.org/english/countries/lr/mandate/index.htm](http://www.ohchr.org/english/countries/lr/mandate/index.htm)

Mandate: Facilitate cooperation between the government and OHCHR in the area of the promotion and protection of human rights by providing technical assistance and advisory services.<sup>17</sup>

**Special Rapporteur on the situation of human rights in Myanmar**

Website: [www.ohchr.org/english/countries/mm/mandate/index.htm](http://www.ohchr.org/english/countries/mm/mandate/index.htm)

Mandate: Establish direct contacts with the government and the people, including political leaders deprived of their liberty, their families and lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar.<sup>18</sup>

**Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967**

Website: [www.ohchr.org/english/countries/ps/mandate/index.htm](http://www.ohchr.org/english/countries/ps/mandate/index.htm)

Mandate: Investigate Israel's violations of the principles and bases of international law and

<sup>14</sup> U.N. Doc. E/CN.4/RES/2005/11, paras. 7-8.

<sup>15</sup> U.N. Doc. E/CN.4/RES/2004/84, para.7(a).

<sup>16</sup> U.N. Doc. E/CN.4/RES/1995/70, para. 10.

<sup>17</sup> U.N. Doc. E/CN.4/RES/2003/82, para. 1.

<sup>18</sup> U.N. Doc. E/CN.4/RES/1992/58, para. 3.

<sup>19</sup> U.N. Doc. E/CN.4/RES/1993/2, para. 4.

international humanitarian law in the Palestinian territories, receive communications, hear witnesses, and use such modalities of procedure as he may deem necessary for his mandate.<sup>19</sup>

#### **Independent Expert appointed by the Secretary-General on the situation of human rights in Somalia**

Website: [www.ohchr.org/english/countries/so/mandate/index.htm](http://www.ohchr.org/english/countries/so/mandate/index.htm)

Mandate: Assist the Special Representative of the Secretary-General for Somalia through development of a long-term program of advisory services for re-establishing human rights and the rule of law, including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot.<sup>20</sup>

#### **Special Rapporteur on the situation of human rights in the Sudan**

Website: [www.ohchr.org/english/countries/sd/mandate/index.htm](http://www.ohchr.org/english/countries/sd/mandate/index.htm)

Mandate: Monitor the situation of human rights in the country.<sup>21</sup>

(Note: This mandate was changed from an “independent expert” to a “special rapporteur” by Resolution 2005/2 of the former Commission on Human Rights).

#### **Independent Expert on the situation of human rights in Uzbekistan**

Website: [www.ohchr.org/english/countries/uz/mandate/index.htm](http://www.ohchr.org/english/countries/uz/mandate/index.htm)

Mandate: Appointed pursuant to the 1503 procedure ([page 51](#)).

#### **Contact Address**

OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 06

### *Thematic Mandates*

Traditionally, the primary means for victims of human rights violations to access the former Commission on Human Rights was through the thematic mandates. These include special rapporteurs, representatives of the Secretary-General, working groups and committees charged by the Commission to concentrate on particular human rights issues or groups of vulnerable persons. Most of the thematic mandates are able to accept and act on complaints of human rights violations, with a minimum of formal requirements. The Human Rights Council will “inherit” these and other special mechanisms of the Commission, which will presumably report annually to the Council. Within one year of the Council’s first meeting, a review will be completed to examine ways to “rationalize and strengthen” them. This may result in the merging or changing of existing mandates.

<sup>20</sup> U.N. Doc. E/CN.4/RES/1993/86, para.1.

<sup>21</sup> U.N. Doc. E/CN.4/RES/2005/82, para. 8.

### **Representative of the Secretary-General on the Human Rights of Internally Displaced Persons**

**Background** In 1992, pursuant to a request in a resolution by the former Commission on Human Rights, the United Nations Secretary-General appointed a representative on internally displaced persons. In 2004, a new mandate was created called the “Representative of the Secretary-General on the human rights of internally displaced persons” (RSG). The RSG is a human rights expert who undertakes country visits, engages in dialogue with governments, sponsors regional and national seminars, promotes the Guiding Principles on Internal Displacement (Annex 1), encourages the development of national laws and policies on internal displacement, supports the work of civil society and national human rights institutions, and works to “mainstream” the human rights of IDPs in the UN system. Although the RSG does not have an explicit mandate to take up individual cases, he is entitled to intervene in specific situations of imminent or past violations of the rights of IDPs (including through “urgent appeals” and “allegation letters”) that also can be taken up by other Special Procedures.

**What You Can Do** IDPs and concerned NGOs can contact the RSG to inform him about specific situations of internal displacement or about larger trends, issues or concerns about displacement in their countries. The RSG will contact relevant authorities about specific situations where they involve impending or recently imposed forcible displacement or forcible return or other issues. IDPs and concerned NGOs can also suggest countries for the RSG to visit where his advocacy might make a particular difference.

**Evaluation** The RSG is the only international human rights mechanism specifically focused on internal displacement. The RSG was instrumental in the development of the Guiding Principles on Internal Displacement, a “soft law” document that compiles, restates and interprets existing human rights and humanitarian law relevant to internal displacement. He provides advice to governments on the adoption of laws and policies based on the Principles, promotes better conditions for IDPs and has also encouraged the United Nations system to develop policies and programs responsive to the rights of IDPs.

The RSG’s focus is mainly on policy-level dialogues with governments, development of tools to encourage domestic incorporation of the Guiding Principles, and targeted support to the IDP-related work of civil society institutions and national human rights institutions. He does intercede about specific situations, but individual complaints about human rights abuses covered by other Special Procedures (for example, torture of IDPs, extrajudicial executions of IDPs, arbitrary detention of IDPs) will normally be referred to them. At the same time, the RSG will take up individual or collective complaints concerning IDP issues that fall outside the scope or main focus of other mandates, such as issues of obtaining identification and residency documentation, voting rights, forcible return, and adequacy of rehabilitation measures. If in doubt about where to direct a particular complaint, IDPs and their advocates should send it to the RSG who may refer it or act upon it as appropriate.

**Who May Submit Communications** Anyone may submit communications to the RSG.

**Competence** The RSG may consider IDP issues involving any UN member state. He may also address IDP concerns in areas controlled by non-state actors or de facto authorities. The RSG uses the Guiding Principles on Internal Displacement (Annex 1) as his overall framework for action.

**Exhaustion of remedies** There is no requirement to exhaust local remedies before communicating with the RSG.

**Duplication of Procedures** There is no formal rule prohibiting duplication but individual communications involving rights covered by other Special Procedures will normally be forwarded to them.

**Time Issues** For individual communications about forcible displacement or return, the RSG will be most likely to intervene if the act is impending or recently committed. The RSG can make urgent appeals in appropriate situations.

**Language and Format** Communications may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format. General information about IDP situations is welcome. For the areas in which the RSG addresses specific situations, communications should include the name and contact information of the sender and provide the date and place of the incident and a detailed description of the circumstances.

**Procedure** When an individual communication is received, it will be assessed by OHCHR secretariat staff for the appropriateness of RSG intervention. The RSG may then issue a letter to the government concerned directly or through diplomatic missions in Geneva.

**Potential Result** The RSG may intervene by letter, direct contact with diplomatic officials, a country mission, or public statements as appropriate. He may issue a joint statement with other Special Procedures. He may also refer to specific situations or larger patterns in his reports to the Human Rights Council and the General Assembly, which are made publicly available.

#### Send Communications to:

Representative of the Secretary-General on the Human Rights of Internally Displaced Persons  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: + 41 22 917 90 06  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of the procedure in the subject line)

#### For More Information

Use the above contact information or the RSG's website: [www.ohchr.org/english/issues/idp/index.htm](http://www.ohchr.org/english/issues/idp/index.htm)

### ***Special Rapporteur on the Right to Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context***

**Background** This Special Rapporteur is involved in developing international and national standards on the right to adequate housing and addressing violations of that right. His main activities are country visits, transmitting letters on individual complaints to governments (including “urgent appeals” about imminent violations and “allegation letters” where the violation has already occurred), developing dialogue with governments and civil society, in particular through questionnaires on particular issues, and reporting annually to the Human Rights Council ([page 49](#)).

**What You Can Do** You can submit a communication about violations of the right to adequate housing and seek the Special Rapporteur’s intervention. Where appropriate, you can also suggest that the Special Rapporteur undertake a country visit for extended dialogue with the authorities and other parties on this issue.

**Evaluation** The Special Rapporteur has frequently addressed displacement and the housing rights of persons who have been displaced in his annual reports and communications to authorities. In particular, the current mandate holder has been outspoken on displacement due to development<sup>22</sup> and natural disasters, areas in which few human rights mechanisms have responded clearly. Transmitting individual cases is not the primary focus of his activities, however, and in the past, his volume of correspondence has been lower than other Special Procedures. Nevertheless, IDPs and concerned NGOs should consider submitting communications, either about individual or large-scale cases, of forcible evictions, failure to provide adequate shelter to those who have fled their homes, and failure to provide assistance in returning to homes left behind.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to consider issues of adequate housing in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require exhaustion of domestic remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** The Special Rapporteur has no formal urgent appeal mechanism but may be persuaded to act urgently in a particular case as the situation warrants.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format and no specific questionnaire for using the mandate, but at a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators,

<sup>22</sup> E.g. U.N. Doc. E/CN.4/2004/48, paras. 62-63.

identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances.

**Confidentiality** Communications may not be anonymous, but the name of the author will be kept confidential. If requested, the Special Rapporteur will also keep the name of the victim(s) confidential.

**Procedure** When a communication is received with adequate information, the Special Rapporteur may forward it to the government concerned.

**Potential Result** The Special Rapporteur may issue a letter to the government or make a public statement expressing his concern about a housing rights issue. He may also take up the issue in his annual reports to the Human Rights Council.

#### Send Communications to:

Special Rapporteur on the Right to Adequate Housing  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 06  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

#### For More Information

The Special Rapporteur's website: [www.ohchr.org/english/issues/housing/index.htm](http://www.ohchr.org/english/issues/housing/index.htm)

### **Special Rapporteur on the Right to Food**

**Background** This Special Rapporteur deals with a range of topics related to the right to food, including access to food, long-term food security, and access to water. He seeks to make changes at the international level (with regard to the effects of global trade on the right to food) and at the domestic level (by encouraging domestic legislation). He also undertakes country visits, transmits letters on individual cases of violations of the right to food to governments (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), and reports annually to the Human Rights Council ([page 49](#)) and the General Assembly.

**What You Can Do** You can submit communications about individual or group violations of the right to food and seek the Special Rapporteur's intervention. Where appropriate, you may also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** The Special Rapporteur has repeatedly raised issues of IDPs' right to food in his annual



reports. Most recently, this has included issues concerning land tenure for displaced persons in Sudan, and the effects of home demolition on the right to food in the Occupied Palestinian Territories.<sup>23</sup>

In addition to cases where food assistance is inadequate or blocked, IDPs and concerned NGOs should consider communicating with the Special Rapporteur about failures of food security, such as where resettlement programs fail to provide adequate means to recreate a livelihood.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications, but at a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances.

**Confidentiality** Communications may not be anonymous, but the name of the author will be kept confidential upon request. If requested, the Special Rapporteur will also keep the name(s) of actual or potential victim(s) confidential. In this case, however, sufficient details must be provided to enable the government to investigate the matter.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Rapporteur may issue an urgent appeal or allegation letter to the government expressing his concern. Summaries of each such communication and any governmental replies are submitted to the Council (and thus made publicly available) with the Special Rapporteur's annual report (but are considered confidential until that time and are not shared with authors of communications beforehand).

### Send Communications to:

Special Rapporteur on the Right to Food  
OHCHR-UNOG

<sup>23</sup> U.N. Doc. E/CN.4/2005/47, para. 17, 20.



8-14 Avenue de la Paix  
 1211 Geneva 10  
 Switzerland  
 Fax: +41 22 917 90 03  
 E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of the mechanism in the subject line)

### For More Information

The Special Rapporteur's website: [www.ohchr.org/english/issues/food/index.htm](http://www.ohchr.org/english/issues/food/index.htm)

### *Special Rapporteur on the Right to Education*

**Background** This Special Rapporteur examines the right to education with a “holistic approach to examining, monitoring and promoting [it], one that includes, inter alia, guarantees of the financing, establishment and operation of free primary compulsory education, the fight against all forms of exclusion and discrimination, and efforts to boost the quality of rights-based education.”<sup>24</sup> He has three major modes of action: country visits, transmitting communications concerning education (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), and reporting to the Human Rights Council ([page 49](#)).

**What You Can Do** IDPs and concerned NGOs may submit communications about violations of the right to education and seek the Special Rapporteur's intervention. Where appropriate, they may also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** Traditionally, this mandate has placed major emphasis on research, conceptual issues and country visits rather than on individual communications, and it has only rarely addressed issues of internally displaced persons. However, the current Special Rapporteur has indicated his interest in addressing violations of the right to education in the context of armed conflict and other emergencies.

IDPs and concerned NGOs might consider bringing to the Special Rapporteur's attention cases where they or their children have limited access to education in their place of refuge, where educational services require fees that they are unable to afford or documentation they are unable to obtain, and where adequate educational facilities are not provided in the context of return or resettlement.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

<sup>24</sup> U.N. Doc. E/CN.4/2005/50, para. 9.

**Time Issues** Where appropriate to the circumstances, the Special Rapporteur will issue urgent appeals. The Special Rapporteur seeks state replies within two weeks of an urgent appeal. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications and no specific questionnaire provided, but at a minimum, information provided should include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances.

**Confidentiality** Communications may not be anonymous, but the name of the author will be kept confidential upon request. If requested, the Special Rapporteur will also keep the name(s) of actual or potential victim(s) confidential. In this case, however, sufficient details must be provided to enable the government to investigate the matter.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Rapporteur may issue a letter of concern, undertake a country visit, and/or highlight the issue in his annual reports to the Human Rights Council, which are made publicly available.

#### **Send Communications to:**

Special Rapporteur on the Right to Education  
OHCHR-UNOG

8-14 Avenue de la Paix

1211 Geneva 10

Switzerland

Fax: +41 22 917 90 03

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of the mechanism in the subject line)

#### **For More Information**

The Special Rapporteur's website: [www.ohchr.org/english/issues/education/rapporteur/index.htm](http://www.ohchr.org/english/issues/education/rapporteur/index.htm)

#### **Independent Expert on Extreme Poverty**

**Background** This Independent Expert is charged with evaluating the connection between human rights and extreme poverty and making recommendations to states. His main activities are country visits, preparing studies, and submitting annual reports to the Human Rights Council ([page 49](#)).

**What You Can Do** The Independent Expert does not accept communications of individual complaints. However, one might consider contacting the Independent Expert to provide information on displacement and suggest that he address the issue as part of a human rights approach to poverty. One can also suggest that the Independent Expert visit a particular country to discuss the issue with authorities.

**Evaluation** The Independent Expert has noted that IDPs and refugees tend to be the “poorest of the poor” and urged that they should be given priority attention in social policy.<sup>25</sup> After a visit to Sudan, the Independent Expert urged support for a civil registration process to enable the distribution of official identity documents to IDPs and refugees.<sup>26</sup> A great deal more could be said about the connection between long term displacement and extreme poverty, both for those affected and for the societies in which they live. NGOs may wish to engage the Independent Expert on these issues and provide him with relevant information.

### Contact

Independent Expert on Extreme Poverty  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 03

### For More Information

Use the above contact information or: Special Rapporteur’s website: [www.ohchr.org/english/issues/poverty/expert/index.htm](http://www.ohchr.org/english/issues/poverty/expert/index.htm)

## ***Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health***

**Background** This Special Rapporteur is mandated to gather information, report on the status of the right to health, engage in dialogue with relevant actors, and make recommendations to improve fulfillment of the right to health. He has three major activities: country visits, transmitting letters concerning individual violations of the right to health to governments (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), and reporting to the Human Rights Council ([page 49](#)) and the General Assembly.

**What You Can Do** You can submit communications about imminent violations of the right to health or those that have taken place and seek the Rapporteur’s intervention. Where appropriate, you can also suggest that the Special Rapporteur undertake a country visit for extended dialogue

<sup>25</sup> U.N. Doc. E/CN.4/2000/52, para. 114.

<sup>26</sup> U.N. Doc. E/CN.4/2004/43, para. 74.

<sup>27</sup> U.N. Doc. E/CN.4/2005/51/Add.1, paras. 35-37, 66.

with authorities and other parties on this issue.

**Evaluation** This is a relatively new mandate (established in 2002) but the Special Rapporteur has already intervened in cases involving the health ramifications of development-induced displacement in India and of attacks and harsh living conditions in IDP camps in Darfur, Sudan.<sup>27</sup> There are few other mechanisms that can respond to individual complaints in the area of health. IDPs should therefore strongly consider seeking the Special Rapporteur's assistance in situations including governmental neglect of their pressing health needs, unsound temporary housing arrangements that threaten their well-being, and blockage of humanitarian medical assistance.

**Competence** The Special Rapporteur is empowered to address the right to health as provided in article 25 (1) of the Universal Declaration of Human Rights (UDHR), article 12 of the International Covenant on Economic, Social and Cultural Rights (CESCR), article 24 of the Convention on the Rights of the Child (CRC) and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as on the right to non-discrimination as reflected in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). All states have ratified at least one of the above treaties, and nearly all states have recognized the moral authority of the UDHR. Accordingly, the Special Rapporteur may effectively intervene with any UN member state.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur seeks to avoid duplication of activities with health-focused agencies and organizations such as the World Health Organization, but duplication with other human rights mechanisms is not excluded. Where appropriate, allegations encompassing more than one mandate of the Human Rights Council may be addressed jointly with different mechanisms.

**Time Issues** The Special Rapporteur will issue urgent appeals on an expedited basis for situations of imminent and high danger to health.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format and no specific questionnaire for using the mandate, but at a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the impending health risk.

**Potential Result** The Special Rapporteur may issue an urgent appeal or allegation letter to the government expressing his concern about a pending or completed violation of the right to health. Summaries of each such communication and any governmental replies presumably will continue to be submitted to the Council (and thus made publicly available) with the Special Rapporteur’s annual report (but will be considered confidential until that time and are not shared with authors of communications beforehand). The Special Rapporteur may also undertake a country visit to address issues in greater depth with domestic authorities.

### Send Communications to:

Special Rapporteur on the Right to Health  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 06  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

### For More Information

The Special Rapporteur’s website: [www.ohchr.org/english/issues/health/right/index.htm](http://www.ohchr.org/english/issues/health/right/index.htm)

### Working Group on Arbitrary Detention

**Background** This Working Group investigates allegations of arbitrary detention, renders opinions as to whether such cases constitute violations of international law, undertakes country missions, and reports to the Human Rights Council. It is made up of five experts who serve in their individual capacities.

**What You Can Do** You can submit individual communications about arrest, detention and imprisonment by government officials to seek an opinion that they are “arbitrary”, in other words: (1) where there is no legal basis to justify the detention, (2) where the detention is the result of the exercise of certain human rights (e.g. the right to freedom of movement or to seek asylum),<sup>28</sup> or (3) where the right to a fair trial has been flagrantly denied. The communication might also call upon the Working Group to issue more general advice on IDP detention issues in the form of a “deliberation.” Finally, you might urge the Working Group to undertake a mission to a country where IDP confinement is a particular problem.

**Evaluation** The Working Group has in the past addressed some individual instances of IDPs being arbitrarily arrested. However, it has not addressed confinement in camps, a frequent problem for IDPs, though this issue would seem to fall squarely within its mandate. The Working Group’s

<sup>28</sup> The other rights concerned are the right to be protected from discrimination, freedom of thought, conscience and religion, freedom of opinion and expression, freedom of association, and the right to political participation.

formal process of considering complaints and the “opinion” issued to the government at the end can be useful advocacy tools in seeking release, although they are not binding on domestic authorities.

For detention in states that have signed the first Optional Protocol to the International Covenant on Civil and Political Rights, it is possible instead to complain about arbitrary detention issues to the Human Rights Committee ([page 120](#)), a mechanism with greater political weight. A lawyer’s assistance is important to use the Human Rights Committee but not as critical to use the Working Group. Moreover, admissibility requirements are less strenuous for the Working Group than for the Human Rights Committee, as noted below. Finally, the Working Group is normally able to process communications – particularly urgent matters – more quickly than the Human Rights Committee.

**Who May Submit Communications** Affected persons, their families or representatives as well as NGOs and governments may submit communications to the Working Group.

**Competence** The Working Group is empowered to consider communications about arbitrary detention in any UN member state. Detention by private individuals or non-state armed actors is not covered.

**Exhaustion of Domestic Remedies** Exhaustion of local remedies is not required before contacting of the Working Group.

**Duplication of Procedures** The Working Group seeks to avoid duplication by forwarding on cases that appear more appropriate for other Special Procedures (e.g. on torture, summary execution or enforced disappearance). If the case fundamentally has to do with the lawfulness of detention, the Working Group will allow duplication with other mechanisms so long as they do not deal with the case on an individual basis but rather as part of a human rights situation (like the 1503 procedure, [page 51](#)). It will not allow duplication with proceedings on the same case at the Human Rights Committee ([page 120](#)).

**Time Issues** The Working Group will only address cases where the person has already been detained. Normally, if the person is released the Working Group will “file” the case and take no further action; however, in some cases it will produce an opinion. The Working Group has an urgent action procedure for exceptional circumstances, such as where continued detention may constitute a serious danger to the person’s health or life. This must be specifically requested.

**Language and Format** Communications may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format, but it is recommended that authors (whom the Working Group calls “sources”) use the Working Group’s questionnaire ([page 74](#)) to ensure that they provide all the necessary information.

**Confidentiality** Communications may not be anonymous. The Working Group will keep the names of authors of communications confidential upon request, but not those of the persons detained or facing detention who are the subject of the communication.

**Procedure** Upon receipt of a communication, the Working Group forwards the information to the government asking for its response within 90 days. Sources are then given the opportunity to make comments on the government's response. The Working Group will then consider the matter at its next regular session (of which there are three per year).

**Potential Result** If it has enough information to decide the case and the person has not been released, the Working Group will issue an opinion about whether a case of detention is "arbitrary" along with recommendations that will be sent to the government and to the source. Opinions are also published as an annex to its report to the Human Rights Council.

**Send Communications to:**

Working Group on Arbitrary Detention  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland

Fax: +41 22 917 90 06

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of the mechanism in the subject line)

**For More Information**

OHCHR Fact sheet No. 26, The Working Group on Arbitrary Detention, available at [www.ohchr.org/english/about/publications/docs/fs26.htm](http://www.ohchr.org/english/about/publications/docs/fs26.htm) or from the Working Group secretariat (contact information noted above).

Working Group's website: [www.ohchr.org/english/issues/detention/index.htm](http://www.ohchr.org/english/issues/detention/index.htm)

## Questionnaire of the Working Group on Arbitrary Detention

### I. Identity

1. Family name:
2. First name:
3. Sex: (Male) (Female)
4. Birth date or age (at the time of detention):
5. Nationality/Nationalities:
6. (a) Identity document (if any):
- (b) Issued by:
- (c) On (date):
- (d) No.:
7. Profession and/or activity (if believed to be relevant to the arrest/detention):
8. Address of usual residence:

### II. Arrest

1. Date of arrest:
2. Place of arrest (as detailed as possible):
3. Forces who carried out the arrest or are believed to have carried it out:
4. Did they show a warrant or other decision by a public authority?  
(Yes) ..... (No).....
5. Authority who issued the warrant or decision:
6. Relevant legislation applied (if known):

### III. Detention

1. Date of detention:
2. Duration of detention (if not known, probable duration):
3. Forces holding the detainee under custody:
4. Places of detention (indicate any transfer and present place of detention):
5. Authorities that ordered the detention:
6. Reasons for the detention imputed by the authorities:
7. Relevant legislation applied (if known):

**IV. Describe the circumstances of the arrest and/or the detention and indicate precise reasons why you consider the arrest or detention to be arbitrary.**

**V. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken.**

**VI. Full name and address of the person(s) submitting the information (telephone and fax number, if possible):**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



### **Special Rapporteur on Torture**

**Background** This Special Rapporteur intervenes in cases where he has received credible and reliable information of torture at the hands, consent or acquiescence of governmental officials. He has three main activities: transmitting letters to governments on individual complaints of torture (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), undertaking fact-finding country visits, and submitting annual reports to the Human Rights Council and the General Assembly.

**What You Can Do** You can submit communications about situations where torture appears imminent or about torture that has previously been carried out. You can also suggest that the Special Rapporteur visit your country for more extended dialogue with authorities.

**Evaluation** The Special Rapporteur has increasingly intervened in cases of torture involving IDPs, including ill treatment in camps and detention facilities, and torture of humanitarian personnel serving IDPs. The Special Rapporteur might also be persuaded to intervene where IDPs are detained in camps with extremely dangerous conditions, e.g. where starvation or severe medical conditions threaten from the enforced lack of food or medicines. Gender-specific types of torture, including rape by government officials or their collaborators, particularly when used as a weapon in armed conflict or as a means of punishment, may also be brought to his attention. Moreover, IDPs may seek the Special Rapporteur’s intervention when they face forced return to areas where they fear that they will be subject to torture.

In considering cases, the Special Rapporteur’s admissibility standards are less strict than the Committee Against Torture ([page 132](#)) and regional bodies frequently invoked in torture cases, such as the European Court of Human Rights ([page 195](#)). For example, he can address states that are not signatories to international or regional torture conventions. Thus, the Special Rapporteur may be more accessible to potential victims than some of the other mechanisms and may address urgent complaints more expeditiously; on the other hand, the letters submitted by the Special Rapporteur to governments do not impose binding legal obligations on them, are not subject to sanctions for non-compliance, and are humanitarian in nature only.

**Competence** While the Special Rapporteur makes extensive use of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, he is not limited by that instrument. He is empowered to address torture issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require exhaustion of domestic remedies.

**Duplication of Procedures** There is no formal bar on duplication of procedures; however, in some cases where a communication has also been sent to the Committee against Torture, the Special Rapporteur may decide to defer to the Committee. Moreover, in cases that appear to implicate other thematic or country mandates of the Human Rights Council, the Special Rapporteur may approach them for joint communications or country visits.

**Time Issues** The Special Rapporteur will expedite urgent appeals in cases where torture may be imminent, acting in many cases in less than twenty-four hours. While there is no formal time limit for submitting communications to the Special Rapporteur, in practice, he does not consider cases older than two years.

**Language and Format** Communications submitted may be in any of the UN's official languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format, but at a minimum, information provided should include as much as possible of the following: the victim's full name, age, nationality, occupation; the date, time and place of arrest and detention; a detailed description of torture or ill-treatment or why it is feared to be imminent; as well as identities of perpetrators, dates of visits of family, lawyers and medical professionals; and contact information of the person or organization submitting the communication. The Special Rapporteur's questionnaire (below) is recommended to ensure that all the necessary information is provided.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for investigation and, in the case of urgent appeals, immediate action to forestall further torture or ill-treatment.

**Potential Result** The Special Rapporteur may issue an urgent appeal or allegation letter to the government expressing his concern about a threatened or completed act of torture. Summaries of each such communication and any governmental replies are publicly presented to the Human Rights Council with the Special Rapporteur's annual report (but are considered confidential beforehand and are not to be shared in advance with the authors of communications). He may also undertake a country mission to address issues in greater depth with domestic authorities.

#### Send Communications to:

Special Rapporteur on Torture  
c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
CH-1211 Geneva 10, Switzerland  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include "Special Rapporteur on Torture" in the subject line)

#### For More Information

Special Rapporteur's website: [www.ohchr.org/english/issues/torture/rapporteur/index.htm](http://www.ohchr.org/english/issues/torture/rapporteur/index.htm)

### Model questionnaire to be completed by persons alleging torture or their representatives

Although it is important to provide as much detail as possible, the lack of a comprehensive accounting should not necessarily preclude the submission of reports. However, the Special Rapporteur can only deal with clearly identified individual cases containing the following minimum elements of information:

- a. Full name of the victim:
- b. Date on which the incident(s) of torture occurred (at least as to the month and year):
- c. Place where the person was seized (city, province, etc.) and location at which the torture was carried out (if known):
- d. Indication of the forces carrying out the torture:
- e. Description of the form of torture used and any injury suffered as a result:
- f. Identity of the person or organization submitting the report (name and address, which will be kept confidential):

#### I. Identity of the person(s) subjected to torture

- A. Family Name:
- B. First and other names:
- C. Sex: Male Female
- D. Birth date or age:
- E. Nationality:
- F. Occupation:
- G. Identity card number (if applicable):
- F. Activities (trade union, political, religious, humanitarian/solidarity, press, etc.):
- G. Residential and/or work address:

#### II. Circumstances surrounding torture

- A. Date and place of arrest and subsequent torture
- B. Identity of force(s) carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other)
- C. Were any person(s), such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?
- D. Describe the methods of torture used.
- E. What injuries were sustained as a result of the torture?
- F. What was believed to be the purpose of the torture?
- G. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?
- H. Was appropriate treatment received for injuries sustained as a result of the torture?
- I. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?
- J. If the victim died in custody, was an autopsy or forensic examination performed and which were the results?

#### III. Remedial action

Were any domestic remedies pursued by the victim or his/her family or representatives (complaints with the forces responsible, the judiciary, political organs, etc.)? If so, what was the result?

**IV. Information concerning the author of the present report**

- A. Family Name
- B. First Name
- C. Relationship to victim
- D. Organization represented, if any
- E. Present full address

**Working Group on Enforced and Involuntary Disappearances**

**Background** This Working Group examines situations in which persons are arrested or abducted by government actors or other persons acting with governmental acquiescence, followed by a refusal to acknowledge the detention or reveal the disappeared person's location. The Working Group's main purposes are to assist families of disappeared persons by acting as a channel between them and the concerned government, to establish the fate or whereabouts of disappeared persons, and to assist states with the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances (GA Resolution 47/133). It is made up of five experts who serve in their individual capacities.

**What You Can Do** You can submit information about individual cases of displaced persons who have disappeared and about general situations in relation to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances. You can also ask for the Working Group to contact authorities to ensure the protection of family members from retribution for seeking information on disappeared persons. Finally, you can encourage the Working Group to visit your country if disappearance is a large-scale phenomenon.

**Evaluation** The Working Group's usefulness is limited for internally displaced persons in some conflict situations because it does not accept cases of disappearances occurring in the context of an *international* armed conflict nor disappearances caused by insurgent groups or other actors not acting with the consent or acquiescence of government. In these situations, IDPs and concerned NGOs should consider seeking help from the International Committee of the Red Cross ([page 142](#)). On the other hand, when it undertakes country visits, the Working Group has sometimes commented on disappearances by insurgent groups.

Where its communications procedure is applicable to IDPs (for example, for disappearances caused by government actors in the course of an *internal* armed conflict), the Working Group offers the advantage of individual, public treatment of cases and a well-developed follow-up procedure designed to lead eventually to a formal "clarification" of each case. However, it must be borne in mind that of the more than 50,000 cases that the Working Group has transmitted to governments for investigation since 1980, over 41,000 cases are still under active consideration as of this writing.

At the time of this writing, preparations were being made for the adoption of a new treaty on involuntary or enforced disappearances that would set up a "Committee on involuntary or enforced

disappearances” with many of the same functions as the Working Group. If this new treaty is adopted and widely ratified, the new Committee may in time replace the Working Group.

**Who May Submit Communications** Communications must originate from the family or someone acting on behalf of the family of the person who has disappeared. Other parties or organizations may transmit the communication to the Working Group so long as they are in a position to follow up with the missing person’s relatives.

**Competence** The Working Group is empowered to consider cases of enforced or involuntary disappearances in any UN member state. As noted above, it deals only with disappearances with governmental involvement or acquiescence, and excludes all those occurring in the context of international armed conflict.

**Exhaustion of Domestic Remedies** The Working Group requests that a communication either indicate what efforts have been undertaken domestically to inquire about the whereabouts of the disappeared person with the domestic authorities, such as inquiries at detention facilities, or filing of habeas corpus, or which inquiries would endanger those attempting them or otherwise not be useful. However, there is no firm requirement of exhaustion of remedies.

**Duplication of Procedures** The Working Group does not bar duplication of procedures. The Working Group may act jointly with other UN thematic Special Procedures on urgent actions.

**Time Issues** There is no time limit for submitting cases to the Working Group. Those that are submitted within three months of the disappearance will be treated as “urgent” matters and will be submitted directly to the country’s minister of foreign affairs.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format, but at a minimum, information provided must include: (1) the full name of the missing person, (2) the date of disappearance, (3) the place of arrest or abduction or where the person was last seen, (4) the parties presumed to have carried out the arrest or abduction, (5) steps taken with authorities to locate the person, and (6) name and address of the person submitting the communication and whether it is to be kept confidential. The Working Group’s questionnaire ([page 79](#)) is recommended to ensure that all the necessary information is provided.

**Confidentiality** Communications may not be anonymous, but the name of the author will be kept confidential upon request. The names of victims will not be kept confidential.

**Procedure** Upon receipt of adequate minimum information on a case, the OHCHR secretariat will present it to the Working Group for its approval at its next meeting (of which there are three per year), unless the disappearance has occurred within the prior three months, in which case it is presented to the chair of the Working Group for urgent approval. Upon approval, the cases are transmitted to the authorities with a request for investigation and clarifying information. Once

governments have replied, the information is conveyed to the source of the communication for the response. In this way, the Working Group acts as a channel. If there is no reasonable objection to the information provided by the government about the disappeared person's specific fate or whereabouts, the Working Group may determine the case "clarified" and discontinue its involvement. The source should inform the Working Group of information received about the fate or whereabouts of any case of a disappeared person that is under its review.

**Potential Result** Once communicated to the government, cases are specifically named in annual reports of the Working Group, which are made publicly available. Governments are reminded of outstanding cases at least once a year. The Working Group's intervention can lead to an official government investigation of a case and declaration as to the fate or whereabouts of the disappeared person.

#### **Send Communications to:**

Working Group on Enforced or Involuntary Disappearances  
OHCHR-UNOG  
CH-1211 Geneva 10  
Switzerland  
Fax: +41 22 917 9006

**Note:** Sources who wish to remain anonymous with respect to their governments should prominently label their communications "CONFIDENTIAL." See the questionnaire below.

#### **For More Information**

Use the above contact information or:

Working Group's website: [www.ohchr.org/english/issues/disappear/index.htm](http://www.ohchr.org/english/issues/disappear/index.htm)

Front Line Defenders Guide to Human Rights Mechanisms: [www.frontlinedefenders.org/manual/en/wgid\\_m.htm](http://www.frontlinedefenders.org/manual/en/wgid_m.htm)

## Report on the Enforced or Involuntary Disappearance of a Person

### I. Identity of the person subjected to enforced or involuntary disappearance

1. Family name:
2. First name:
3. Sex: Male Female
4. Birth date or age (at time of disappearance):
5. Nationality(ies):
6. Civil status (single, married, etc.):
7. Identity document (and Number):
8. Profession:
9. Address of usual residence:
10. Activities: (trade union, political, religious, humanitarian/solidarity, press, etc.)

### II. Date of disappearance

11. Year, month, day and hour when missing person was arrested or abducted:
12. Year, month, day and hour when missing person was last seen:
13. Other indications relating to date of disappearance:

### III. Place of disappearance

*(Please indicate as precisely as possible country, province, city, location, etc. and if identical with home address)*

14. Place where missing person was arrested or abducted:
15. Place where missing person was last seen:
16. If subsequent to the disappearance of the person information was received about him/her being detained, please indicate, if possible, the places (official or others) and period of detention, as well as the source of the information, in particular witnesses who have seen the disappeared person in captivity. (Do you wish the identity of the witnesses or sources to be kept confidential?)
17. Other indications concerning the place of disappearance:

### IV. Forces believed to be responsible for the disappearance

18. If the person was arrested or abducted, please indicate who carried out the arrest: military, police, persons in uniform or civilian clothes, agents of security services, unidentified; whether these agents identified themselves (with credentials, orally, etc.); whether they were armed; whether they appeared to act with impunity; whether a vehicle was used (official, with or without license plates, etc.)
19. If the forces or agents who carried out the arrest or abduction cannot be identified, state why you believe that Government authorities, or persons linked to them, are responsible for the disappearance:
20. If the arrest or abduction took place in the presence of witnesses, indicate the names of the witnesses. If the witnesses have not identified themselves or wish to withhold their names, indicate if they are relatives, neighbors, by-passers, etc.:
21. If any written evidence of the arrest exists, please describe (arrest order, communiqués, official notes, letters, etc.):
22. If a search took place of the missing person's domicile, office of place of work (or that of any other person connected with him/her), before, during or after the disappearance, please indicate and describe the search:

23. If someone was questioned concerning the disappeared person by agents of the security services, official authorities or other persons related to them, before or after the arrest (or disappearance), please indicate and provide available information concerning the questioning:

**V. National action (legal or other) on behalf of the missing person**

A. Habeas corpus, amparo or similar

24. Nature of the action:

25. Date:

26. Tribunal:

27. Result (date and nature):

28. If a judicial decision exists, please indicate its contents, if possible:

B. Criminal complaints

29. Nature of the action:

30. Date:

31. Tribunal:

32. Result (date and nature):

33. If a judicial decision exists, please indicate its contents, if possible:

C. Other measures taken at the national level

*(Letters, petitions, etc., or other steps taken before the civil or military authorities):*

**VI. Measures taken at the international level on behalf of the missing person**

34. Organizations addressed:

35. Date:

36. Result (date and nature):

**VII. Related cases of arrest or disappearance, in particular missing relatives or children**

37. Please give a narrative account indicating relevant names, dates and places:

38. If the missing person was pregnant at the time of disappearance, please indicate the date on which her baby might have been born:

**VIII. Information concerning the author of the present report**

39. Surname:

40. First name:

41. Nationality(ies):

42. Relationship with the missing person:

43. Present address:

44. Telephone:

**IX. Confidentiality**

44. Please state whether the author of the present report wishes his/her identity to be kept confidential.

*Note: If any information contained in the present report should be kept confidential please print the word "CONFIDENTIAL" beside the relevant entry.*

\_\_\_\_\_  
Signature of author

\_\_\_\_\_  
Date



### **Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions**

**Background** This Special Rapporteur’s mandate extends to all types of killings by government forces and those associated with them, including killing of civilians during armed conflict, as well as governmental failure to take reasonable steps to prevent killings by private actors. The Special Rapporteur’s principal activities are transmitting “urgent appeals” to governments to prevent imminent extra-judicial, arbitrary or summary executions or “letters of allegation” concerning such executions that have already taken place, undertaking country visits, and reporting annually to the Human Rights Council ([page 49](#)) and the General Assembly.

**What You Can Do** IDPs or their advocates can submit communications about situations where killings appear imminent or about killings that have already been carried out. If appropriate, they might suggest that the Special Rapporteur visit their country for more extended dialogue with authorities.

**Evaluation** Holders of this mandate have highlighted the plight of IDPs in East Timor, Rwanda,<sup>29</sup> Colombia<sup>30</sup> and the Russian Federation,<sup>31</sup> among other places, in their annual reports to the Council’s predecessor, the Commission on Human Rights, and have addressed numerous letters to governments about killings of IDPs. Of particular interest to IDPs, past and current Special Rapporteurs have affirmed that situations of forcible return of IDPs to areas where their life is endangered are covered by the mandate.<sup>32</sup>

While many other human rights mechanisms can address issues of the right to life, this Special Rapporteur can act relatively quickly on communications (as compared, for instance, with the Human Rights Committee, [page 120](#)), address them on an individual basis (unlike the 1503 procedure, [page 51](#)) and impose minimal admissibility criteria (unlike the treaty bodies described below). However, unlike some other procedures (such as the Human Rights Committee), the Special Rapporteur does not have the power to issue formal “opinions” on whether rights have been violated.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of domestic remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** The Special Rapporteur will send urgent appeals in cases of threatened or imminent killings requesting immediate government action and a speedy reply. There is no formal time limit for submitting cases to the Special Rapporteur; however, in practice, cases over a few years old may not be taken up.

29 U.N. Doc. E/CN.4/2000/3, para. 43.

30 U.N. Doc. E/CN.4/2004/7, para. 31.

31 U.N. Doc. E/CN.4/2000/3/Add.1, para. 385.

32 E.g. U.N. Doc. E/CN.4/2005/7, para. 19(g).

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format, but at a minimum, information provided must include descriptions of the incident, the victims, the perpetrators (including their relationship to the government), and the source of the allegations. The Special Rapporteur's questionnaire ([page 83](#)) is recommended to ensure that all the necessary information is provided.

**Confidentiality** Communications may not be anonymous, but the name of the author will be kept confidential upon request. If requested, the Special Rapporteur will also keep the name(s) of actual or potential victim(s) confidential. In this case, however, sufficient details must be provided to enable the government to investigate the matter.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for investigation and, in the case of urgent appeals, immediate action to forestall the risk of death.

**Potential Result** The Special Rapporteur may issue an urgent appeal or allegation letter to the government asking it to comply with its obligations under international law concerning a death threat or a killing. Summaries of each such communication and any governmental replies are submitted to the Council with the Special Rapporteur's publicly available annual report and the Special Rapporteur provides his observations on those replies. He may also undertake a country mission to discuss the issues directly with the relevant authorities.

#### **Send Communications to:**

Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions  
c/o OHCHR-UNOG  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 06  
E-mail: [webadmin.hchr@unog.ch](mailto:webadmin.hchr@unog.ch)

#### **For More Information**

Special Rapporteur's website: [www.ohchr.org/english/issues/executions/index.htm](http://www.ohchr.org/english/issues/executions/index.htm)

Frontline Defenders guide: [www.frontlinedefenders.org/manual/en/rexe\\_m.htm](http://www.frontlinedefenders.org/manual/en/rexe_m.htm)

## Model Questionnaire of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

*Note: If any information contained in the questionnaire should be kept confidential please mark "CONFIDENTIAL" beside the relevant entry. Do not hesitate to attach additional sheets, if the space provided is not sufficient.*

### I. Identity of the person concerned:

*Note: If more than one person is concerned, please fill out separate questionnaires for each person.*

1. Family Name:
2. First name:
3. Sex: \_\_ male \_\_ female
4. Birth date or age:
5. Nationality(ies):
6. Civil status (single, married, etc.):
7. Identity document  
No.:
- Issued by:
- Date of issue:
8. Profession and/or activity (e.g. trade union, political, religious, humanitarian/solidarity/human rights, etc.):
9. Address of usual residence:
10. Is there a link to other cases/ persons? Please specify.

### II. Information regarding the incident:

1. Date:
2. Place:
3. Time:
4. The nature of the incident: Please describe the circumstances of the incident, including the following categories:
  - (a) death penalty, or fair trial guarantees, please detail (unfair laws or proceedings, charges, eventual appeals, execution is imminent, etc.).
  - (b) imminent violation of the right to life is feared (death threats, imminent expulsion or refoulement leading to a life-threatening situation, etc.), please detail.
  - (c) others (death in custody, death during an armed conflict, death due to excessive use of force by law enforcement officials, death due to attacks by security forces of State, paramilitary or private forces, breach of obligation to investigate, etc.).

### III. Forces believed to be responsible for the incident:

- (a) if the perpetrators are believed to be State agents, please specify (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible; be as precise as possible.
- (b) if an identification as State agents is not possible, why do you believe that Government authorities, or persons linked to them, are responsible for the incident?
- (c) if there are witnesses to the incident, indicate their names. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

**IV. Steps taken by the victim or his/her family:**

- (a) Indicate if complaints have been filed, when, by whom, and before which organ.  
 (b) Other steps taken:

**V. Steps taken by the authorities:**

- (a) Indicate whether or not there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken (e.g. autopsy)?  
 (b) in case of complaints by the victim or its family, how have the organs dealt with them? What is the outcome of those proceedings?

**VI. Identity of the person submitting the case**

1. Family name:
2. First name(s):
3. Status: individual, group, non-governmental organization, inter-governmental agency, Government. Please specify.
4. Address (include telephone, fax and e-mail):
5. Please state whether you want your identity to be kept confidential:

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 Signature of author

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 Date

### ***Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance***

**Background** This Special Rapporteur is concerned with racism, xenophobia and discrimination, both as practiced by governments and the role of governments in confronting such attitudes in their societies. He has three major modes of action: country visits, transmitting communications concerning freedom of religion (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), and reporting to the Human Rights Council ([page 49](#)) and the General Assembly.

**What You Can Do** You can submit communications about racial discrimination and xenophobia and seek the Rapporteur’s intervention. You can also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** The Special Rapporteur has addressed issues of racial discrimination concerning IDPs in communications to governments,<sup>33</sup> and in country reports.<sup>34</sup> Sending individual communications is not the primary focus of his activities and the volume of his correspondence with governments is lower than some of the Special Procedures. However, his admissibility criteria are more relaxed than bodies such as the Committee on the Elimination of Racial Discrimination ([page 124](#)) and he can act more quickly. IDPs and concerned NGOs might consider contact with the Special

33 U.N. Doc. E/CN.4/2005/18/Add.1, paras. 51-51.

34 U.N. Doc. E/CN.4/2004/18/Add.3.

Rapporteur where government officials fail to address racist attitudes and activities that forestall return or effective resettlement.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. The Special Rapporteur seeks state replies within two weeks of an urgent appeal. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications and no specific questionnaire provided, but at a minimum, information provided should include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Rapporteur may issue a letter of concern and/or highlight the issue in his annual reports to the Human Rights Council and General Assembly, which are made publicly available.

#### **Send Communications to:**

Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance

OHCHR-UNOG

8-14 Avenue de la Paix

1211 Geneva 10

Switzerland

Fax: +41 22 917 90 03

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

#### **For More Information**

The Special Rapporteur's website: [www.ohchr.org/english/issues/racism/rapporteur/](http://www.ohchr.org/english/issues/racism/rapporteur/)

Frontline Defenders Guide: [www.frontlinedefenders.org/manual/en/rac\\_m.htm](http://www.frontlinedefenders.org/manual/en/rac_m.htm)

### **Special Rapporteur on Freedom of Religion or Belief**

**Background** This Special Rapporteur (recently renamed from “Special Rapporteur on Religious Intolerance”) is mandated to address practices around the world that are inconsistent with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, including the rights to hold, express, and practice religious beliefs, and to be free from religious discrimination. She has three major modes of action: country visits, transmitting communications concerning freedom of religion (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), and reporting to the Human Rights Council ([page 49](#)) and the General Assembly.

**What You Can Do** IDPs and NGOs can submit communications about violations of their freedom of religion and belief and seek the Special Rapporteur’s intervention. For cases of imminent threat, an urgent appeal may be requested. Where appropriate, they may also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** The Special Rapporteur has not previously focused on IDP issues. IDPs and NGOs might consider seeking the assistance of the Special Rapporteur where religious discrimination is a major cause of displacement and/or hinders return or resettlement elsewhere in the country, where resettlement or return schemes fail to take into account religious needs such as the construction of mosques, churches, temples, etc., or where IDPs suffer restrictions on their exercise of religion in places of temporary shelter. Such claims might also be made to the Human Rights Committee ([page 120](#)), or the African Commission on Human and People’s Rights ([page 156](#)), where a more formal “opinion” might have a greater impact. However, the Special Rapporteur is able to act more quickly and has more relaxed admissibility standards, as described below.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is not bound to a particular human rights instrument although she has a particular mandate to interpret and apply the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. She is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for

submitting communications, but at a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Rapporteur may issue an urgent appeal or allegation letter to the government expressing her concern. Summaries of each such communication and any governmental replies are submitted to the Council (and thus made publicly available) with the Special Rapporteur’s annual report (but are considered confidential until that time and are not shared with authors of communications beforehand).

#### **Send Communications to:**

Special Rapporteur on Freedom of Religion or Belief  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 03  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

#### **For More Information**

The Special Rapporteur’s website: [www.ohchr.org/english/issues/religion/index.htm](http://www.ohchr.org/english/issues/religion/index.htm)  
Front Line Defenders Guide: [www.frontlinedefenders.org/manual/en/index\\_fexpr.html](http://www.frontlinedefenders.org/manual/en/index_fexpr.html)

### ***Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression***

**Background** This Special Rapporteur addresses freedom of opinion and expression as well as the subsidiary rights to seek, receive and impart information. He has three major activities: country visits, transmitting communications concerning the right to freedom of opinion and expression (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), and reporting to the Human Rights Council ([page 49](#)) and the General Assembly.

**What You Can Do** You can submit communications about violations of the right to freedom of expression and seek the Special Rapporteur’s intervention. Where appropriate, you may also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.



**Evaluation** The Special Rapporteur has not previously dealt directly with the issue of IDPs. However, among his articulated areas of interest are obstacles to access to information on development projects proposed by governments and obstacles to participation in decision-making processes, especially for women. These areas may be of particular relevance to persons facing displacement from development projects. He might also be interested to address issues related to restrictions on other types of information of importance to IDPs, such as the security situation in their home areas.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications, but at a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances. The Special Rapporteur's questionnaire ([page 90](#)) is recommended to ensure that all the necessary information is provided.

**Confidentiality** Communications may not be anonymous, but the name of the author will be kept confidential. If requested, the Special Rapporteur will also keep the name(s) of actual or potential victim(s) confidential. In this case, however, sufficient details must be provided to enable the government to investigate the matter.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of the right to freedom of expression.

**Potential Result** The Special Rapporteur may issue an urgent appeal or allegation letter to the government expressing his concern. Summaries of each such communication and any governmental replies are submitted to the Council (and thus made publicly available) with the Special Rapporteur's annual report. He may also undertake a country mission to raise issues in depth with the domestic authorities.



**Send Communications to:**

Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

OHCHR-UNOG

8-14 Avenue de la Paix

1211 Geneva 10

Switzerland

Fax: +41 22 917 90 03

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

**For More Information**

The Special Rapporteur's website: [www.ohchr.org/english/issues/opinion/index.htm](http://www.ohchr.org/english/issues/opinion/index.htm)

Frontline Defenders Guide: [www.frontlinedefenders.org/manual/en/rfoe\\_m.htm](http://www.frontlinedefenders.org/manual/en/rfoe_m.htm)

## Guidelines for the Submission of Information to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

In order for the Special Rapporteur to be able to take action regarding a communication on a case or incident, the following information, as a minimum, must be received.

### 1. Allegation regarding a person or persons:

- As detailed a description of the alleged violation as possible, including date, location and circumstances of the event;
- Name, age, gender, ethnic background (if relevant), profession;
- Views, affiliations, past or present participation in political, social, ethnic or labor group/activity;
- Information on other specific activities relating to the alleged violation.

### 2. Allegation regarding a medium of communication:

- As detailed a description of the alleged infringement on the right as possible, including date, location and circumstances of the event;
- The nature of the medium affected (e.g. newspapers, independent radio); including circulation and frequency of publication or broadcasting, public performances, etc.;
- Political orientation of the medium (if relevant).

### 3. Information regarding the alleged perpetrators:

- Name, State affiliation (e.g. military, police) and reasons why they are considered responsible;
- For non-State actors, description of how they relate to the State (e.g. cooperation with or support by State security forces);
- If applicable, State encouragement or tolerance of activities of non-State actors, whether groups or individuals, including threats or use of violence and harassment against individuals exercising their right to freedom of opinion and expression, including the right to seek, receive and impart information.

### 4. Information related to State actions:

- If the incident involves restrictions on a medium (e.g. censorship, closure of a news organ, banning of a book, etc.); the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, and steps taken to seek domestic remedy;
- If the incident involves arrest of an individual or individuals, the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, location of detention if known, information on provision of access to legal counsel and family members, steps taken to seek domestic remedy or clarification of person's situation and status;
- If applicable, information on whether or not an investigation has taken place and, if so, by what ministry or department of the Government and the status of the investigation at the time of submission of the allegation, including whether or not the investigation has resulted in indictments.

### 5. Information on the source of the communications:

- Name and full address;
- Telephone and fax numbers and e-mail address (if possible);
- Name, address, phone/fax numbers and e-mail address (if applicable) of person or organization submitting the allegation.

*Note: In addition to the information requested above, the Special Rapporteur welcomes any additional comments or background notes that are considered relevant to the case or incident.*

## **Special Rapporteur on Violence against Women, its Causes and Consequences**

**Background** The Special Rapporteur on Violence against Women, its Causes and Consequences is mandated to address the issue of violence directed against women because of their gender. Her main activities are country visits, transmitting letters concerning individual complaints to governments (including “urgent appeals” for imminent violations of rights and “allegation letters” where the violation has already occurred), developing dialogue with governments, and reporting annually to the Human Rights Council ([page 49](#)).

**What You Can Do** You can submit communications about instances of physical, sexual, or psychological violence against women as well as laws, practices or policies that encourage or permit such violence. You can also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** The former and current holders of this mandate have indicated a close interest in displaced women, noting in a number of annual reports that they are especially vulnerable to violence, particularly in the context of armed conflict.<sup>35</sup> The Special Rapporteur’s mandate is wide, encompassing not only violence by government actors but also private violence that governments fail to address (through prevention, investigation and prosecution). IDPs and concerned NGOs may ask the Special Rapporteur to intervene in cases where rape is used as a weapon of war, where the security of IDPs is neglected so as to encourage sexual and other violence, and in other acts of violence specifically directed at women because of their gender. In addition to individual cases, the Special Rapporteur welcomes information about generally violent situations particularly conducive to violence against women.

Although focused on the issue of violence, the Special Rapporteur’s admissibility requirements for individual complaints are quite relaxed in comparison to other international mechanisms focused on women, such as the Committee on the Elimination of All Forms of Discrimination Against Women ([page 128](#)), the Commission on the Status of Women ([page 112](#)) and other treaty bodies.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. There is no time limit for submission of communications to the Special Rapporteur.

<sup>35</sup> E.g. U.N. Doc. E/CN.4/2005/72, para. 53, E/CN.4/2003/75/Add.1, para. 111.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications, but for individual cases, information provided must include the name of the person subjected to violence, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances. If the perpetrators are private parties, information should be provided indicating how government officials have failed to prevent or punish the violent acts. In the case of submission of a law, practice or policy that affects women in general or a specific group of women, the communication should explain how those women are affected. The Special Rapporteur's questionnaire (below) is recommended to ensure that all the necessary information is provided.

**Confidentiality** Communications may not be anonymous, but the name of the author will be kept confidential. If requested, the Special Rapporteur will also keep the name(s) of actual or potential victim(s) confidential. In this case, however, sufficient details must be provided to enable the government to investigate the matter.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action.

**Potential Result** The Special Rapporteur may issue an urgent appeal or allegation letter to the government expressing her concern. Summaries of each such communication and any governmental replies are submitted to the Council (and thus made publicly available) with the Special Rapporteur's annual report (but are considered confidential until that time and are not shared with authors of communications beforehand).

#### **Send Communications to:**

Special Rapporteur on Violence against Women  
OHCHR-UNOG  
1211 Geneva 10  
Switzerland  
Fax: + 41 22 917 9006  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of the mechanism in the subject line)

#### **For More Information**

The Special Rapporteur's website: [www.ohchr.org/english/issues/women/rapporteur/index.htm](http://www.ohchr.org/english/issues/women/rapporteur/index.htm)

Frontline Defenders Guide: [www.frontlinedefenders.org/manual/en/rvw\\_m.htm](http://www.frontlinedefenders.org/manual/en/rvw_m.htm)

## Violence against Women Information Form

**INFORMER:** The name and address of the person/organization submitting the information will remain confidential. Please also mention whether we can contact you for additional information, and if so, by what means.

Name of person/organization:

Address:

Fax/tel/e-mail:

**VICTIM(S):** Information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for the case to be transmitted to the Government concerned.

Name:

Address:

Date of birth:

Nationality:

Sex:

Occupation:

Ethnic background, religious, social group (if relevant):

**THE INCIDENT:** including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights. Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government, and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials), include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations. Include information about the steps taken by the victims or their families to obtain remedies, including complaints filed with the police, other officials or independent national human rights institutions. If no complaints have been filed, explain why not. Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.

Date:

Time:

Location/country:

Number of assailants:

Are the assailant(s) known to the victim?

Name of assailant(s):

Does the victim have a relationship with the assailant(s)? If so what is the nature of the relationship?

Description of the assailant(s) (include any identifying features):

Does the victim believe she was specifically targeted because of gender?

If yes, why?

Has the incident been reported to the relevant State authorities?

If so, which authorities and when?

Have the authorities taken any action after the incident?

If so, which authorities?

What action?

When?

**WITNESSES:**

Were there any witnesses?

Name/age/relationship/contact address:

### ***Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography***

**Background** This Special Rapporteur is mandated to investigate the exploitation of children around the world and report to the Human Rights Council ([page 49](#)) and the General Assembly. His recommendations are targeted primarily at governments, other United Nations bodies and non-governmental organizations. In addition to country visits, the Special Rapporteur transmits letters on individual cases about child exploitation to governments (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), but his primary focus is on encouraging national and international systems to prevent child exploitation.

**What You Can Do** You can suggest that the Special Rapporteur take up the issue of the vulnerability of displaced children to exploitation in his annual reports. You can also submit communications about child sale, prostitution and pornography and seek the Rapporteur’s intervention. You can further suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** The Special Rapporteur has not previously focused on IDP issues and the volume of his correspondence on individual cases of exploitation is low. IDPs and concerned NGOs should consider submitting more systematic information to the Special Rapporteur about the vulnerability of displaced children to prostitution and exploitation.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. The Special Rapporteur seeks state replies within two weeks of an urgent appeal. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications, but at a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances. The Special Rapporteur's questionnaire (below) is recommended to ensure that all the necessary information is provided.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Rapporteur may issue a letter of concern, undertake a country visit, and/or highlight the issue in his annual reports to the Human Rights Council and General Assembly, which are made publicly available.

#### **Send Communications to:**

Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 03  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

#### **For More Information**

The Special Rapporteur's website: [www.ohchr.org/english/issues/children/rapporteur/index.htm](http://www.ohchr.org/english/issues/children/rapporteur/index.htm)

## Questionnaire of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography

Notes:

1. The objective of this questionnaire is to have access to precise information on alleged violations of the rights of the child. The Special Rapporteur may raise his concerns about the incidents reported and request governments to make observations and comments on the matter.
2. If any information contained in the questionnaire should be kept confidential, please mark "CONFIDENTIAL" beside the relevant entry.
3. Do not hesitate to attach additional sheets if the space provided is not sufficient.
4. If you have any questions concerning the completion of this form, please do not hesitate to contact the Special Rapporteur.

### Information Sheet – Questionnaire

#### 1. General information

- Does the incident involve an individual or a group?
- If it involves a group please state the number of people involved and the characteristics of the group:
- Number of boys/adolescents:
- Number of girls/adolescents:
- Country(ies) in which the incident took place:
- Nationality(ies) of the victim(s):

#### 2. Identity of the persons concerned

Note: If more than one person is concerned, please attach relevant information on each person separately.

- Family name:
- First name:
- Sex:
- Birth date or age:
- Nationality(ies):
- Ethnic background (if relevant):

#### 3. Information regarding the alleged violation

- Date:
- Place (location - country/countries):
- Time:
- The nature of the incident (please describe the circumstances with reference to the categories listed under General Information):
- Number of perpetrator(s):
- Are the perpetrator(s) known to the victim?
- Nationality of perpetrator(s):
- Agents believed to be responsible for the alleged violation:
- State agents (specify):
- Non-State agents (specify):
- If it is unclear whether they were state or non-state agents, please explain why.
- If the perpetrators are believed to be State agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are



believed to be responsible; be as precise as possible.

- If an identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?
- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

#### 4. Steps taken by the victim, his/her family or anyone else on his/her behalf

- Indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court).
- Other steps taken:
- Steps taken by the authorities:
- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken?
- In case of complaints by the victim or his/her family, how have those authorities of other competent bodies dealt with them? What has been the outcome of those proceedings?

#### 5. Identity of the person or institution submitting this form

- Family name:
- First name:
- Status: individual, group, non-governmental organization, inter-governmental agency, Government. Please specify:
- Contact number or address (please indicate country and area code)
- Fax:
- Tel:
- E-mail:
- Please state whether you want your identity to be kept confidential.

Signature of author

Date you are submitting this form

### ***Special Rapporteur on Trafficking in Persons, Especially in Women and Children***

**Background** This Special Rapporteur is concerned with the victims of trafficking, meaning persons who are transported by means of coercion or fraud for the purpose of exploitation, including prostitution, forced labor and slavery. She has three major modes of action: country visits, transmitting communications (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), and reporting to the Human Rights Council ([page 49](#)).

**What You Can Do** You can submit communications about trafficking and seek the Rapporteur’s intervention. You can also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** The Special Rapporteur has only recently been appointed and has not as yet addressed issues of the trafficking of IDPs. However, as noted in the Thematic Roadmap, trafficking can take place within borders and IDPs may be particularly vulnerable. In addition to reporting individual cases

of trafficking, IDPs and concerned NGOs should consider reporting situations where there is particular and widespread vulnerability to potential exploitation due to lack of government protection.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. The Special Rapporteur seeks state replies within two weeks of an urgent appeal. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications, but at a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances. The Special Rapporteur's questionnaire (below) is recommended to ensure that all the necessary information is provided.

**Confidentiality** Communications may not be anonymous, but the Special Rapporteur will respect a request of confidentiality in transmitting the case to the government and in her annual reports if clearly requested.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Rapporteur may issue a letter of concern, undertake a country visit, and/or highlight the issue in her annual reports to the Human Rights Council.

#### **Send Communications to:**

Special Rapporteur on Trafficking in Persons

OHCHR-UNOG

8-14 Avenue de la Paix

1211 Geneva 10

Switzerland

Fax: +41 22 917 90 06

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of the mechanism in the subject line)

#### **For More Information**

The Special Rapporteur's website: [www.ohchr.org/english/issues/trafficking/](http://www.ohchr.org/english/issues/trafficking/)

## Questionnaire of the Special Rapporteur on Trafficking in Persons

### Notes:

1. The objective of this questionnaire is to have access to precise information on alleged violations in the context of trafficking. The Special Rapporteur may raise her concerns about the incidents reported and request Governments to make observations and comments on the matter.
2. If any information contained in the questionnaire should be kept confidential please mark "CONFIDENTIAL" beside the relevant entry.
3. The form should clearly indicate whether the victims or persons involved have agreed to their cases being submitted by the Special Rapporteur to the Government for the purpose outlined above.
4. Do not hesitate to attach additional sheets, if the space provided is not sufficient.
5. If you have any questions concerning the completion of this form, please do not hesitate to contact the Special Rapporteur.

### 1. GENERAL INFORMATION

- Does the incident/violation involve an individual or a group?
- If it involves a group please state the number of people involved and the characteristics of the group: number of women, number of men; number of minors:
- Country(ies) in which the incident took place:
- Nationality(ies) of the victim(s):

### 2. IDENTITY OF THE PERSONS CONCERNED

*Note: If more than one person is concerned, please attach relevant information on each person separately.*

- Family name:
- First name:
- Sex:
- Birth date or age:
- Nationality(ies):

### 3. INFORMATION REGARDING THE ALLEGED VIOLATION

- Date:
- Place (location - country/countries):
- Time:
- The nature of the incident (please describe the circumstances with reference to the information listed under General Information):
- Number of perpetrator(s):
- Are the perpetrator (s) known to the victim?
- Nationality of perpetrator (s)
- Agents believed to be responsible for the alleged violation:
- State agents (specify):
- Non-State agents (specify):
- If it is unclear whether they were state or non-state agents, please explain why.
- If the perpetrators are believed to be State-agents, please specify (military, police, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.
- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

**4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANY ONE ELSE ON HIS/HER BEHALF?**

- Indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court).
- Other steps taken:
- Steps taken by the authorities:
- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken?
- In case of complaints by the victim or his/her family, how have authorities of other competent bodies dealt with them? What has been the outcome of those proceedings?

**5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM**

- Family name:
- First name:
- Status: individual, group, non-governmental organization, inter-governmental agency, Government. Please specify:
- Contact number or address (please indicate country and area code):
- Fax:
- Tel:
- E-mail:
- Please state whether you want your identity to be kept confidential.
- Date you are submitting this form:
- Signature of author:

***Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples***

**Background** This Special Rapporteur has three main areas of work: thematic research on issues that have an impact on the human rights situation and the fundamental freedoms of indigenous peoples; country visits; and communications with governments (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred). The Special Rapporteur reports annually to the Human Rights Council ([page 49](#)).

**What You Can Do** You can submit communications to the Special Rapporteur about violations of indigenous peoples’ human rights, including their rights not to be arbitrarily displaced, and violations occurring after displacement. You can also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** The Special Rapporteur has expressed strong interest in the issue of displacement of indigenous peoples, particularly with regard to displacement due to development projects. He dedicated one of his annual reports to the former Commission on Human Rights to the latter issue<sup>36</sup> and has raised questions concerning displacement of indigenous peoples in reports on several country missions<sup>37</sup> as well as in communications of individual cases.

<sup>36</sup> E.g.-U.N. Doc. E/CN.4/2003/90.

<sup>37</sup> U.N. Doc. E/CN.4/2005/88/Add.2 (Colombia), E/CN.4/2003/90/Add.3 (Philippines).

Indigenous persons fearing imminent displacement, particularly for development projects, should consider appealing to the Special Rapporteur for intervention. Similarly, those already displaced who encounter other rights violations, particularly with regard to return to ancestral lands, may find the Special Rapporteur's intervention helpful.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. The Special Rapporteur seeks state replies within two weeks of an urgent appeal. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications and no specific questionnaire provided, but, at a minimum, information provided should include the full name of the victim, clear name of the community at risk when applicable, age, place of residence or origin, profession, marital status, etc. and the precise circumstances of the incident such as date, place, and description of how the event occurred. When the victims of alleged violations are communities or members of distinct collectivities (tribal communities, families, etc.), full information should include social and cultural context, references to public policies and specific circumstances under which the alleged violation occurred, as well as the characteristics of the group and, if applicable, the nature of the human rights gap and the demands of the people concerned.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Rapporteur may issue a letter concerning an individual case, undertake a country mission, and/or highlight the issue in his annual reports to the Human Rights Council and General Assembly, which are made publicly available.

#### **Send Communications to:**

Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples  
OHCHR-UNOG  
1211 Geneva 10  
Switzerland

Tel: + 41 22 917 94 13

Fax: +41 22 917 90 08

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

### For More Information

The Special Rapporteur's website: [www.ohchr.org/english/issues/indigenous/rapporteur/index.htm](http://www.ohchr.org/english/issues/indigenous/rapporteur/index.htm)

### **Independent Expert on Minority Issues**

**Background** This Independent Expert is mandated to: (1) promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, (2) identify best practices and possibilities for technical cooperation by OHCHR, (3) apply a gender perspective in his or her work, (4) cooperate with other UN bodies, mandates and mechanisms, and regional organizations, and (5) take into account the views of non-governmental organizations. The Independent Expert will report annually to the Human Rights Council including on “strategies for the better implementation of the rights of persons belonging to minorities.”

**Evaluation** Because IDPs are frequently members of minority groups that have suffered discrimination, this mandate has the potential to be of some benefit to IDPs, as the expert is asked to formulate strategies concerning minority rights and these might feasibly address prevention and mitigation of displacement. Included in the expert's mandate is consultation with NGOs, so it is likely that informal access will be assured.

### For More Information

Independent Expert on Minorities  
Office of the High Commissioner for Human Rights  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 06  
Website: [www.ohchr.org](http://www.ohchr.org)

### **Special Representative of the Secretary-General on Human Rights Defenders**

**Background** This Special Representative is concerned with the protection of human rights defenders, meaning “individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals.”<sup>38</sup> The Special Representative reads this definition broadly to include not only non-governmental or

<sup>38</sup> Declaration on Human Rights Defenders, A/RES/53/144.

intergovernmental organizations but also relatives of victims of human rights abuses, community members, members of the private sector, and even government officials, to the extent that they work to protect or promote human rights. The Special Representative acts through country visits, organizing workshops and seminars, reporting to the Human Rights Council ([page 49](#)) and the General Assembly, and transmitting letters concerning individual cases to governments (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred).

**What You Can Do** You can submit communications to the Special Representative about arrest, harassment, threats and/or other types of suppression of the activities of human rights defenders, including those advocating for IDPs. You can also suggest that the Special Representative undertake a country visit for extended dialogue with authorities and other parties on this issue.

**Evaluation** Those who work to assist and advocate for IDPs are frequently themselves at risk of repression. Similarly, IDP leaders may be targeted for their advocacy on behalf of the group. While the Special Representative does not specifically focus on humanitarian NGOs, she has highlighted her concern about the increasing targeting of international humanitarian workers<sup>39</sup> and of defenders operating in emergency situations.

The Special Representative will act not only on obvious cases of arrest, prosecution, torture and harassment of human rights defenders by public officials, but also more subtle forms of oppression, such as withdrawal of legal licenses, or failure to move to prevent harassment or attack from non-state actors such as paramilitary groups. The Special Representative maintains a high volume of correspondence with governments, including both urgent appeals and allegation letters.

**Who May Submit Communications** Anyone may submit communications to the Special Representative.

**Competence** The Special Representative is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Representative does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Representative does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Representative will issue urgent appeals on an expedited basis. The Special Representative seeks state replies within two weeks of an urgent appeal. There is no time limit for submission of communications to the Special Representative.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications but the Special Representative has issued “guidelines” which are reproduced below ([page 105](#)), but at a minimum, information provided should include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the

39 E.g. E/CN.4/2005/101, para. 20.

person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances.

**Confidentiality** The identity of a victim will always be included in any contact between the Special Representative and state authorities. The Special Representative cannot intervene without revealing the victim's identity. If the victim is a minor (below 18 years of age) the Special Representative will not include the name in any subsequent public report. The source of the information or the victim may also request that the victim's name not be included in public reports.

The identity of the source of information on the alleged violation is always kept confidential, unless the source agrees that it may be revealed. When submitting information you may indicate whether there are any other details that you would like to remain confidential.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Representative may issue a letter of concern and/or highlight the issue in her annual reports to the Human Rights Council and General Assembly, which are made publicly available.

#### **Send Communications to:**

Special Representative of the Secretary-General on Human Rights Defenders OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Tel: +41 22 917 1234  
Fax: +41 22 917 90 06  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

#### **For More Information**

The Special Representative's website: [www.ohchr.org/english/issues/defenders/index.htm](http://www.ohchr.org/english/issues/defenders/index.htm)



## Guidelines for Submitting Allegations of Violations against Human Rights Defenders

A. Essential information	B. Useful information	C. Sample letter to the SRSG
<p>1. Name of alleged victim/s Take care to give first and family names and to spell names correctly. Victims can be individuals, groups or organizations.</p>	<p>If the victim is an individual, please provide information on gender, age, nationality and profession. If the victim is an individual or an organization, please provide contact details. Contact details are treated as confidential.</p>	<p>Ms. Aabb Ddee, a lawyer, lives in [name of city/town and country].</p>
<p>2. Status of the victim as a human rights defender In what human rights activity is the victim (person/s, organization) engaged?</p>	<p>Where relevant, please also indicate the city and country in which the victim (person/s, organization) conducts this human rights work.</p>	<p>Aabb Ddee takes up legal cases supporting the right to adequate housing on behalf of ethnic minorities. She is also a member of the National Commission for Human Rights.</p>
<p>3. Alleged violation/s committed against the victim What happened? Where? When? What is the current situation?</p>	<p>If an initial violation leads to other events, please describe them chronologically. E.g. if the initial concern is that a human rights defender has been arrested, details should be provided. But if he or she is later detained, other useful information would include: the place of detention; the person's access to a lawyer; conditions of detention; the charges; etc.</p>	<p>Aabb Ddee received an anonymous threat to her safety. On [day/month/year] Ms. Ddee received a letter at her office in [name of town]. The letter was addressed to her and contained only the words "Be careful". In addition, the following day Ms. Ddee was followed closely while driving home from her office by two men in a white car.</p>
<p>4. Perpetrators Give available information on who allegedly committed the violation: e.g. two men (in uniform?); rank, unit or other identification or title.</p>	<p>Witnesses Were there any witnesses to the alleged violation? Were there any other victims?</p>	<p>Aabb Ddee was unable to identify the two men following her or their vehicle. A friend accompanying Ms. Ddee in her car also saw the vehicle following them.</p>
<p>5. Action by authorities Has the matter been reported to the relevant authorities? What action has been taken?</p>	<p>Action taken by the victim or by human rights organizations Has the alleged violation been made public? Has this information been sent to others?</p>	<p>Aabb Ddee reported both incidents to the police [name/address of police office] the same days they occurred. The police have opened an investigation. She also reported the incidents to a local newspaper [name].</p>

6. Link between the violation and human rights work Why do you think the alleged violation is a response to the human rights work of the victim?	Previous incidents If there have been previous incidents which are relevant, please give details.	A year ago [date], another lawyer representing the same ethnic group as Aabb Ddee received a threatening letter similar to Ms. Ddee's and was later [date] killed by unknown persons.
7. Who is submitting this information? (Confidential) Give name, contact details and professional role (if relevant).	Submissions may be made by organizations or individuals.	This letter is submitted by the National Commission for Human Rights, with which Aabb Ddee works.

### Updates

Please send any updated information you have as soon as possible. It is especially important to know if there has been any change in the situation of the victim. Updates might be given where: 1) additional information becomes known (e.g. the identity of the perpetrator of the violation); or 2) new events occur (e.g. the victim's release from detention).

[two months later] We learned today [date] that the police investigation was closed yesterday. Two men have been arrested and detained on charges of sending a threatening letter to Aabb Ddee on [date] and of following her in their car when she left work the next day. The men are due to appear in court in two weeks. While pleased with the arrests, Ms. Ddee believes that the person who ordered these acts to be committed remains at liberty. She has asked that the police investigation be continued.

### Special Rapporteur on the Independence of Judges and Lawyers

**Background** This Special Rapporteur is concerned with the impartiality and independence of legal systems including judges, lawyers, prosecutors and court officers, as well as with broader questions of equal access to justice. He has three major activities: country visits, transmitting letters concerning violations of rights in this area (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred), and reporting to the Human Rights Council ([page 49](#)).

**What You Can Do** You can submit communications about issues related to the impartiality, independence and availability of lawyers and the courts. You can also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on these issues.

**Evaluation** While restriction of the work of judges and lawyers is rarely an issue that especially concerns IDPs, the issue of access to justice can be quite important. During his visit to Colombia in 1997, for example, the former Special Rapporteur noted that persons displaced by armed conflict had particular difficulties in accessing the courts and that their petitions for relief that were filed were summarily denied.<sup>40</sup> The current holder of this mandate has also indicated his interest in the broader issue of access to justice.

<sup>40</sup> U.N. Doc. E/CN.4/1998/39/Add.2, paras. 29-30.

IDPs facing special barriers to accessing their national legal systems, for example, where lawyers are not allowed access to them in camps or where private lawyers refuse to represent them on discriminatory grounds, might consider seeking the intervention of the Special Rapporteur. Similarly, where poverty caused by displacement puts legal assistance out of their means, IDPs might seek the help of the Special Rapporteur to address conflicting property claims in a situation of return.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to consider issues concerning the justice system in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require exhaustion of domestic remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** In rare and extremely grave situations, such as where the life of the victim is at issue, the Special Rapporteur will issue an urgent appeal to the government concerned. There are no time limits for submitting communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format and no specific questionnaire for using the mandate, however, a communication should provide enough information to let the Special Rapporteur understand the situation and decide whether the communication is credible. In judging how credible a communication is, the Special Rapporteur considers the degree of detail, how information from other sources supports the communication, and the legal framework of the state.

At a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators, if applicable, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances including the status of legal proceedings if relevant.

**Confidentiality** Communications may not be anonymous, but the name of the author will be kept confidential. If requested, the Special Rapporteur will also keep the name(s) of actual or potential victim(s) confidential. In this case, however, sufficient details must be provided to enable the government to investigate the matter.

**Procedure** When a communication is received with adequate information, the Special Rapporteur may forward it to the government concerned.

**Potential Result** The Special Rapporteur may issue a letter to the government expressing his concern. He may also take up the issue in his annual reports to the Human Rights Council. Summaries of each communication and any governmental replies are submitted to the Council with the Special Rapporteur's annual report (but are considered confidential until that time and

are not shared with authors of communications beforehand). The Special Rapporteur may also undertake a country mission to discuss issues in greater depth with domestic authorities.

### Send Communications to:

Special Rapporteur on the Independence of Judges and Lawyers  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 03  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

### For More Information

Special Rapporteur's website: [www.ohchr.org/english/issues/judiciary/index.htm](http://www.ohchr.org/english/issues/judiciary/index.htm)

Frontline Defender's Guide: [www.frontlinedefenders.org/manual/en/rij\\_m.htm](http://www.frontlinedefenders.org/manual/en/rij_m.htm)

### ***Special Rapporteur on Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights***

**Background** This Special Rapporteur is concerned with the human rights effects of illegal traffic and “dumping” of toxic wastes and dangerous products, particularly in Africa. He is mandated to study the problem, develop lists of corporate offenders, enter into dialogue both with sending and receiving governments, undertake country visits, and transmit letters concerning individual complaints (including “urgent appeals” for imminent violations and “allegation letters” where the violation has already occurred). The Special Rapporteur reports annually to the Human Rights Council ([page 49](#)).

**What You Can Do** You can submit communications about the effects on IDPs of the dumping of toxic wastes or dangerous products. You can also suggest that the Special Rapporteur undertake a country visit for extended dialogue with authorities and other parties on these issues.

**Evaluation** While the Special Rapporteur has not previously addressed the question, the dumping of toxic wastes and other dangerous products can be a factor driving people from their homes. Also, such wastes and products tend to be dumped in the least valuable lands where IDPs also tend to be given refuge, so there have been cases (e.g. Roma in Kosovo) where they are particularly affected. Persons facing such a situation might consider communications to the Special Rapporteur.

**Who May Submit Communications** Anyone may submit communications to the Special Rapporteur.

**Competence** The Special Rapporteur is empowered to address issues in any UN member state.

**Exhaustion of Domestic Remedies** The Special Rapporteur does not require a showing of exhaustion of local remedies.

**Duplication of Procedures** The Special Rapporteur does not bar duplication of procedures.

**Time Issues** Where appropriate in the circumstances, the Special Rapporteur will issue urgent appeals on an expedited basis. The Special Rapporteur seeks state replies within two weeks of an urgent appeal. There is no time limit for submission of communications to the Special Rapporteur.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format or questionnaire provided for submitting communications, but at a minimum, information provided must include the name of the person whose rights have been infringed, identification of the perpetrators, identification of the person submitting the communication, the date and place of the incident described, and a detailed description of the circumstances.

**Procedure** When a communication is received with adequate information, the Special Rapporteur will forward it to the government with a request for its response and, in the case of urgent appeals, immediate action to forestall the violation of rights.

**Potential Result** The Special Rapporteur may issue a letter of concern, undertake a country visit to discuss the issue with national authorities, and/or highlight the issue in his annual reports to the Human Rights Council.

**Send Communications to:** Special Rapporteur on Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights  
OHCHR-UNOG

8-14 Avenue de la Paix

1211 Geneva 10

Switzerland

Fax: +41 22 917 90 03

E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org) (include the name of mechanism in the subject line)

### For More Information

The Special Rapporteur's website: [www.ohchr.org/english/issues/environment/waste/index.htm](http://www.ohchr.org/english/issues/environment/waste/index.htm)

### ***Special Representative of the Secretary-General on Human Rights and Transnational Corporations and other Business Enterprises***

**Background** In its 61<sup>st</sup> session in April 2005, the Human Rights Council's predecessor, the Commission on Human Rights, passed Resolution 2005/69 calling upon the Secretary-General to appoint a Special Representative on human rights and transnational corporations and other

business enterprises. The Special Representative was requested to report to the 62<sup>nd</sup> session with recommendations on matters including (1) identifying and clarifying standards of corporate responsibility and accountability, (2) elaborating on the role of states to effectively regulate in this area, and (3) developing human rights impact statements of corporations and businesses. The resolution emphasizes that the Special Representative should take into account the contributions of “all stakeholders” in preparing his report.

**Evaluation** The role of transnational corporations in displacement, particularly due to development projects, is an issue little discussed in the human rights arena. IDPs and their advocates might consider providing the Special Representative with information in this regard for inclusion in his or her report.

### For More Information

Special Procedures Branch  
Office of the High Commissioner for Human Rights  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 06  
Website: [www.ohchr.org](http://www.ohchr.org)

### ***Working Group on the Use of Mercenaries as a Means of Impeding the Exercise of the Right of Peoples to Self-Determination***

**Background** In its 61<sup>st</sup> session in April 2005, the Human Rights Council’s predecessor, the Commission on Human Rights, passed Resolution 2005/2 ending the mandate of the former Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, and establishing instead a Working Group on the same topic, to be made up of five independent experts. It requested the Working Group to (1) elaborate and present concrete proposals on possible new standards on this issue, (2) seek opinions from governments, intergovernmental and non-governmental organizations, (3) monitor mercenaries and their activities around the world, (4) study emerging issues and trends on mercenaries, and (5) monitor and study the effects of private companies offering military assistance. The Working Group will report annually to the Human Rights Council ([page 49](#)) and the General Assembly on its progress.

**Evaluation** Although the resolution does not mention an individual complaints mechanism, it does call on the Working Group to monitor, study and report on mercenary activities. Where mercenary activity is particularly endangering displaced persons or causing displacement, IDPs and concerned NGOs might wish to communicate this to the Working Group for inclusion in its reports.

**For More Information**

Working Group on the Use of Mercenaries  
Office of the High Commissioner for Human Rights  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 06  
Website: [www.ohchr.org](http://www.ohchr.org)

***Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism***

**Background** In its 61<sup>st</sup> session in April 2005, the Human Rights Council's predecessor, the Commission on Human Rights, passed Resolution 2005/80 establishing a Special Rapporteur on the promotion and protection of human rights while countering terrorism. The resolution requests the Special Rapporteur among other tasks to (1) make recommendations on the obligations of states to promote and protect human rights while taking actions to counter terrorism, (2) gather, receive and exchange information and communications from all relevant sources, including through country visits, on alleged violations of human rights in the context of efforts to curb terrorism, and (3) identify, exchange and promote best practices in this area. The Rapporteur will report to the Human Rights Council and the General Assembly.

**Evaluation** Counter-insurgency campaigns and wars on terror have impact on displacement. They may increase suspicion and harassment of IDPs suspected of supporting terrorists and lead to the closure of borders to refugees. The resolution empowers the Special Rapporteur to receive and act upon individual complaints of human rights violations as well as to undertake country visits and both may be valuable avenues for bringing to light the implications of the “war on terror” for IDPs.

**Contact**

Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism  
Office of the High Commissioner for Human Rights  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917 90 06

**For More Information**

Special Rapporteur's Website: [www.ohchr.org/english/issues/terrorism/rapporteur/srchr.htm](http://www.ohchr.org/english/issues/terrorism/rapporteur/srchr.htm)



## COMMISSION ON THE STATUS OF WOMEN

**Background** The Commission on the Status of Women is a subsidiary of ECOSOC, one of the major “organs” of the United Nations. The Commission is composed of 45 representatives of governments who are elected by ECOSOC. It prepares studies, reports and recommendations to promote women’s rights. It monitors programs and provides follow-up to world conferences. It also advises on the coordination of UN programs to advance the rights of women. The Commission holds annual meetings, usually in March, in New York City, in which NGOs can participate. It also accepts individual complaints, but only as background information for its policy making work.

**What You Can Do** You can submit communications to the Commission about violations of displaced women’s rights that demonstrate a pattern of such violations in one or more states. If you represent an NGO with consultative status with ECOSOC, you can attend the Commission’s annual meetings to raise displaced women’s issues.

**Evaluation** While the Commission has a procedure for accepting individual complaints, it does not take specific action in individual cases. Rather, as described below, the complaints (and any government replies) serve as background information for a Working Group on Communications to formulate general issues for the Commission to consider. Like the 1503 procedure ([page 51](#)), the consideration of the complaints is confidential. However, the Working Group’s reports on the general issues raised in the complaints (without any mention of the states involved) are made public. Because of the very small number of communications (typically around 20 per year), each one can have an important impact on that report. This would therefore be a good forum for focusing attention on systemic problems faced by displaced women – particularly those consistent across borders, such as issues of property restitution for women-headed households and lack of consultation of women in the distribution and management of relief and return and resettlement programs.

A more individual treatment of complaints is possible with other mechanisms, such as the Committee on the Elimination of Discrimination against Women ([page 128](#)) or the Special Rapporteur on Violence against Women ([page 91](#)). Note that because the Commission does not provide individual relief, it is possible to invoke the Commission and treaty body procedures simultaneously.

On the political side, the Commission generates resolutions, agreed conclusions and policy recommendations that may help to highlight the issues of displaced women.

The Commission has occasionally addressed IDP issues in the past. For example, it has recommended that ECOSOC call on certain governments to facilitate return of displaced persons and refugees.<sup>41</sup> However, there is room for more attention to IDP issues, and more recommendations for action by ECOSOC.

**Who May Submit Communications** Anyone may submit communications to the Commission.

41 U.N. Doc. Nos. E/2003/27-E/CN.6/2003/12, Draft Resolution I, para. 4; E/2003/27-E/CN.6/2003/12, Draft resolution II, para. 4(m).



**Competence** The Commission can accept communications about individual, group or systematic violations of women’s rights in any UN member state.

**Exhaustion of Domestic Remedies** The Commission does not require a showing of exhaustion of local remedies for individual communications.

**Duplication of Procedures** The Commission does not bar duplication of procedures.

**Time Issues** There is no expedited procedure such as “urgent appeals” or “interim measures.” There is also no time limit for submitting complaints to the Commission, though older complaints will likely be less persuasive in formulating new policy.

**Language and Format** Communications must be in writing and may be in any of the official UN languages: Arabic, Chinese, English, French, Russian or Spanish. There is no required format for submitting communications, but at a minimum, the communication must claim that a state has violated the rights of women, identify the author and the victims (individual names should not be necessary for claims of systemic violations) and provide sufficient detail both to establish its own credibility and to allow the Commission to draw policy conclusions.

**Confidentiality** Communications may not be anonymous, but names of authors and victims will not be disclosed to states unless specifically requested.

**Procedure** With regard to communications of violations, the Commission’s secretariat will write to the author to acknowledge receipt. It then summarizes the complaints and sends them to the governments concerned for comment (without revealing the authors’ or victims’ names).

Complaints are then considered by the Working Group on Communications composed of five members of the Commission, which meets during the Commission’s annual session. During its private meetings, it considers all communications and the replies of governments, with a view to bringing to the Commission’s attention those that “appear to reveal a consistent pattern of reliably attested injustice and discriminatory practices against women.” The Working Group then prepares a report for the Commission that “will indicate the categories in which communications are most frequently submitted to the Commission.” Individual complainants are not provided with the governments’ replies or the report of the Working Group. The Commission as a whole considers the Working Group’s report in a closed meeting. The report is commonly made public in the final report of the session.

With regard to NGO participation, consultative status with ECOSOC is required. Applications to ECOSOC for that status received by June 1 of a particular year will be decided upon in the fall of the following year. (Thus, an application sent in April 2005 will be decided in fall 2006.) Once consultative status is granted, individual representatives of the NGO must seek “registration” with the Commission well in advance of the session.

**Potential Result** With regard to communications, the Commission may make recommendations to ECOSOC for action on the “emerging trends and patterns of communications.” NGOs participating in the sessions may also encourage the Commission to adopt resolutions or agreed conclusions, or to formulate further recommendations of relevance to IDPs.

### Send Communications to:

Commission on the Status of Women  
c/o Division for the Advancement of Women  
Department of Economic and Social Affairs  
United Nations Secretariat  
2 United Nations Plaza, DC-2/12th Floor  
New York, NY 10017  
USA  
Fax: + 41 22 917 9022

**Consultative Status and Registration:** To apply for consultative status, send a letter of intent on the organization’s letterhead and signed by its secretary-general or president to:

DESA NGO Section  
One UN Plaza, Room DC1-1480  
New York, NY 10017  
USA  
Tel: +1 212 963 8652  
Fax: +1 212 963 9248

E-mail: [desangosection@un.org](mailto:desangosection@un.org)

The NGO section will send an application package.

For information on registration with the Commission see: [www.un.org/womenwatch/daw/Review/english/ngo.htm#ngo2](http://www.un.org/womenwatch/daw/Review/english/ngo.htm#ngo2)

### For More Information

The Commission’s website: [www.un.org/womenwatch/daw/csw/index.html](http://www.un.org/womenwatch/daw/csw/index.html)

United Nations Division for the Advancement of Women, “The Communications Procedures of the Commission on the Status of Women,” available at: [www.un.org/womenwatch/daw/csw/commproc.html](http://www.un.org/womenwatch/daw/csw/commproc.html)

## OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

**Background** The Office of the High Commissioner for Human Rights (OHCHR) is the UN secretariat’s focal point for human rights issues with a general mandate to promote and protect human rights. It previously supported the Human Rights Council’s predecessor, the Commission on Human Rights, as well as its sub-bodies and treaty bodies and will continue to support the Council. OHCHR also carries out its own technical assistance, promotion, advocacy, monitoring and human rights education activities. It has field offices in 17 countries, 7 regional and sub-regional offices, and an association with human rights units in a number of UN peacekeeping operations. The High Commissioner herself undertakes high-level advocacy efforts, including through country visits.

**What You Can Do** You can bring IDP rights issues to the attention of OHCHR through its field or regional offices or to country desk officers at its headquarters and encourage the Office and/or the High Commissioner herself to intervene through statements, dialogue with authorities, a country visit or other means.

**Evaluation** With a staff of 580, the majority of whom are deployed at its Geneva headquarters, OHCHR is very small in comparison to most UN humanitarian agencies. Moreover, the mandate of each field office differs depending on the agreement with the government concerned. Many are not allowed to undertake monitoring or advocacy activities and instead may only provide training and other forms of technical assistance. Nevertheless, some field offices and human rights units of peacekeeping missions have been active and vocal on IDP issues. At the time of writing, OHCHR had recently released a “Plan of Action” indicating an intention to establish a much greater presence in the field.

The High Commissioner has sometimes raised IDP issues in her own country visits and her Office is sponsoring an increasing number of international monitoring missions to respond to particular high-profile human rights events. However, these types of direct interventions are still relatively rare.

There is no formal complaint mechanism for OHCHR itself but there is potential for it to act in an ad hoc manner on particular IDP rights situations. In communications with OHCHR, it is important to make very clear that action by the secretariat or the High Commissioner herself is sought. Generic complaints will be automatically transferred to one or more of the mechanisms (such as the Special Procedures, the 1503 procedure, or the treaty bodies) serviced by OHCHR.

### Contact

Desk Officer for (Insert Country)  
Office of the High Commissioner for Human Rights  
OHCHR-UNOG  
1211 Geneva 10  
Switzerland

A list of OHCHR’s field offices is available on its website and can be contacted directly.

### For More Information

Website: [www.ohchr.org](http://www.ohchr.org)

## SPECIAL ADVISOR ON THE PREVENTION OF GENOCIDE

**Background** In 2004, the Secretary-General appointed a Special Advisor on the Prevention of Genocide, with a mandate to collect existing information on potential or existing situations or threats of genocide, act as an “early-warning mechanism” to the Security Council and other parts of the UN system, and to make recommendations to the Security Council on steps to take to prevent or halt genocide.

**What You Can Do** You can bring situations of potential or actual genocide to the attention of the Special Advisor and urge him to raise the issue with national authorities, in the media, and with the UN Security Council and other UN bodies.

**Evaluation** The Special Advisor does not directly address individual cases but can be a useful spokesperson for developing situations of ethnic, racial or other group-focused hatred and violence that might lead to genocide. He has devoted particular attention to the situation in Darfur, Sudan, since his appointment, noting in particular the need for better security for IDPs.

### Contact

Special Advisor on the Prevention of Genocide  
United Nations Department of Political Affairs  
New York, NY 10017  
USA

### For More Information

Special Advisor’s website: [http://www.un.org/Depts/dpa/prev\\_genocide/](http://www.un.org/Depts/dpa/prev_genocide/)

## SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON CHILDREN IN ARMED CONFLICT

**Background** This Special Representative was appointed by the Secretary-General to address this issue in response to a request in a resolution of the General Assembly.<sup>42</sup> She is devoted to raising awareness of the plight of children affected by armed conflict, encouraging an improved international response to their needs and advocating for their rights with governments, including through public statements. He encourages normative development, undertakes country visits, and organizes conferences and research. She reports annually to the General Assembly and the Human Rights Council, and frequently briefs the Security Council and other UN bodies.

**What You Can Do** You can bring issues related to displaced children affected by armed conflict to the attention of the Special Representative, ask for her advocacy on these questions either with national authorities and/or at the international level.

<sup>42</sup> G.A. Res. 51/77. Although the Special Representative functions in many ways like a “Special Procedure” of the Commission on Human Rights, she is not technically among them because the genesis of her mandate was in the General Assembly.

**Evaluation** A past holder of the mandate expressed a strong interest in the needs of displaced children, raising their issues in country missions,<sup>43</sup> in publications and public statements and in briefings to the Security Council and other fora within the United Nations. However, the Special Representative does not regularly intervene in individual cases.

### Contact

Special Representative of the Secretary-General on Children in Armed Conflict  
 United Nations  
 Room S-3161  
 New York, NY 10017  
 USA  
 Tel: +1 212 963 3178  
 Fax: +1 212 963 0807

### For More Information

Special Representative's website: [www.un.org/special-rep/children-armed-conflict/English/index.html](http://www.un.org/special-rep/children-armed-conflict/English/index.html)

*Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 207-10.

## INTERGOVERNMENTAL WORKING GROUP ON THE EFFECTIVE IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

**Background** In 2001, the United Nations organized the World Conference against Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, a major inter-governmental event, which produced a Declaration and Programme of Action to address these issues. In 2002, the Human Rights Council's predecessor, the Commission on Human Rights, created a working group of government representatives to ensure the implementation of the Declaration and Programme. The Working Group is attended by representatives of member states, intergovernmental organizations and NGOs in consultative status with ECOSOC. It meets periodically in Geneva, Switzerland.

**What You Can Do** NGOs may participate in sessions of the Working Group if they meet the requirements below.

**Evaluation** Both the Declaration and the Programme of Action make specific mention of the issues of internally displaced persons, and in particular the need to address the discrimination that frequently causes displacement in the first instance.<sup>44</sup> However, the Working Group has not yet discussed measures

<sup>43</sup> E.g. U.N. Doc. E/CN.4/2000/7, para. 23, 65.

<sup>44</sup> See U.N. Doc. A/CONF.189/12, Declaration at paras. 53-55, Programme of Action at paras. 34-36.

to ensure follow up to these provisions. NGOs advocating for IDPs should consider participating in these sessions to encourage state members to take concrete steps concerning these provisions.

**Procedure** To participate in the Working Group, an NGO must have participated in the original 2001 World Conference or have consultative status with ECOSOC. Applications for that status received by June 1 of a particular year will be decided upon in the fall of the following year. (Thus, an application sent in April 2005 will be decided in fall 2006.) Once consultative status is granted, individual representatives of the NGO must seek “accreditation” at least one month before the Working Group’s session.

### Send Applications to:

To apply for consultative status, send a letter of intent on the organization’s letterhead and signed by its secretary-general or president to:

DESA NGO Section  
One UN Plaza, Room DC1-1480  
New York, NY 10017  
USA  
Tel: +1 212 963 8652  
Fax: +1 212 963 9248  
E-mail: [desangosection@un.org](mailto:desangosection@un.org)

The NGO section will send an application package.

Once accredited, NGOs must fill in an additional questionnaire for the Working Group available at: Anti-Discrimination Unit

Office of the High Commissioner for Human Rights (OHCHR)  
Palais des Nations  
Room PW-4-025  
1211 Geneva 10  
Switzerland  
Fax: +41 22 917.9050

Website: [www.ohchr.org/english/issues/racism/docs/questionnaire.doc](http://www.ohchr.org/english/issues/racism/docs/questionnaire.doc)

**Potential Result** Raising the issue of the underlying causes of displacement with the Working Group may lead it to make concrete recommendations to avoid displacement due to racism and discrimination.

### For More Information

Working Group’s website: [www.ohchr.org/english/issues/racism/groups/index.htm](http://www.ohchr.org/english/issues/racism/groups/index.htm)

## HUMAN RIGHTS TREATY BODIES

### COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Background** This Committee was established by ECOSOC to monitor compliance with the International Covenant on Economic, Social and Cultural Rights (CESCR) and to elaborate and explain that treaty's requirements. It is composed of eighteen experts elected by states parties who serve in their individual capacities. The Committee operates by considering periodic reports of states parties on their progress in abiding by the CESCR and issuing "general recommendations" about the requirements of the CESCR.

**What You Can Do** You can provide information on IDP rights issues in advance of Committee consideration of state periodic reports. If you represent an NGO you can also attend sessions of the Committee and engage in dialogue, both formal and informal, with Committee members.

**Evaluation** The Committee cannot currently consider individual complaints, although the possibility of a protocol that would allow this is now under discussion by member states. At present, IDPs and concerned NGOs can only provide information as background to the Committee's work with state reports and general comments. While this does not provide individual treatment, it can have positive political effects. The Committee has addressed issues of great relevance to IDPs in a number of its "concluding observations" on state reports<sup>45</sup> and in its general recommendations on the right to adequate housing,<sup>46</sup> water<sup>47</sup> and other topics. Information about when such reports are due and how information may be provided can be obtained from the Secretary of the Committee (whose contact information is below) and the website of the Office of the High Commissioner for Human Rights ([www.ohchr.org](http://www.ohchr.org)).

For individual treatment of cases involving economic, social and cultural rights, IDPs might consider the Committee on Elimination of Discrimination Against Women ([page 128](#)), the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons ([page 60](#)), and the Special Rapporteurs on the rights to adequate housing ([page 62](#)), health ([page 67](#)), education ([page 65](#)) and food ([page 63](#)).

**Competence** The Committee on Economic, Social and Cultural Rights may only consider the rights provided in the CESCR and only concerning those states that have ratified that treaty. (Updated ratification information can be found at [www.ohchr.org](http://www.ohchr.org)). The rights provided in the CESCR are subject to "progressive realization" by states and they are therefore examined in the particular circumstances of each state, especially with regard to financial capacity.

<sup>45</sup> For example, its 2000 concluding observations on the report of Sudan, U.N. Doc. E/C.12/1/Add.48 at para. 24.

<sup>46</sup> General Comment No. 4, in E/1992/23, annex III, General Comment No. 7, in U.N. Doc. E/1998/22, annex IV at 113.

<sup>47</sup> General Comment No. 15, U.N. Doc. E/C.12/2002/11.



## Contact

Secretary to the Committee on Economic, Social and Cultural Rights  
Office of the United Nations High Commissioner for Human Rights  
Office 1-025, Palais Wilson  
Palais des Nations  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Tel: +41 22 917 9321  
Fax: + 41 22 917 9046/9022

## For More Information

The Committee's website: [www.ohchr.org/english/bodies/cescr/index.htm](http://www.ohchr.org/english/bodies/cescr/index.htm)

OHCHR, Fact Sheet No. 16/Rev.1, The Committee on Economic, Social and Cultural Rights, available from the secretariat (contacts above) and at: [www.unhchr.ch/html/menu6/2/fs16.htm](http://www.unhchr.ch/html/menu6/2/fs16.htm).

OHCHR, "Participation of non-governmental organizations in the Committee on Economic, Social and Cultural Rights" available from the secretariat (contacts above) and at [www.ohchr.org/english/bodies/cescr/NGOs.htm](http://www.ohchr.org/english/bodies/cescr/NGOs.htm)

*Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 123-35.

## HUMAN RIGHTS COMMITTEE

**Preliminary Note:** It is recommended that applicants considering an individual communication to the Human Rights Committee seek the assistance of a lawyer or an experienced NGO to assist them.

**Background** This Committee was established by the International Covenant on Civil and Political Rights (CCPR) to monitor state compliance and to elaborate and explain that treaty's requirements. It is composed of eighteen experts elected by states parties who serve in their individual capacities. The Committee operates by considering periodic reports of states parties on their progress in abiding by the CCPR, issuing "general recommendations" about the requirements of the CCPR, and, for states that have ratified the First Optional Protocol, considering individual complaints of violations of the treaty.<sup>48</sup>

**What You Can Do** You can file a communication on violations of your rights under the CCPR by states that have ratified the First Optional Protocol. If you represent an NGO, you can also provide general information on IDP rights issues in advance of Committee consideration of state periodic reports.

<sup>48</sup> The Committee also has the power to consider complaints by states about other states. However, no state has ever invoked this power.



**Evaluation** Among the international human rights mechanisms administered by the United Nations, the Human Rights Committee is among the most formal in its consideration of individual communications. It is also the UN treaty body with the largest volume of individual cases, in part because of the wide scope of rights guaranteed by the CCPR, many of which are relevant to IDP needs. The Committee’s “Views” on individual complaints have substantial authority – considered by many to be greater than that of the “letters of allegation” and “urgent appeals” issued by many Special Procedures – but they are not binding on states in the same sense as opinions of the regional human rights courts. Therefore, if the latter mechanisms are available in the circumstances of a particular case, they will probably be preferable to using the Committee.

Unlike the 1503 procedure ([page 51](#)), the Committee provides individualized treatment for complaints. The Committee also has an expedited procedure called “interim measures” which can be applied in urgent situations pending final resolution of a communication, but it does not function as quickly as the “urgent appeals” procedure of many Special Procedures (which can sometimes react in a single day).

If there is a choice available between the Human Rights Committee and other treaty bodies, factors to consider include the scope of rights that can be asserted to the Committee under the CCPR as opposed to the treaties monitored by other bodies, the history of a particular state’s compliance with the views and recommendations of the various treaty bodies, and the time necessary for completion of the case. Most cases in the Human Rights Committee take between 3 and 4 years to complete.

The Committee has addressed issues of importance to IDPs in many of its views, concluding observations and general comments. These include, for example, its General Comment 27 on the Right to Freedom of Movement<sup>49</sup> and some of its recent concluding observations on state reports.<sup>50</sup> In addition to carefully considering the text of the CCPR, those preparing individual communications should study this jurisprudence and refer to it where appropriate, as the CCPR tends to follow its own precedent. It is partly for this reason, and partly because of the stringent admissibility requirements described in abbreviated fashion below, that the authors recommend that IDPs and concerned NGOs seek a lawyer with experience in human rights to prepare a communication. Unfortunately, the Committee does not provide free legal aid.

In addition to submitting communications, concerned NGOs should consider submitting systemic information on IDP rights issues to the Committee as background for its consideration of state periodic reports. Information about when such reports are due and how information may be provided can be obtained from the Secretary of the Committee (whose contact information is below) and the website of the Office of the High Commissioner for Human Rights ([www.ohchr.org](http://www.ohchr.org)).

**Who May Submit Communications** Only an individual whose rights have allegedly been violated or his or her direct representative (such as a lawyer) may submit a communication.

49 U.N. Doc. CCPR/C/21/Rev.1/Add.9.

50 U.N. Docs. CCPR/CO/79/RUS; CCPR/CO/80/UGA.

**Competence** The Human Rights Committee may consider violations of the rights provided in the CCPR and only concerning states that have ratified the CCPR and that have not entered reservations about the right at issue. It can only consider individual communications for states that have additionally ratified the First Optional Protocol to the CCPR. (Updated ratification information can be found at [www.ohchr.org](http://www.ohchr.org)). Some rights provided by the CCPR can be limited by certain government interests or even suspended entirely in situations of national emergency.

**Exhaustion of Domestic Remedies** The Human Rights Committee requires exhaustion of domestic remedies before communications will be admitted, unless those remedies are not reasonably available or effective or would be overly prolonged. The precise contours of this rule are described in the Committee’s Rules of Procedure and interpreted in a number of the Committee’s views that should be studied prior to preparing a communication.

**Duplication of Procedures** The Human Rights Committee will not take up a case if the “same matter” (meaning the same people and facts are involved and the same types of rights are asserted) is currently being examined by another human rights mechanism that handles individual cases. Thus, mechanisms like the 1503 procedure ([page 51](#)), and the individual complaints procedures of the Commission on the Status of Women ([page 112](#)) and UNESCO ([page 139](#)) are not affected because they use individual case facts only as background for patterns of violation. Even though many mechanisms do individually handle complaints, this rule has not been applied to the Special Procedures. Thus, simultaneous communications to any of these mechanisms and to the Human Rights Committee are permitted.

A number of states, mostly in Europe, have filed reservations extending the rule against duplication of procedures to apply to cases where another mechanism, such as the European Court of Human Rights, has concluded its examination of a matter and not only where its consideration is currently pending.

**Time Issues** Only incidents of violations occurring (or continuing) after both the CCPR and the First Optional Protocol have been ratified and entered into force for the state in question will be considered. While there is no strict time limit for sending communications after the violation, a lengthy delay may be seen as an “abuse of the right to submit a communication” and the case may not be taken up.

In situations of emergency where “irreparable harm” is imminent (such as where the author is scheduled to be executed), authors of communications may ask the Committee to request states to take “interim measures” pending final review of the case. This may be requested at any time up to the point of decision.

**Language and Format** Communications must be in writing and signed. Technically, they may be in any of the official UN languages (Arabic, Chinese, English, French, Russian or Spanish), but those that are not in one of the Committee’s working languages (English, French and Spanish) will likely be delayed. There is no required format, although an optional questionnaire is available from the Committee’s secretariat. Communications must include at least the name, nationality and contact information of the author of the communication and the victim, comprehensive details of

the incident, a description of steps taken to exhaust domestic remedies, and an allegation of which rights under the CCPR have been violated, and should include copies of any relevant documents (such as court orders in the case).

**Confidentiality** Communications may not be anonymous and the names of both the author and victim will be revealed to the state party that is the subject of the complaint. On request, these names can be withheld from the eventual opinion and other public documents.

**Procedure** Communications are initially screened by the secretariat, which may contact the author for further information. It is then reviewed by a Special Rapporteur on New Communications who will decide whether or not to register the case. If registered, the Committee will transmit the communication to the state party concerned, which has six months to reply. The author is then given two months to comment on the state's reply. The case is then in the "docket" for decision (usually on all questions presented, but occasionally only on the initial question of "admissibility" of the communication) and must await its turn in the Committee's backlog. The process usually takes between three and four years to come to completion.

**Potential Result** Individual communications may result in the Committee's adoption of "Views" finding a violation of the CCPR and making recommendations, such as a halt to violations, compensation, a change in laws or other action. For state reports, interventions of IDP advocates can result in specific questions being asked of state delegations on IDP issues and inclusion of findings and recommendations on these issues in the Committee's concluding observations. All of the Committee's views, concluding observations, and decisions adopted during the year are normally included in the Committee's annual report to the General Assembly.

In its Views, the Committee regularly asks for information from the state party about its compliance with the recommendations made. One member of the Committee is appointed Special Rapporteur for Follow-up who contacts all parties to cases decided to determine if recommendations have been followed. Individuals may complain on their own initiative to the Special Rapporteur (using the same contact information below) if progress on compliance with recommendations is too slow. Information about follow up may also be reflected in the Committee's public annual report.

## Contact

Human Rights Committee  
 Petitions Team  
 Office of the High Commissioner for Human Rights  
 United Nations Office at Geneva  
 1211 Geneva 10  
 Switzerland  
 Fax: + 41 22 9179022 (particularly for urgent matters)  
 E-mail: [tb-petitions@ohchr.org](mailto:tb-petitions@ohchr.org)

## For More Information

International Covenant on Civil and Political Rights, 999 U.N.T.S. 171, reprinted in *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), III.A.3, and also available at [www.ohchr.org/english/law/ccpr.htm](http://www.ohchr.org/english/law/ccpr.htm).

Optional Protocol to the International Covenant on Civil and Political Rights, reprinted in *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), III.A.4, and also available at: [www.ohchr.org/english/law/ccpr-one.htm](http://www.ohchr.org/english/law/ccpr-one.htm).

Human Rights Committee's website: [www.ohchr.org/english/bodies/hrc/index.htm](http://www.ohchr.org/english/bodies/hrc/index.htm)

Frontline Defenders Guide: [www.frontlinedefenders.org/manual/en/hrcmc\\_m.htm](http://www.frontlinedefenders.org/manual/en/hrcmc_m.htm)

Manfred Nowak, *International Covenant on Civil and Political Rights: CCPR Commentary*, (2nd ed., N.P. Engel Publishers, 2005).

*Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 123-35.

## COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

**Preliminary Note:** It is recommended that applicants considering an individual communication to the Committee seek the assistance of a lawyer or an experienced NGO.

**Background** The Committee is the body established by the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) to monitor state compliance and to elaborate and explain that treaty's requirements. It is composed of eighteen experts elected by states parties who serve in their individual capacities. The Committee considers periodic reports of states parties on their progress in abiding by the CERD, reviews compliance with its own prior "concluding observations" on those reports, issues "general comments" (also called "general recommendations") about the CERD's requirements, and for states that have made the required declaration under article 14 of the CERD, considers individual complaints of violations of the treaty.<sup>51</sup>

**What You Can Do** If your state has ratified CERD and agreed to accept the CERD's examination of individual complaints, you can file communications concerning violations of your rights under the CERD by governments or their agents. Even if the state has not accepted individual communications, if you represent an NGO, you can provide general information on IDP rights issues in advance of Committee consideration of state periodic reports. You may further call on the Committee to invoke its "early warning" function to intervene in cases where mounting racial tensions are causing or may

<sup>51</sup> The Committee also has the power to consider complaints by states about other states. However, no state has ever invoked this power.

cause large-scale displacement and/or conflict. Finally, you may participate in periodic “thematic discussions” convened by the Committee.

**Evaluation** In contrast to the Human Rights Committee ([page 120](#)), only about a quarter of the states parties to the CERD have made the declaration enabling the Committee to handle individual cases. Partly for this reason, the number of such individual communications that have been considered by the Committee is still low – totaling 33 cases as of the date of this writing.<sup>52</sup> This may be to the advantage of those who *can* use this mechanism, as there is no backlog of cases and the process of reviewing communications and issuing the Committee’s view is relatively fast – less than a year, according to the secretariat. IDPs whose states have not made the declaration might consider turning instead to the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance ([page 84](#)), other treaty bodies and/or regional mechanisms.

The Committee’s “opinions” on individual complaints have substantial authority – considered by many to be greater than that of the “letters of allegation” and “urgent appeals” issued by many Special Procedures – but they are not directly binding on states in the same sense as opinions of the regional human rights courts. Therefore, if the latter mechanisms are available in a particular case, they will probably be preferable to using the Committee.

IDPs have not as yet made use of the individual complaints procedure in CERD. However, racial discrimination is frequently at the root of displacement and a primary impediment to return and rehabilitation. Choosing this forum over others might serve to highlight this issue. As noted above, use of a lawyer is recommended. Unfortunately, the Committee does not provide free legal aid.

The Committee has addressed IDP issues outside the context of individual communications. For example, General Recommendation XXII affirmed the right of displaced persons to voluntary solutions, assistance in return and rehabilitation, and full political participation upon return.<sup>53</sup> It has also addressed IDP issues in several of its concluding observations.<sup>54</sup> Moreover, the Committee has an “early warning” procedure to try to prevent conflict, which specifically considers displacement as an important criterion. Using the procedure, the Committee issued a “decision” in 1996 about the situation of displaced persons in Côte d’Ivoire.<sup>55</sup>

Information about when periodic reports are due, how information may be provided for them, the early warning procedure, and upcoming “thematic discussions” can be obtained from the secretariat of the Committee (contact information below) and the website of OHCHR ([www.ohchr.org](http://www.ohchr.org)).

**Who May Submit Communications** Normally, only an individual or a group of individuals whose rights have allegedly been violated, their relatives, or their designated representative (such as a lawyer) may submit a communication. Others may submit a communication on behalf of a victim only in exceptional circumstances.

<sup>52</sup> According to the OHCHR Treaty Body Database (available at [www.ohchr.org](http://www.ohchr.org)).

<sup>53</sup> U.N. Doc. A/51/48, (1996) 126.

<sup>54</sup> E.g. U.N. Docs. A/57/18 (2002) 24 at para. 99 (Croatia), A/58/18 (2003) 38 at paras. 177, 185 and 186 (Russian Federation).

<sup>55</sup> U.N. Doc. CERD/C/62/Dec/1.

**Competence** The Committee may only consider violations of the rights provided in the CERD and only concerning states that have ratified the CERD and which have not entered reservations about the right at issue. It can only consider individual communications for states that have made a specific declaration under article 14 of the CERD. (Updated ratification and declaration information can be found at [www.ohchr.org](http://www.ohchr.org)).

**Exhaustion of Domestic Remedies** The Committee requires exhaustion of domestic remedies before communications will be admitted, unless those remedies are not reasonably available or effective or would be overly prolonged. The precise contours of this rule are described in the Committee’s Rules of Procedure and interpreted in a number of the Committee’s views that should be studied prior to preparing a communication.

**Duplication of Procedures** The CERD does not block the Committee from considering cases that have been or are currently being considered by other human rights mechanisms. However, a number of European states have filed reservations to the CERD that do create such a bar with regard to communications involving them.

**Time Issues** Only violations occurring (or continuing) after the CERD has been ratified and entered into force for the state in question will be considered. Communications must be submitted within six months of the final decision of the national authority in the case at issue (in other words, six months after exhaustion of domestic remedies, see above).

In situations of emergency where “irreparable harm” is imminent, authors of communications may ask the Committee to request states to take “interim measures” pending final review of the case. This may be requested at any time up to the point of decision.

**Language and Format** Communications must be in writing and signed. Technically, they may be in any of the official UN languages (Arabic, Chinese, English, French, Russian or Spanish), but those that are not in one of the Committee’s working languages (English, French and Spanish) will likely be delayed. There is no required format, although an optional questionnaire is available from the Committee’s secretariat. Communications must include at least the name, nationality and contact information of the author of the communication and the victim, comprehensive details of the incident, a description of steps taken to exhaust domestic remedies (including the date of the final decision in the case), and an allegation of which rights under the CERD have been violated, and should include copies of any relevant documents (such as court orders in the case).

**Confidentiality** Communications may not be anonymous and the names of both the author and victim will be revealed to the state party that is the subject of the complaint. On request, these names can be withheld from the eventual opinion and other public documents.

**Procedure** Communications are screened for procedural deficiencies (such as absence of information about use of domestic remedies) by the secretariat, which may contact the author for further information. If the secretariat accepts the communication it will officially “register” it and



transmit it to the state party, which has three months to respond, either on the issue of procedural “admissibility” or on the merits. If the state party contests admissibility, the author has six weeks to respond. The case is then addressed by an informal working group of the Committee, which meets shortly prior to the full Committee meetings (in March and August) to consider admissibility. If it finds the case to be admissible, the state party has a further three months to present arguments on the merits, after which the author has six weeks to respond. The full Committee then addresses the case and issues an opinion. According to the secretariat, the entire process is generally completed within one year.

**Potential Result** Individual communications may result in the Committee’s adoption of an “opinion” finding a violation of the CERD and recommending some relief, such as a halt to violations, compensation, a change in laws or other action. Even if no violation is found, the opinion may still make recommendations for systemic changes.

For state reports, the interventions of IDP advocates can result in specific questions being asked of state delegations on IDP issues and inclusion of findings and recommendations on these issues in the Committee’s concluding observations. Moreover, pursuant to its “early warning” procedure, the Committee may adopt a decision with recommendations for a state where it perceives the danger that racial discrimination may engender conflict. All opinions, concluding observations, and decisions pursuant to the early warning procedure are normally included in the Committee’s annual report to the General Assembly.

### Contact

Committee on the Elimination of Racial Discrimination  
 Petitions Team  
 Office of the High Commissioner for Human Rights  
 United Nations Office at Geneva  
 1211 Geneva 10  
 Switzerland  
 Fax: + 41 22 9179022 (particularly for urgent matters)  
 E-mail: [tb-petitions@ohchr.org](mailto:tb-petitions@ohchr.org) (include “CERD” in the subject line)

### For More Information

International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature Dec. 21 1965, 660 U.N.T.S. 195, reprinted in *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), vol. III.I.1. Also available at: [www.ohchr.org/english/law/cerd.htm](http://www.ohchr.org/english/law/cerd.htm).

Committee’s website: [www.ohchr.org/english/bodies/cerd/index.htm](http://www.ohchr.org/english/bodies/cerd/index.htm).

*Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 123-35.

Anne Bayefsky, *How to Complain to UN Human Rights Mechanisms: The Convention on the Elimination of Racial Discrimination*, available at: [www.bayefsky.com/complain/28\\_cerd.php](http://www.bayefsky.com/complain/28_cerd.php).

## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

**Preliminary Note:** It is recommended that applicants considering an individual communication to this Committee seek the assistance of a lawyer or an experienced NGO.

**Background** The Committee was established by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to monitor state compliance and to elaborate and explain that treaty’s requirements. It is composed of twenty-three experts elected by states parties who serve in their individual capacities. The Committee considers periodic reports of states parties on their progress in abiding by the CEDAW, issues “general comments” about the CEDAW’s requirements, instigates “inquiries” and, for states that have ratified the Optional Protocol to the CEDAW, considers individual complaints of violations of the treaty.<sup>56</sup>

**What You Can Do** If your state has ratified CEDAW and its optional protocol, you can file communications for violations of IDPs’ rights under the CEDAW. Even if the state has not ratified the optional protocol, if you represent an NGO, you can also provide general information on IDP rights issues in advance of Committee consideration of state periodic reports, including through informal meetings with Committee members. In addition, where available for your state, you can encourage the Committee to undertake an inquiry concerning systemic women’s rights violations in a particular state.

**Evaluation** The Committee’s power to accept individual communications is still fairly new and to date it has entered views only on a single case. However, there are already a substantial number of states that have become parties to the Optional Protocol which allows for this procedure.

In choosing between the Committee and other treaty bodies, it is useful to note that the CEDAW contains a great deal more detail on the right of women to equal treatment in various areas of public and private life – including in the area of economic, social and cultural rights – than many other human rights instruments. On the other hand, the level of compliance with its recommendations is still untested. Its authority will definitely not be as high as that of the regional human rights courts, whose decisions are formally binding on states parties. Unfortunately, the Committee does not provide free legal aid in preparing communications.

The Committee’s primary activity to date has been its consideration of state reports. It has addressed IDP issues in a number of these, expressing its concern about violence against displaced women in a number of countries,<sup>57</sup> and calling for greater efforts toward reintegration

<sup>56</sup> The Committee also has the power to mediate disputes between states about the meaning of provisions of the CEDAW. However, no state has ever invoked this power.

<sup>57</sup> U.N. Docs. A/55/38 (Part I) at 25, para. 218; U.N. Doc. CEDAW/C/2000/I/CRP.3/Add.6/Rev.1; A/49/38 at 133, para. 757; CEDAW/C/2000/I/CRP.3/Add.6/Rev.1; U.N. Doc. A/49/38 at 133.



of displaced women.<sup>58</sup> The Committee has also asserted in a “General Recommendation” that special attention be given to the health needs of internally displaced women.<sup>59</sup>

For states parties to the Optional Protocol that have not entered a reservation, the Committee is also empowered to engage outside the context of individual cases and periodic reports where it receives information about “grave and systematic” violations of the CEDAW. This procedure may include a country visit, which can generate greater attention at the domestic level. This may be a particularly appropriate option for large-scale problems of displaced women, such as discriminatory property inheritance laws or lack of provision of reproductive health services.

**Who May Submit Communications** Normally, only an individual or a group of individuals whose rights have allegedly been violated or their direct representative (such as a lawyer) may submit a communication. Where justified by exceptional circumstances, another person may submit a communication without the victim’s express consent where the victim is unable to do so herself.

**Competence** The Committee may only consider violations of the rights provided in the CEDAW and only concerning states that have ratified the CEDAW. A number of states have entered reservations to certain rights of the CEDAW, further limiting the Committee’s scope. The Committee can only consider individual communications concerning states that have ratified the Optional Protocol to the CEDAW, and can only consider “inquiries” for systemic violations for parties to the Optional Protocol that have not entered declarations or reservations to the contrary. (Updated information on ratification, reservations and declarations can be found at: [www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/))

**Exhaustion of Domestic Remedies** The Committee requires exhaustion of domestic remedies before communications will be admitted, unless those remedies are not reasonably available or effective or would be overly prolonged.

**Duplication of Procedures** The Committee will not review any communication involving the same matter that has been or is being reviewed by another “procedure of international investigation or settlement.” Based on the practice of the other treaty bodies, this bar will likely not apply to the Special Procedures, the 1503 procedure ([page 51](#)), and other procedures that do not determine individual claims.

**Time Issues** Only violations occurring (or continuing) after the CEDAW has been ratified and entered into force for the state in question will be considered. Communications must be submitted within six months of the final decision of the national authority in the case at issue (in other words, six months after exhaustion of domestic remedies; see above).

In situations of emergency where “irreparable harm” is imminent, authors of communications may ask the Committee to request states to take “interim measures” pending final review of the case. This may be requested at any time up to the point of decision.

<sup>58</sup> U.N. Doc. A/50/38 at 87, para. 448.

<sup>59</sup> Recommendation No. 24, reprinted in HRI/GEN/1/Rev.4 at 195, para. 6.

**Language and Format** Communications must be in writing and signed. Technically, they may be in any of the official UN languages (Arabic, Chinese, English, French, Russian or Spanish), but those that are not in the Committee’s working languages (English, French and Spanish) will likely be delayed. There is no required format, although an optional questionnaire is available from the Committee’s secretariat. Communications must include at least the name, nationality and contact information of the author of the communication and the victim, comprehensive details of the incident, a description of steps taken to exhaust domestic remedies (including the date of the final decision in the case), and an allegation of which rights under the CEDAW have been violated, and should include copies of any relevant documents (such as court orders in the case).

**Confidentiality** Communications may not be anonymous and the names of both the author and victim will be revealed to the state party that is the subject of the complaint. On request, these names can be withheld from the eventual opinion and other public documents.

**Procedure** Communications are screened for procedural deficiencies (such as absence of information about use of domestic remedies) by the secretariat, which may contact the author for further information. If the secretariat accepts the communication it will officially “register” it and transmit it to the state party, which has six months to respond. It may also ask that the question of admissibility be determined separately from the merits of the case (e.g. whether rights have been violated or not). The author of the communication is then given a chance to comment on that response. The full Committee then addresses the case. A similar procedure is followed for “inquiries” concerning systemic violations.

**Potential Result** Individual communications may result in the Committee’s adoption of its “Views” finding a violation of the CEDAW in the individual case and making a recommendation, such as a halt to violations, compensation, a change in laws, or other action. For state reports, the interventions of IDP advocates can result in specific questions being asked of state delegations on IDP issues and inclusion of findings and recommendations on these issues in the Committee’s concluding observations. A recommendation to undertake an “inquiry” may result in dialogue with a state on systematic violations and/or a visit to the country by Committee members. All views, concluding observations and decisions are normally included in the Committee’s annual report to ECOSOC which is then transmitted to the General Assembly.

## Contact

Committee on the Elimination of Discrimination against Women  
 c/o Division for the Advancement of Women  
 Department of Economic and Social Affairs  
 United Nations Secretariat  
 2 United Nations Plaza  
 DC-2/12th Floor  
 New York, NY 10017  
 USA  
 Fax: +1 212 963 3463

## For More Information

Convention on the Elimination of All Forms of Discrimination Against Women, reprinted in *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), vol. III. C.13, and available at: [www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/).

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, reprinted in 38 I.L.M. 763 (1999) and *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), vol. III.C.16, and available at: [www.un.org/womenwatch/daw/cedaw/protocol/text.htm](http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm).

Committee's website: [www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/)

*Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 123–35.

## COMMITTEE ON THE RIGHTS OF THE CHILD

**Background** This Committee was established by the Convention on the Rights of the Child (CRC) to monitor state compliance and to elaborate and explain the treaty's requirements. It is composed of eighteen experts elected by states parties who serve in their individual capacities. The Committee considers periodic reports of states parties on their progress in abiding by the CRC, issues “concluding observations” on those reports, and produces “general comments” about the requirements of the CRC directed at all states parties.

**What You Can Do** If you represent an NGO, you can provide information on displaced children's rights in advance of Committee consideration of state periodic reports. You might also recommend that the Committee devote one of its annual “Days of General Discussion” to IDP issues and attend that session.

**Evaluation** The Committee cannot handle individual complaints. However, it remains a forum with important potential to highlight systemic issues of displaced children through its concluding observations and general comments. In previous concluding observations on state reports, it has expressed concern about the effect that conflict has on children, noting in particular their vulnerability to displacement.<sup>60</sup> It has also expressed its concern about the effect of development-induced displacement, for example, with regard to Pygmy families displaced by logging in Cameroon.<sup>61</sup> Its general comments have not yet raised issues of displacement.

The Committee has issued detailed guidelines to NGOs on preparing written submissions prior to state reports. These guidelines are available from the secretariat (contacts below) or on the OHCHR website ([www.ohchr.org](http://www.ohchr.org)). On the basis of NGO written submissions, the Committee

60 E.g. UN Doc. CRC/C/15/Add.169, para. 50 (Lebanon).

61 U.N. Doc. CRC/C/15/Add.164, 2001, para. 69 (Cameroon).

invites a select number of NGOs to informal meetings in Geneva prior to its consideration of relevant state reports. The secretariat and OHCHR website can also provide updated information on the schedule of consideration of these reports.

As noted above, the Committee also has more general “Days of General Discussion” focused on general themes and which are open to all interested parties. In past years, themes have included children and armed conflict and state violence against children, but the specific theme of internally displaced children has not yet been selected.

**Competence** The Committee on the Rights of the Child may only consider the rights provided in the CRC and its two optional protocols. Every state except the United States of America and Somalia has ratified the CRC. Updated information on ratification of the additional protocols, as well as on reservations and declarations, can be found at: [www.ohchr.org](http://www.ohchr.org).

### Contact

Committee on the Rights of the Child  
Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
1211 Geneva 10  
Switzerland  
Fax: + 41 22 917 9022

### For More Information

Convention on the Rights of the Child, 1577 U.N.T.S. 44, reprinted in *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), vol. III.D.3, and available at [www.ohchr.org](http://www.ohchr.org).

Committee’s website: [www.ohchr.org/english/bodies/crc/index.htm](http://www.ohchr.org/english/bodies/crc/index.htm)

Gerison Lansdown, “The Reporting Process under the Convention on the Rights of the Child,” in *The Future of UN Human Rights Treaty Monitoring*, (Philip Alston and James Crawford, eds., Cambridge University Press, 2000), 113-128.

## COMMITTEE AGAINST TORTURE

**Preliminary Note:** It is recommended that applicants considering an individual communication to the Committee against Torture seek the assistance of a lawyer or an experienced NGO.

**Background** This Committee was established by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) to monitor state compliance and to elaborate and explain that treaty’s requirements. It is composed of ten experts elected by states parties who serve in their individual capacities. The Committee considers periodic reports

of states parties on their progress in abiding by the CAT, issues “general comments” about the requirements of the CAT, considers individual complaints of torture concerning states that have made the necessary declaration, and undertakes “inquiries” on its own initiative with states parties concerning allegations of serious or systemic violations of the CAT.<sup>62</sup>

**What You Can Do** You can file communications for violations of your rights under the CAT by states parties that have made a declaration allowing this. If you represent an NGO, you can also provide general information on IDP rights issues in advance of Committee consideration of state periodic reports. Moreover, you can recommend that the CAT undertake an “inquiry” concerning serious or systemic violations of the CAT in a particular state.

**Evaluation** The Committee against Torture is a distant second to the Human Rights Committee among UN-administered treaty bodies in the number of individual complaints it has decided (140 as of the date of writing).

If a choice is available between the Committee against Torture and the Human Rights Committee, IDPs and NGOs should keep in mind that the latter Committee is able to apply a broader definition of “torture.” For the purposes of CAT, torture is defined as physical or mental pain inflicted for the specific purpose of (1) obtaining information, (2) punishment, (3) intimidation or coercion, or (4) discrimination. In contrast, the International Covenant on Civil and Political Rights does not require that the torturer have a particular purpose in mind. To constitute torture, both definitions require that it be performed by governmental officials or with their acquiescence. If a case falls within both the CAT’s and the CCPR’s definitions of torture and that is the only or primary issue of concern, IDPs and NGOs would probably be advised to choose CAT because of its expertise in the area and quicker resolution of cases (normally within one year).

In addition to torture, the Committee can also consider complaints of state failure to prevent “cruel, inhuman or degrading punishment or treatment” by public authorities or of their acquiescence in torture, particularly through training of law enforcement, review of interrogation methods and investigation. The Committee has previously noted that internal exile, a form of displacement, is considered “cruel, inhuman or degrading punishment.”<sup>63</sup>

In addition to submitting communications, concerned NGOs should consider submitting systemic information on IDP rights issues to the Committee as background for its consideration of state periodic reports and, where appropriate, to suggest that the Committee initiate its own inquiry where violations of CAT are serious and systematic. Information about when state reports are due and how information may be provided can be obtained from the Secretary of the Committee (whose contact information is below) and the website of the Office of the High Commissioner for Human Rights ([www.ohchr.org](http://www.ohchr.org)).

**Who May Submit Communications** Normally, only an individual whose rights allegedly have been violated or his or her direct representative (such as a lawyer) may submit a communication.

<sup>62</sup> The Committee also has the power to consider complaints by states about other states where both parties have made a prior declaration to this effect. However, no state has ever invoked this power.

<sup>63</sup> E.g. U.N. Doc. A/52/44, paras. 120(f) (concluding observations on the periodic report of Georgia).

In exceptional circumstances, relatives or others may submit a communication on the individual's behalf without his or her direct consent if the individual cannot do so (such as when he or she has been detained and cannot be contacted).

**Competence** The Committee against Torture may consider violations of the rights provided in the CAT and only concerning states that have ratified the CAT and which have not entered reservations about the right at issue. It can only consider individual communications for states that have made a declaration to this effect under article 22 of the CAT. (Updated information on ratifications, declarations and reservations can be found at [www.ohchr.org](http://www.ohchr.org)).

**Exhaustion of Domestic Remedies** The Committee requires exhaustion of domestic remedies before communications will be admitted, unless those remedies are not reasonably available or effective or would be overly prolonged. The precise contours of this rule are described in the Committee's Rules of Procedure and interpreted in a number of the Committee's views that should be studied prior to preparing a communication.

**Duplication of Procedures** The Committee will not take up a case if the "same matter" (meaning the same people and facts are involved and the same types of rights are asserted) is being or has been examined by another human rights mechanism that handles cases individually. Thus, mechanisms like the 1503 procedure ([page 51](#)), and the complaints procedure of the Commission on the Status of Women ([page 112](#)) are not affected because they use individual case facts only as background for patterns of violation. Even though many do individually handle complaints, this rule has not been applied to the Special Procedures, including the Special Rapporteur on Torture ([page 73](#)). Thus, simultaneous communications to any of these mechanisms and to the Human Rights Committee are permitted.

A number of states, mostly in Europe, have filed reservations extending the rule against duplication of procedures to apply to cases where another mechanism, such as the European Court of Human Rights, has concluded its examination of a matter and not only where its consideration is currently pending.

**Time Issues** Only incidents of violations occurring (or continuing) after the CAT has been ratified and entered into force for the state in question will be considered. While there is no strict time limit for sending communications after the violation, a lengthy delay may be seen as an "abuse of the right to submit a communication" and the case may not be taken up.

In situations of emergency where "irreparable harm" is imminent, authors of communications may ask the Committee to request states to take "interim measures" pending final review of the case. This may be requested at any time up to the point of decision.

**Language and Format** Communications must be in writing and signed. Technically, they may be in any of the official UN languages (Arabic, Chinese, English, French, Russian or Spanish), but those that are not in one of the Committee's working languages (English, French and Spanish) will likely be delayed. There is no required format, although an optional questionnaire is available from the Committee's secretariat. Communications must include at least the name, nationality and contact information of the author of the communication and the victim, comprehensive details of



the incident, a description of steps taken to exhaust domestic remedies, and an allegation of which rights under the CAT have been violated, and should include copies of any relevant documents (such as court orders in the case).

**Confidentiality** Communications may not be anonymous and the names of both the author and victim will be revealed to the state party that is the subject of the complaint. On request, these names can be withheld from the eventual opinion and other public documents.

**Procedure** Communications are initially screened by the secretariat, which may contact the author for further information. It is then reviewed by a Special Rapporteur on New Communications who will decide whether or not to register the case. If registered, the Committee will transmit the communication to the state party concerned, which has six months to reply. The author is then given six weeks to comment on the state's reply. The process usually takes one year or less. The results are included in the Committee's annual report to the General Assembly.

**Potential Result** Individual communications may result in the Committee's adoption of "Decisions" finding a violation of the CAT and making recommendations, such as a halt to violations, compensation, a change in laws, or other action. For state reports, the interventions of IDP advocates can result in specific questions being asked of state delegations on IDP issues and inclusion of findings and recommendations on these issues in the Committee's concluding observations. If the CAT undertakes an "inquiry" about serious and systemic violations in a particular state, a summary of its findings may (or may not) be publicly released. Otherwise, all of the Committee's views, concluding observations, and decisions adopted during the year are normally included in the Committee's annual report to the General Assembly.

In its Decisions, the Committee regularly asks for information from the state party about its compliance with the recommendations made. One member of the Committee is appointed Special Rapporteur for Follow Up who contacts states to determine if recommendations have been followed. All discussions with states about follow up issues are maintained confidential.

## Contact

Committee against Torture  
 Petitions Team  
 Office of the High Commissioner for Human Rights  
 United Nations Office at Geneva  
 1211 Geneva 10  
 Switzerland  
 Fax: + 41 22 9179022 (particularly for urgent matters)  
 E-mail: [tb-petitions@ohchr.org](mailto:tb-petitions@ohchr.org) (include CAT in subject line)

**For More Information**

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A134146 (Annex), U.N. Doc. A/RES/39/51, *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), vol. III.K.2, and available at [www.ohchr.org](http://www.ohchr.org).

Committee's website: [www.ohchr.org/english/bodies/cat/index.htm](http://www.ohchr.org/english/bodies/cat/index.htm)

Camille Giffard, *The Torture Reporting Handbook* (Human Rights Centre, University of Essex, 2000), also available online at: [www.essex.ac.uk/torturehandbook/english.htm](http://www.essex.ac.uk/torturehandbook/english.htm).

**OTHER RELEVANT INTERNATIONAL MECHANISMS****INTERNATIONAL LABOUR ORGANIZATION**

**Background** The International Labour Organization (ILO) is a “specialized agency” of the United Nations made up of representatives of governments, employers and workers worldwide. The ILO formulates international labor standards through multilateral conventions and “recommendations,” oversees the implementation of those standards, provides technical support on labor issues to governments, and encourages the development of independent worker and employer organizations.

As part of its role as an overseer of the nearly 200 labor-related conventions that the ILO has developed over the years, it has also developed a number of separate types of complaints procedures concerning violations of those conventions. Of these, two are described here: (1) “representations” under article 24 of the ILO Constitution, and (2) complaints to the Committee on Freedom of Association. Under the first procedure, “representations” may be made that an ILO member state has “failed to secure the effective observance within its jurisdiction” of one of the ILO conventions to which it is a party. Under the second, a “complaint” may be made concerning trade union-related rights (such as the right to join or form trade unions, to collectively bargain, and to strike).

**What You Can Do** You can ask a trade union to submit a representation/complaint on an IDP’s behalf for a violation of labor rights (such as the right to non-discrimination in hiring, wrongful termination, adequate working conditions, prohibition of forced labor and the right to collectively bargain) and the rights of indigenous peoples. You might also ask a trade union to submit information prior to ILO consideration of periodic state reports on compliance with the various conventions about relevant IDP labor rights issues. Finally, if you represent an international NGO, you can participate in International Labour Conferences where ILO policy is discussed at a political level.

**Evaluation** The ILO has a supervisory role over a large number of labor conventions, many of which might be relevant to IDPs. Among these are ILO Conventions 107 and 169 which specifically address



the rights of indigenous peoples, including their rights with regard to forcible displacement. IDPs may also face a number of labor rights or social protection issues covered by ILO conventions, such as wrongful termination from their employment connected to their displacement, discrimination in hiring in their places of refuge, unsafe or unhealthy working conditions in new employment they are able to find, and failures to provide unemployment or sickness insurance or pensions.

IDPs do not have direct access to the ILO complaints mechanisms but complaints may be brought on their behalf by trade unions (and, at least in theory, by foreign governments and employers' organizations). IDP issues have been included in several such complaints in the past, in particular with regard to indigenous rights under ILO Convention 169. Because the various complaints procedures are only accessible through an intermediary, they are summarized only briefly below. It is recommended that IDPs and NGOs seek out trade union partners with ILO experience to undertake complaints on their behalf and to advise them as to which conventions/rights to rely upon. Trade unions should agree to take some responsibility for the complaint and not just serve as a pure pass-through mechanism.

Trade unions can also submit information before and during ILO consideration of the periodic reports that states are required to make with respect to each ILO convention they have ratified. Detailed information about which reports are due for each member state and the text of the conventions they concern are available from the ILO secretariat and on the ILO website ([www.ilo.org](http://www.ilo.org)).

Finally, international NGOs concerned with IDP issues might consider seeking accreditation to participate in the ILO's annual International Labour Conferences to raise labor concerns of IDPs, following the example of NGO advocates for migrant workers who have made good use of this forum over the last few years, achieving greater political attention to their concerns.

**Who May Submit Communications** “Representations” under article 24 of the ILO Constitution may be submitted by any trade union (whether local, national or international) or employers' organization.

“Complaints” to the Committee on Freedom of Association can be submitted by an ILO member state, a trade union (local, national or international) or an employer's organization.

**Competence** For “representations” under article 24 of the ILO Constitution, the ILO has competence over violations of any convention that the state at issue has ratified. Updated ratification information is available from the ILO secretariat (contacts below) and on the ILO website ([www.ilo.org](http://www.ilo.org)). The ILO's Committee on Freedom of Association has competence over complaints of violation of freedom of association regardless whether the ILO member state at issue has ratified the ILO conventions on that subject.

**Exhaustion of Domestic Remedies** Exhaustion of local remedies is not required before using these procedures.

**Duplication of Procedures** There is no formal bar on submitting matters that have been or are currently being addressed by other mechanisms.

**Time Issues** There is no time formal time limit for the submission of representations or complaints.

**Language and Format** There is no formal language limitation on representations or complaints to the ILO. However, the ILO’s working languages are English, French, Spanish, German, Russian and Chinese, and processing will likely be speedier if one of them is used.

There is no required format for reports other than that they must be in writing and signed, but the following elements are required. “Representations” under article 24 of the ILO Constitution must claim that a member state has “failed to secure the effective observance within its jurisdiction” of an ILO convention to which it is a party, and cite the provisions violated. Complaints to the Committee on Freedom of Association should allege violation of that right and submit proof. All representations/complaints should also comprehensively describe the facts of the case, identify the state and persons involved, explain why they are a violation, and provide any available corroborating information and documentation (including proof that the submitting party is a trade union, if appropriate).

**Confidentiality** The names of submitting parties and victims named in the representations/complaints will be revealed to the state party involved and in public reports of ILO procedures. Most of the proceedings considering the recommendations/complaints are held privately until a result is reached.

**Procedure** For “representations” under article 24 of the ILO Convention, communications are screened by the ILO secretariat and then considered by the Governing Body of the ILO for admissibility. If deemed admissible, they are referred to an “ad hoc tripartite committee” made up of Governing Body members from states, trade unions and employers’ organizations. The ad hoc committee to consider the complaint may request additional information and ask the state concerned to comment. It then makes a recommendation to the Governing Body. The Governing Body then decides whether or not it is “satisfied” with the state’s reply to the representation. If it is satisfied, the matter is closed and the allegations and replies are published. If not, it will publish its own discussion of the case.

For complaints to the Committee on Freedom of Association, complaints are screened for inadmissibility, sent to the state party for its reply and then considered by the Committee. The Committee may ask the complainant or state involved to orally present their arguments. It then reaches a decision and issues any recommendations directly to the state party.

**Potential Result** For representations, the end result of the process is a published decision that the Governing Body is either satisfied or unsatisfied with the state’s response to allegations that it is not abiding by its conventions. Allegations and replies are also published. Cases that are considered particularly serious may be referred to a more formal process within the Governing Body under article 26 of the Constitution, raising the possibility of formal ILO action. The matter will also be followed up in subsequent consideration of periodic reports by the state concerned on the relevant conventions.

For complaints to the Committee on Freedom of Association, the result is a decision of violation or non-violation and specific recommendations to the state party. The Committee may also require the state to submit follow-up reports to it on compliance. If the state party fails to comply with recommendations, the Committee may recommend that the Governing Body submit the case to a more formal procedure called the “Fact Finding and Conciliation Commission.”

### Contact

Director-General  
International Labour Organization  
4, route des Morillons  
CH-1211 Geneva 22  
Switzerland  
*Legal Office:*  
Tel: + 41 22 799 7155  
Fax: + 41 22 799 6711  
E-mail: [norms@ilo.org](mailto:norms@ilo.org)

### For More Information

Lee Swepston, “Human Rights Complaint Procedures of the International Labor Organization,” in *Guide the International Human Rights Practice* (4<sup>th</sup> ed., Hurst Hannum, ed., Transnational Publishers, Inc., 2004), 89-106.

Alexandra Varela, “International Labour Organization Mechanisms,” in *Promoting and Protecting the Rights of Migrant Workers: A UN Road Map* (2nd ed., Asian Migrant Center et al., 2004), 93-129.

ILO website: [www.ilo.org](http://www.ilo.org). (The ILO website also includes the full text and ratification information for all ILO conventions.)

*ILO Information Note: Representation of non-governmental international organizations at the International Labour Conference*, available at: [www.ilo.org/public/english/standards/reim/ilc/pdf/note.pdf](http://www.ilo.org/public/english/standards/reim/ilc/pdf/note.pdf)

## UNESCO COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

**Background** The United Nations Economic Social and Cultural Organization (UNESCO) is a specialized agency of the United Nations whose mission is to contribute to peace and security by promoting cooperation among states in the fields of education, science, culture and communication. It is organized into a General Conference of all member states (currently numbering 190), an Executive Board of 58 states, a secretariat and a number of national commissions.

A sub-group of UNESCO's Executive Board, the Committee on Conventions and Recommendations, is authorized to accept and examine complaints about violations of human rights by any UNESCO member state in UNESCO's areas of competence. The Committee on Conventions and Recommendations consists of 30 state representatives who meet twice per year in the spring and autumn. The Committee also considers periodic reports by states concerning their compliance with certain conventions.

**What You Can Do** You can submit individual complaints about violations of human rights linked with education, science, cultural life and the right to information.

**Evaluation** The UNESCO procedure covers only a limited number of rights and it is not known whether it has previously addressed IDP issues because its procedures are confidential. Among the rights covered, however, is the right to education, an issue frequently neglected for displaced children. Moreover, violations of IDPs' rights to assemble to form their own organizations and to use their own languages, two other areas included in the UNESCO procedure, are common.

In light of the confidentiality of the UNESCO procedure, its emphasis on seeking "friendly solutions" rather than denouncing offenders, and the fact that it is operated by state representatives rather than independent experts, there is reduced potential for "public shaming" of rights-abusing governments.

On the other hand, in contrast to the 1503 procedure ([page 51](#)), cases are considered on an individual basis (rather than as mere examples of large-scale human rights abuses) and authors of communications are informed of the progress of their complaints and of the eventual decision. Moreover, the Committee has indicated that once it becomes engaged with the case, it continues to examine it until some "settlement" is found. Finally, admissibility requirements are much more relaxed than for other UN procedures, including duplication requirements.

IDPs and NGOs are not currently allowed to become involved in states' periodic reports.

**Who May Submit Communications** Communications may be submitted by persons or groups of persons who are victims of violations of the covered human rights or by "any persons, group of persons or organizations having reliable knowledge of those violations."<sup>64</sup> Their knowledge of the case may not be based solely on information gathered from media reports.

**Competence** The Committee may examine complaints of violations of rights pertaining to education, science, culture and communication. According to the UNESCO secretariat, these are "essentially":  
The right to education (Universal Declaration of Human Rights (UDHR) art. 26),  
The right to share in scientific advancement (UDHR art. 27),  
The right to participate freely in cultural life (UDHR, art. 27), and  
The right to information, including freedom of opinion and expression (UDHR art. 19).

The secretariat also notes that these rights may also imply the exercise of others, including: the right to freedom of thought, conscience and religion (Article 18); the right to seek, receive and

<sup>64</sup> Decision 104 EX/3.3, para. 14(iii).

impart information and ideas through any media and regardless of frontiers (Article 19); the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production (Article 27); the right to freedom of assembly and association (Article 20) for the purposes of activities connected with education, science, culture and information.

The Committee may receive complaints about the government of any UNESCO member state. (All UN member states with the exception of Singapore are currently UNESCO members.)

**Exhaustion of Domestic Remedies** Exhaustion of local remedies is not strictly required, however authors of communications must indicate which remedies they have tried and the Committee may suspend its examination of a communication pending the outcome, for example, of a claim currently before a domestic court.

**Duplication of Procedures** The fact that another human rights mechanism has considered, or plans to consider, the same matter does not automatically bar consideration of the matter by UNESCO. However, the secretariat may contact other mechanisms where the same matter is pending to ensure that there is no unnecessary duplication or incompatibility with UNESCO's procedures.

**Time Issues** Communications must be submitted “within a reasonable time-limit following the facts which constitute its subject matter or within a reasonable time-limit after the facts have become known.”<sup>65</sup> A communication and any additional information requested must be submitted at least one month before the opening of the Committee's session or consideration will be postponed to the next session. There is no special procedure available for accelerated consideration of urgent cases.

**Language and Format** Communications must be in English or French. The initial contact should be in the form of a letter that succinctly states the claim. The letter may not be anonymous. A form is then sent out that must be completed. Communications must not contain abusive language.

**Confidentiality** While the UNESCO procedure is kept generally confidential, there is no specific provision in its governing documents for withholding the name of complainants from the state allegedly causing the violation.

**Procedure** Upon receipt of a complaint letter, the secretariat engages in an initial screening to exclude complaints that “manifestly do not relate to the competence of UNESCO” or which appear “manifestly unfounded.” If neither of these applies, the secretariat informs authors of admissibility requirements and provides a form that must be completed. The secretariat may also ask the author for additional information. Once completed, the form is sent to the government concerned and a reply is requested. When the Committee meets, a representative of the government concerned is given the opportunity to address the admissibility or substance of the communication. The authors are not allowed to be present. The Committee then meets (without the representative of the government concerned), first to decide on admissibility and then, if appropriate, on the substance. Consideration of the matter may occur over a period of several sessions until it is considered settled.

<sup>65</sup> Decision 104 Ex/3.3, para. 14 (iii).

Any decisions made by the Committee are transmitted to the government and the author. Both are prohibited from making public any portions of the proceedings.

**Potential Result** The Committee engages in dialogue with member states with the goal of finding a “friendly solution” to a violation. It issues decisions that call for certain actions but that avoid accusing the government of misconduct. It may also call upon the Director-General or the Chair of the Committee to use their good offices – including through missions to the country – to seek settlement. It may also report to the Executive Board, particularly if the government fails to cooperate. According to the governing rule, “questions of massive, systematic or flagrant violation of human rights and fundamental freedoms” should be considered by the Executive Board and the General Conference in public meetings (Decision 104 Ex/3.3, para. 18). This provision has never been invoked but might well become an issue in a complaint dealing with IDP issues.

#### Send Communications to:

Director of the Office of International Standards and Legal Affairs of UNESCO  
7 place de Fontenoy  
75352 Paris 07 SP  
France  
Fax: +33 (0)1 45 68 55 75

#### For More Information

UNESCO website: [www.unesco.org](http://www.unesco.org).

Klaus Hübner, *How to File Complaints on Human Rights Violations: A Manual for Individuals and NGOs*, DGVN-Texte 49, chap. 5 (1998).

Steven Marks, “The Complaint Procedure of the United Nations Educational, Scientific and Cultural Organization,” in *Guide to International Human Rights Practice* (Hurst Hannum, ed., 4<sup>th</sup> ed., Transnational Publishers, Inc., 2004), 107-23.

## INTERNATIONAL COMMITTEE OF THE RED CROSS

**Background** The International Committee of the Red Cross (ICRC) is a private humanitarian organization with a special mandate from the Geneva Conventions and their additional protocols, the primary instruments of international humanitarian law (“the law of war”), to promote and oversee their application. It is the founding component of the “Red Cross Movement” which also includes the many national Red Cross and Red Crescent societies and the International Federation of Red Cross and Red Crescent Societies. The other components of the Red Cross Movement have accorded the ICRC the lead role in responding to armed conflicts and internal strife.



The ICRC does not consider or describe itself as a “human rights mechanism” and is very careful to underline its “exclusively humanitarian mission” and its working principles of neutrality, independence and impartiality. However, a number of its activities and functions are similar to some of the mechanisms described in this guide. For example, the ICRC monitors the situation of civilians in situations of armed conflicts and makes confidential representations to the belligerent parties (including both governmental and insurgent forces) about their treatment according to international humanitarian law. It also monitors the living conditions and treatment of prisoners (civilian or military) and works to link missing persons with their relatives. In addition to these services, the ICRC provides emergency relief assistance where required to civilians in need.

**What You Can Do** If your rights under humanitarian law are being violated in a situation of armed conflict, you can contact the ICRC and request its intervention with either party.

If you or someone you know has been detained in the course of an armed conflict, you can ask the ICRC to visit the detainee to ensure that he is being treated humanely and to provide him or her with a means of communication with family members.

If you have become separated from your family or a family member has gone missing due to a situation of armed conflict, you may register with the ICRC’s Central Tracing Agency for assistance in locating them.

**Evaluation** The ICRC is a major (though by no means the only) humanitarian actor assisting IDPs in situations of armed conflict. It is included in this guide (while other important agencies, such as UNHCR and UNICEF are not) in light of its unique mandate under the Geneva Conventions, which gives it a predictable “protection” role for civilians in armed conflict situations. The ICRC acts almost entirely<sup>66</sup> through confidential representations with the armed parties to conflict, asserting that this mode of operation assures it access to those in danger and the trust of the parties. It is therefore not a means to bring public pressure to bear on authorities. In many situations, however, it may be the only type of pressure available.

### Contact

ICRC maintains offices in countries around the world. A list is available on its website and from its headquarters:

International Committee of the Red Cross  
19 avenue de la Paix  
CH 1202 Geneva  
Switzerland  
Tel: + 41 (22) 734 60 01  
Fax: + 41 (22) 733 20 57

### For More Information

Geneva Convention Relative to the Protection of Civilians in Time of War, adopted Aug 12, 1949, 75 U.N.T.S. 287, reprinted in *International Law and World Order: Basic Documents* (B. Weston and

<sup>66</sup> In rare cases, however, the ICRC will “go public” with allegations of violations of international humanitarian law.

J. Carlson, eds., 1994), vol. II.B.14, and available at: [www.icrc.org](http://www.icrc.org).

Additional Protocol (No. II) to the Geneva Conventions of August 12, 1949, and related to the Protection of Victims of Non-International Armed Conflicts, opened for signature Dec. 12, 1977, 1125 U.N.T.S., reprinted in *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), vol. II.B.21, and available at: [www.icrc.org](http://www.icrc.org)

ICRC website: [www.icrc.org](http://www.icrc.org) and in particular its section on family tracing [www.icrc.org/home.nsf/home/webfamilylinks](http://www.icrc.org/home.nsf/home/webfamilylinks).

“Discover the ICRC,” pamphlet available from ICRC headquarters, field offices and website.

“The ICRC’s position on Internally Displaced Persons,” Geneva, April 2006.

## INTERNATIONAL CRIMINAL COURT

**Background** The International Criminal Court (ICC) is an institution created by a treaty (commonly called “the Rome Statute”) with the authority to investigate and prosecute genocide, crimes against humanity and war crimes. It is made up of three main parts, the Presidency (i.e. the judges), the Office of the Prosecutor, and the Registry. The ICC can gain jurisdiction by several means, including referral by a state party, referral by the UN Security Council, and independent investigation of the Prosecutor. Only the investigation of the Prosecutor is discussed here.

**What You Can Do** You can forward information to the Prosecutor about allegations of genocide, crimes against humanity or war crimes and urge him or her to initiate an investigation. If you have been the victim of one of these types of crimes you may submit an application to the court for reparations, including compensation for lost property and compensation for suffering.

**Evaluation** Many persons are displaced because of crimes against humanity and war crimes perpetrated against them. The act of displacement can itself be such a crime within the jurisdiction of the ICC in certain circumstances. Moreover, attacks on humanitarian personnel and diversion and blockage of humanitarian assistance are criminalized in the ICC statute.

The ICC has only recently been formed and no case has proceeded past the stage of investigation as of the date of this writing. However, although its governing statute technically gives the court the power to adjudicate any case that meets its jurisdictional and admissibility requirements (described in summary form below), it is reasonable to assume that the Prosecutor will be relatively selective about which cases to bring to the court, focusing as much as possible on the most senior and atrocious criminals and leaving the rest for domestic systems to address.

In addition to access to the Prosecutor to urge the commencement of an investigation, victims have extensive rights to intervene in the proceedings once prosecutions have commenced. Legal aid from the ICC itself will be available to assist them in this. In addition, victims have the right to apply for



reparations, including restitution, compensation and rehabilitation, both from the personal treasure of convicted defendants and from the ICC's Victims Trust Fund. Detailed rules as to how such reparation requests can be made are currently being devised.

**Who May Submit Communications** Anyone, including individuals and NGOs, may submit information to the prosecutor and urge him to initiate an investigation on his own authority. Victims of crimes may also submit applications for reparations.

**Competence** The ICC Prosecutor may initiate investigations of individuals for genocide, crimes against humanity and war crimes when: (1) they occur on the territory of a state party or are committed by a national of a state party, (2) the crimes occurred after the date upon which the Rome Statute became effective for the state at issue, and (3) national authorities either cannot or will not ensure adequate domestic investigation and prosecution (if appropriate). (Updated ratification information is available from the ICC Registry and at [www.iccnw.org](http://www.iccnw.org).)

**Exhaustion of Domestic Remedies** While there is no requirement of exhaustion of domestic procedures, pursuant to the “principle of complementarity,” the ICC cannot hear cases for which national authorities have either commenced or completed an investigation or prosecution of the crimes at issue. This is the case even if the authorities decide not to prosecute after their investigation of the matter, unless that decision is based on an inability or unwillingness genuinely to prosecute.

**Duplication of Procedures** There is generally no bar to complaints on matters that have been or are currently being addressed by other mechanisms. However, persons who have previously been criminally prosecuted and either convicted or acquitted in any court (national or international) cannot be re-tried for the same crimes at the ICC unless the prior proceedings were for the purpose of shielding the person from liability at the ICC or were otherwise not consistent with an intent to bring the person concerned to justice.

**Time Issues** There is no time limit for bringing information to the attention of the Prosecutor or for his investigation of a case.

**Language and Format** While there is no formal rule setting the language of communications to the Prosecutor, those not made in the working languages of the ICC, English and French, may be delayed. There is no required or suggested format for communications with the Prosecutor. To be effective, however, such communications should include as much detail as possible about the crimes involved (including when and where they occurred, who perpetrated them and who were the victims), the action or inaction of the national authorities, as well as the author's full name and contact information.

Standard forms will soon be developed that will be required for victim participation in proceedings and for applications for reparations. The Office of the Registry will provide legal assistance to victims in both of these areas.

**Confidentiality** The identity of persons providing information to the Prosecutor will be kept confidential upon request (and normally even without a request). If a case is eventually brought to trial,

persons willing to serve as witnesses may also do so anonymously if they reasonably fear retaliation for their participation. Confidentiality may also be requested in applications for reparations. Additional safeguards, including physical protection, may also be made available to witnesses.

**Procedure** Upon receipt of information regarding a “situation” concerning genocide, crimes against humanity and/or war crimes, the Prosecutor will conduct a preliminary examination to decide if there is a reasonable basis to proceed with an investigation. If so, he will request the Pre-Trial Chamber of ICC to authorize an investigation. If authorized, and if the investigation reveals reason to go forward, the Prosecutor may issue charges against the alleged perpetrators; if the ICC is able to secure the assistance of states in arresting the accused, the case may then proceed to trial.

**Potential Result** As a result of the Prosecutor’s investigation, alleged perpetrators may be brought to trial and convicted of crimes. Victims of these crimes may also receive reparations from the perpetrator and/or the ICC’s Victim Trust Fund.

#### Send Communications to:

Office of the Prosecutor  
International Criminal Court  
P.O. Box 19519  
2500 CM The Hague  
Netherlands  
Tel: + 31 (0)70 515 8515  
Fax: +31 (0)70 515 8555

For issues of participation in court proceedings and reparation, contact:

Victims’ Participation and Reparation Section (VPRS)  
P.O. Box 19519  
2500 CM The Hague  
Netherlands  
Fax: +31 (0)70 515 9100  
E-mail: [vprs@icc-cpi.int](mailto:vprs@icc-cpi.int)

#### For More Information

*The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence* (Roy S. Lee and Hakan Friman, eds., Transnational Publishers, Inc., 2001).

William A. Schabas, *An Introduction to the International Criminal Court* (2nd ed., Cambridge University Press, 2004).

sa Rydeberg and Kelly Askin, “International Criminal Tribunals: Refugees and Internally Displaced Persons Who May Be Witnesses Before the Tribunals,” in *Human Rights Protection for Refugees*,

*Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 514-518.

ICC website: [www.icc-cpi.int/](http://www.icc-cpi.int/)

## THE WORLD BANK

**Background** The World Bank is an international financial institution whose primary function is to provide loans, guarantees and credit for projects to reduce poverty and promote development in developing countries. It is made up of four sub-parts, two of which are focused on loans and credits to governments – the International Bank of Reconstruction and Development (IBRD) and the International Development Association (IDA) – and two of which are focused on the private sector – the International Finance Corporation (IFC) and the Multilateral International Guarantee Agency (MIGA). The Bank has developed separate complaints procedures for these public-lending (Inspection Panel) and private-lending components (Compliance Advisor Ombudsman). These mechanisms are described separately below.

### INSPECTION PANEL

**Preliminary Note:** It is recommended that applicants considering resort to the World Bank Inspection Panel seek experienced assistance in formulating and following up their complaint (although, as noted below, direct representation by international actors is discouraged). Contact information for several international NGOs active in this area is provided below.

**Background** The World Bank Inspection Panel is an independent body composed of three experts elected by the Board of the World Bank and a small staff that is authorized to consider complaints about failures of the two sub-parts of the World Bank concerned with loans and credits to governments (the IBRD and IDA) to abide by World Bank operational policies and procedures. Among these are specific policies concerning the financing of development projects that contribute to displacement.

**What You Can Do** If you have suffered or fear you may suffer harm (such as displacement) from a government development project which has received financial assistance from the World Bank, you can file a “request” for an Inspection Panel investigation of the project on the basis that the World Bank has failed to follow its own rules.

**Evaluation** The Inspection Panel procedure is not, strictly speaking, a human rights mechanism as it is only authorized to hear complaints of violations of the World Bank’s own internal rules. However, in recent years, the Bank has put in place detailed policies concerning the social consequences of development projects of great interest to persons facing displacement, including issues of public disclosure, indigenous peoples, environmental impacts and involuntary resettlement. World Bank Operational Policy 4.12 on involuntary resettlement provides that displacement should be avoided

where feasible, reduced to a minimum when unavoidable, and those affected should be properly consulted, informed and assisted to rehabilitate after displacement.

The Inspection Panel can only consider the World Bank's involvement and responsibility. It cannot directly examine the responsibility of governments for their (frequently significant) roles in displacement by development projects. On the other hand, the World Bank's social and environmental policies require that the World Bank ensure through its contracts with the borrowing governments and through ongoing monitoring that the borrower is abiding by the policies. If it does not, the World Bank is required to act, including by withholding funding.

The Inspection Panel's opinions are not formally binding on the Bank. However, they are taken very seriously by the Bank's Executive Board (made up of the states that fund the bank) and have on several occasions led the Bank to pull out of large and politically important projects because of the many rule violations they were causing. Moreover, even where the Inspection Panel's consideration does not lead to formal action on the part of the Executive Board, the process of filing and considering complaints frequently results in intensified attention and positive action by Bank management. On the other hand, neither the Inspection Panel nor the World Bank can stop a government from continuing a project with alternative funding if it chooses to do so.

**Who May Submit Communications** Two or more persons who have been or who fear they will suffer harm as a result of a project financed by the World Bank may file a request. A local NGO may file a request as their representative. In exceptional cases where no local groups can act (such as where they face the danger of retaliation), international NGOs can represent affected persons. Representatives must submit proof of authorization with the request.

**Competence** The Inspection Panel may consider requests concerning projects which the World Bank is supporting or is considering supporting where it is claimed that there have been violations of the World Bank's management of World Bank rules.

**Exhaustion of Other Remedies** The Inspection Panel requires requestors to show that they have attempted to bring their concerns to the attention World Bank management representatives and that the response has not been satisfactory.

**Duplication of Procedures** There is no formal bar on matters that have been or are currently being addressed by other mechanisms.

**Time Issues** Requests must be received prior to the point that the World Bank's involvement is considered complete (once at least 95 percent of the funds it is contributing have been disbursed).

**Language and Format** Requests must be in writing and may not be anonymous. They may be in any language but those not filed in English will be delayed for translation. The Inspection Panel's suggested format for a request is reproduced below ([page 151](#)). Any supporting documentation – such as copies of correspondence with World Bank officials – should be attached.

**Confidentiality** The Inspection Panel will keep the names of requestors and their representatives confidential upon request.

**Procedure** If the request contains the minimum required information, the Panel enters it in its registry and transmits it to the Bank management, which has 21 business days to respond. After the management response, the Panel has 21 business days to determine whether to recommend an inspection to the World Bank Board of Directors. If the Board authorizes the inspection, the Panel undertakes a thorough investigation of the project and reports back to the Board and the President. The Bank Management must then deliver its recommendations to the Board of Directors based on the Panel's findings within six weeks.

**Potential Result** The Panel's initial recommendation of an inspection and its final report on any investigation are made public, along with management responses and the Board of Directors' decisions. On the basis of the Panel's recommendations, the Board may decide to withhold or cancel funding for a particular project.

#### Send Communications to:

Executive Secretary  
The Inspection Panel  
1818 H St., NW  
Washington, DC 20433  
USA  
Fax: + 1 202 522 0916

#### For More Information

World Bank Group Operational Manual (including its social and environmental policies), available at: <http://wbln0018.worldbank.org/institutional/manuals/opmanual.nsf>.

*The Inspection Panel of the World Bank: A Different Complaints Procedure* (Gudmundur Alfresson and Rolf Ring, eds., Martinus Nijhoff Publishers, 2001).

Dana L. Clark, *A Citizen's Guide to the World Bank Inspection Panel* (2nd. ed., Center for International Environmental Law, 1999).

*Demanding Accountability: Civil Society Claims and the World Bank Inspection Panel* (Dana Clark, Jonathan Fox, and Kay Treakle, eds., Rowman & Littlefield Publishers, Inc. 2003).

The International Accountability Project  
1315 Carlotta Ave  
Berkeley, CA 94703  
USA  
E-mail: [dana@accountabilityproject.org](mailto:dana@accountabilityproject.org)  
Website: [www.accountabilityproject.org](http://www.accountabilityproject.org)

Center for International Environmental Law (CIEL)  
1367 Connecticut Ave., NW  
Suite 300  
Washington, DC 20036  
USA  
Tel: +1 202 785 8700  
Fax: +1 202 785 8701  
E-mail: [info@ciel.org](mailto:info@ciel.org)  
Website: [www.ciel.org](http://www.ciel.org)

Bank Information Center (BIC)  
733 15th Street, NW  
Suite 1126  
Washington, DC 20005  
USA  
Tel: +1 202 737 7752  
Fax: +1 202 737 1155  
E-mail: [info@bicusa.org](mailto:info@bicusa.org)  
Website: [www.bicusa.org](http://www.bicusa.org)

### Suggested Format for a Request for Inspection

To: Executive Secretary, The Inspection Panel  
 1818 H Street, NW, Washington, DC 20433, USA  
 Fax No. 202-522-0916; or c/o the appropriate World  
 Bank Country Office

1. We [insert names] live and/or represent others who live in the area known as [insert name of area]. Our addresses are attached.
2. We have suffered, or are likely to suffer, harm as a result of the World Bank's failures or omissions in the [insert name and/or brief description of the project or program] located in [insert location/country].
3. [Describe the damage or harm you are suffering or are likely to suffer from the project or program].
4. [List (if known) the World Bank's operational policies you believe have not been observed].
5. We have complained to World Bank staff on the following occasions [list dates] by [explain how the complaint was made]. We have received no response, [or] we have received a response and we are not satisfied that the explanations and answers solve our problems for the following reasons:
6. We request the Inspection Panel recommend to the World Bank's Executive Directors that an investigation of these matters be carried out.

\_\_\_\_\_  
 Signatures:

\_\_\_\_\_  
 Date:

Contact address, telephone number, fax number and e-mail address

List of attachments

We [do/do not] authorize you to disclose our identities

## COMPLIANCE ADVISOR OMBUDSMAN

**Background** The Compliance Advisor Ombudsman (CAO) is an independent body authorized to advise, monitor and consider complaints concerning the environmental and social impact of projects financed or guaranteed by the two sub-parts of the World Bank focused on the private sector – the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA). The CAO’s office consists of a single ombudsman, who reports to the president of the World Bank group, and a small staff.

**What You Can Do** If you have been or are likely to be affected by the social and/or environmental impacts (including displacement) of an IFC or MIGA project, you may send a complaint to the CAO.

**Evaluation** The CAO was created due to civil society pressure on the World Bank to extend the scope of the Inspection Panel to the work of the IFC and MIGA. Instead, the CAO was set up with a less formal (and less authoritative) “problem solving” role. By its own description, the CAO is more interested in attempting to mitigate future harm than to address harm that has already occurred, with an aim to find solutions rather than “find fault.”

IFC and MIGA policies and procedures may be cited in a complaint. Both have “safeguard policies” concerning involuntary resettlement, public disclosure, indigenous peoples and environmental impacts of projects, among others.<sup>67</sup> The policies on involuntary resettlement provide that displacement should be avoided if possible, but if not, its effects should be mitigated through adequate consultation, compensation and rehabilitation measures. Unlike the Inspection Panel, the CAO is not empowered to appeal directly to the World Bank’s governing Board of Directors where management fails to rectify ongoing policy violations. On the other hand, given the conciliation/mediation role of the CAO, it is possible that it might help to resolve problems in project implementation even when they do not formally violate established policies.

**Who May Submit Communications** Any individual, community or other party affected or likely to be affected by the environmental and social impacts of an IFC or MIGA project may lodge a complaint with the CAO. Organizations (such as NGOs) may file complaints on behalf of affected persons, so long as they can prove that the affected persons have authorized them to do so. The CAO appears to prefer that such representatives be local organizations, and recommends that any foreign NGOs partner with local organizations before submitting a complaint.

**Competence** The CAO may consider complaints concerning the environmental and social impacts of projects financed or guaranteed by IFC or MIGA, including project preparation, consultation/involvement of affected communities, and the adequacy of resettlement and other mitigating efforts.

**Exhaustion of Other Remedies** The CAO does not formally require any showing of exhaustion of other remedies. However as a “problem solving” actor that attempts to mediate disputes between affected populations and IFC and MIGA management, it may exercise its discretion not to take a

<sup>67</sup> In the IFC’s case, some of these policies are currently undergoing review and may soon be updated.



complaint where the complaining parties have made little or no effort to bring their concerns first directly to the IFC or MIGA.

**Duplication of Procedures** There is no bar to complaints on matters that have been or are currently being addressed by other mechanisms.

**Time Issues** No formal rule is stated as to when complaints may be brought. For complaints about urgent matters (for example, where unnecessary displacement from a project is imminent), complainants may ask the CAO to expedite its consideration.

**Language and Format** Complaints may be in any language. There is no required format, but complaints must include the complainant's name and contact information and should clearly indicate how the complainants will be affected by the particular project and why the CAO's intervention is necessary. The CAO's model complaint is attached below ([page 155](#)).

**Confidentiality** The CAO will keep the names of complainants and their representatives confidential upon request. Where the CAO engages in mediation or conciliation, it will request that these discussions remain confidential while ongoing, but a public report will be made at the end.

**Procedure** Within 15 days of receipt of a complaint, the CAO will determine whether to accept it for its action. If accepted, the CAO will forward the complaint to IFC or MIGA management for comment and undertake an investigation, including further discussions with the complainants and potentially site visits. After 30 to 90 days, an "assessment" will be produced with a recommended action plan to resolve the problem. The action plan may include the suggestion for mediation/conciliation by the CAO and the World Bank entity involved as well as other measures. Once these measures have reached a satisfactory conclusion, or it appears to the CAO that it can do no more to improve the situation, it will declare the case closed and publicly report on it to the president of the World Bank.

**Potential Result** In addition to an independent assessment of the problem, a complaint to the CAO may engage its active participation in seeking a solution to ongoing problems. CAO assessments and reports will also be made public and thus can be used in advocacy.

#### **Send Communications to:**

Compliance Advisor/Ombudsman  
International Finance Corporation  
2121 Pennsylvania Avenue, NW  
Washington, DC 20433  
USA  
Fax: +1 202 522 7400  
E-mail: [cao-compliance@ifc.org](mailto:cao-compliance@ifc.org)

### For More Information

Compliance Advisor Ombudsman, *Operational Guidelines*, available from the CAO office (contact information above) and on the CAO website.

CAO website: [www.cao-ombudsman.org](http://www.cao-ombudsman.org)

MIGA Safeguard Policies are available from:

MIGA

1818 H Street, NW

Washington, DC 20433

USA

Tel: +1 202 473 1000

Website: <http://www.miga.org/index.cfm?aid=272>

IFC Safeguard Policies are available from:

International Finance Corporation

2121 Pennsylvania Avenue, NW

Washington, DC 20433

USA

Tel: +1 (202) 473 1000

Website: [www.ifc.org/ifcext/policyreview.nsf/](http://www.ifc.org/ifcext/policyreview.nsf/)

**Model Complaint**

Persons wishing to complain

To: Compliance Advisor/Ombudsman  
 2121 Pennsylvania Avenue, NW  
 MSN F 11K-1116  
 Washington, DC 20433  
 USA  
 Fax: +1 202 522 7400  
 E-mail: cao-compliance@ifc.org

I/we \_\_\_\_\_ lodge a complaint concerning the \_\_\_\_\_ project. This complaint is made on behalf of \_\_\_\_\_ (ignore if not applicable).

I/we live in the area known as \_\_\_\_\_ (shown on the attached map). I/we can be contacted through the following address, telephone and fax numbers, and e-mail:

I/we do not wish our identity(ies) to be disclosed. (Ignore if not applicable).

The basis of the complaint is as follows:

A description of the name, location and nature of the project is as follows:

IFC or MIGA is involved with the project (as applicable):

The project sponsor is:

I/we have been, or are likely to be affected by social or environmental impacts of the project in the following way(s):

The following action has been taken by me/us to try to resolve these issues:

The name of any contact person(s) at IFC or MIGA are:

I/we have had contact with the following other person(s) in attempting to resolve these issues: (where possible, please attach copies of correspondence)

The following are details of policies, guidelines or procedures of IFC or MIGA that have not been complied with: (include this information only if you wish or are able to)

I/we would like to see this complaint resolved in the following way: (the CAO cannot guarantee to help the complainant achieve this result, but this information will help to focus problem solving approaches)

Any other relevant facts to support this complaint are:

Attach copies of any relevant documents and other material.

\_\_\_\_\_  
 Signature(s):

\_\_\_\_\_  
 Date:

# REGIONAL MECHANISMS

## AFRICA

### AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (AND THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS)

**Preliminary Note:** It is recommended that applicants considering an individual communication to the African Commission seek the assistance of a lawyer or an experienced NGO.

**Background** The African Commission was created by the African Charter on Human and Peoples' Rights (AfCHPR) to promote, protect and interpret the rights laid out in that treaty. It does this through convening seminars and conferences, considering periodic state reports on their compliance, responding to complaints of violations of the AfCHPR,<sup>68</sup> passing resolutions on human rights issues of general concern, and providing interpretive opinions about the meaning of the provisions of the AfCHPR. It is composed of eleven experts elected by African Union (AU) member states who serve in their individual capacities.

The African Court on Human and People's Rights was created by a protocol to the AfCHPR, which recently has come into force. It will consist of eleven judges elected by the member states of the AU with the power to issue binding judgments in cases concerning rights under the AfCHPR, its own protocol, and "any other relevant human rights instrument ratified by the states concerned" as well as advisory opinions on these subjects.

**What You Can Do** You can submit communications to the Commission about violations of your rights under the AfCHPR by member states. You can also encourage the Commission to undertake a country visit to investigate and discuss the issues with national authorities. If you represent an NGO you may seek observer status to attend and make statements at sessions of the Commission to highlight IDP issues and encourage additional action.

**Evaluation** Article 58 of the AfCHPR indicates that the Commission is empowered to bring "special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights" to the attention of the AU Assembly of Heads of State and Government. However, the Commission has not interpreted this to prevent it from addressing individual cases and has therefore not required a showing of widespread or "massive" violations of rights before reporting to the AU Assembly.

The Commission has addressed IDP issues in a number of ways, including through resolutions and declarations, the appointment of a Special Rapporteur on Refugees and Displaced Persons ([page 161](#)) and at least one published decision on an individual communication.<sup>69</sup> However, given the enormous scope of internal displacement in Africa, there is certainly room for more activity in this area.

<sup>68</sup> In addition to the individual communications discussed here, the African Charter provides for inter-state complaints to the Commission. This procedure has only been used once.

<sup>69</sup> Social and Economic Rights Action Center v. Nigeria, Communication 155/96, African Commission on Human and Peoples' Rights (2001).

For IDPs and concerned advocates seeking to choose between this and other mechanisms for individual complaints, positive factors for the Commission include its relatively relaxed requirements as to who may submit a complaint and the opportunity it provides to complainants to orally plead their own case. Negative factors include the historically lengthy processing time (reportedly up to three or four years), and the limits of scope on some of the rights articulated in the AfCHPR.

The creation of an African Court has recently been approved and the preparations are underway to create it. The protocol creating the Court provides for a right to individual petition to the Court, but only if ratifying states make a specific declaration to allow it. Only one member state – Burkina Faso – has made such a declaration. For the remaining states parties to the Court’s protocol, cases can be referred only by the Commission or other states. Neither individuals nor NGOs can request the Court to issue advisory opinions, this being reserved to member states, the AU and its organs. Accordingly, the Court is not directly accessible to IDPs or their advocates in most African states.

The Commission may, however, refer a complaint it has received to the Court, which has the power to consider any human rights law in force for the state involved (not just the AfCHPR) and can issue legally binding judgments. Complainants in this situation will not be able to argue their own cases before the Court. No definite criteria have been articulated for cases the Commission will choose for referral.

NGOs may also consider providing information about IDP issues in the context of the consideration of state reports to the Commission, which are due every two years. Few member states are current with their reporting, but information provided to the Commission in advance – even in the absence of a state report – may prompt discussion and further action on the issue. Due dates for state reports are available from the Commission secretariat and its website.

**Who May Submit Communications** Anyone may submit a communication to the Commission, either on his own behalf or on behalf of someone else.

**Competence** The Commission may only consider violations of the rights provided in the AfCHPR and only concerning states that have ratified the AfCHPR. Ratification information and the text of the AfCHPR are available from the Commission secretariat and on the African Union website at [www.africa-union.org](http://www.africa-union.org).

**Exhaustion of Domestic Remedies** The Commission requires exhaustion of domestic remedies before communications will be admitted, unless those remedies would be unduly prolonged. The Commission’s practice also indicates that it will not require attempts to exhaust remedies that are unavailable or ineffective. Moreover, in cases of massive violations of human rights, the requirement of exhaustion of local remedies may be waived.

**Duplication of Procedures** The Commission will not consider communications about matters that have been “settled” by another international human rights mechanism. While not completely clear from the Commission’s rules of procedure or practice, there have been indications in the past that this bar may also apply to cases currently pending before other mechanisms as well as to cases addressed by mechanisms that do not provide any individual relief, such as the 1503 procedure.

**Time Issues** Communications should be submitted “within a reasonable period” from the time that local remedies have been exhausted. In cases of urgent necessity (such as where life, personal integrity or health is in imminent danger), the Commission can urge states to adopt “provisional measures” to prevent irreparable damage to the victim.

**Language and Format** Communications should be submitted in one of the working languages of the Commission, which are the same as those of the African Union (Arabic, English, French and Portuguese), and preferably in English or French.<sup>70</sup> The Commission has issued guidelines for communications (reproduced below, [page 160](#)). Communications must avoid language insulting to a state or the African Union and its mechanisms or make demands inconsistent with the AfCHPR. At a minimum, communications should include the name and contact information of the author and victim (if different), identification of the perpetrators (and the state responsible), and a complete description of the incident, along with whatever documentary proof is available.

**Confidentiality** Anonymous communications will not be accepted, but the names of victims and authors of communications will be kept confidential upon request.

**Procedure** Upon receipt of a communication, the AfCHPR secretariat will review it for basic admissibility criteria. If satisfied, it will forward the communication to the members of the Commission for an initial review. If a majority of the Commissioners decide that there should be further consideration, the secretariat will notify the author and the state party, provide the latter with the communication (with any protective measures for confidentiality, if requested), and give both three months to submit specific comments on the issue of whether the communication is technically admissible. The Commission will then decide that question at its next session (it holds two per year).

If it finds the communication admissible, the parties are informed and invited to send further arguments about the merits. The Commission will also seek to assist the parties to find a friendly settlement of the dispute. If none is possible, the Commission will consider the merits of the case at its next session. The parties are given the opportunity to appear in person, should they wish, to orally argue the case. The Commission then reaches a final decision which it includes in its report to the African Union Assembly of Heads of State and Government. The report is made public only if the Assembly allows it to be released. The Commission’s decision is not binding on the Assembly or on the state concerned.

The Commission is also empowered, for states that have ratified the protocol to the AfCHPR, to submit cases to the African Court, for its separate consideration.

NGOs that desire accreditation for observer status with the Commission must apply at least three months prior to the session. Details on information required are available from the secretariat and on the Commission’s website.

<sup>70</sup> Technically, pursuant to article 25 of the Constitutive Act of the African Union, the official working languages also include “if possible, African languages.” In practice, however, these languages are not used at the Commission and the secretariat currently lacks the capacity to accommodate them.

**Potential Result** A communication to the Commission can result in a non-binding decision declaring the state in violation of the AfCHPR and recommending steps to rectify the problem, potentially including compensation. The Commission will also report its decision to the AU Assembly of Heads of State and Government, which can decide to make the report public. If the Commission decides to forward a case to the African Court, that body might also find a violation and additionally has the power to issue legally binding judgments against the state.

### Contact

African Commission on Human and Peoples' Rights  
Kairaba Avenue  
P.O. Box 673  
Banjul  
The Gambia  
Tel: +220 4392 962  
Fax: +220 4390 764  
E-mail: [achpr@achpr.org](mailto:achpr@achpr.org)

### For More Information

African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 Rev. 5, reprinted in 21 I.L.M. 1453 (1982) and *International Law and World Order: Basic Documents* (B. Weston and J. Carlson, eds., 1994), vol. III.B.1, and available at: [www.africa-union.org](http://www.africa-union.org).

Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, available at: [www.africa-union.org](http://www.africa-union.org).

African Commission on Human and Peoples' Rights, Information Sheet No. 3: Communication Procedure (available from the Commission secretariat and on its website).

Commission website: [www.achpr.org](http://www.achpr.org)

*Human Rights in Africa Volume 1: International Human Rights Law in Africa* (Christof Heyns, ed., Martinus Nijhoff Publishers, 2004).

Vincent Nmeheielle, *The African Human Rights System: Its Laws, Practice and Institutions* (Kluwer Law International, 2001).

### Guidelines on How to Submit a Communication to the Commission

1. Complainant(s) (please indicate whether you are acting on your behalf or on behalf of someone else. Also indicate in your communication whether you are an NGO and whether you wish to remain anonymous).  
 Name:  
 Age:  
 Nationality:  
 Occupation and/or Profession:  
 Address:  
 Telephone/Fax:
2. Government accused of the Violation (please make sure it is a State Party to the African charter):
3. Facts constituting alleged violation (Explain in as much a factual detail as possible what happened, specifying place, time and dates of the violation).
4. Urgency of the case (Is it a case which could result in loss of life/lives or serious bodily harm if not addressed immediately? State the nature of the case and why you think it deserves immediate action from the Commission).
5. Provisions of the Charter alleged to have been violated (if you are unsure of the specific articles, please do not mention any).
6. Names and titles of government authorities who committed the violation (if it is a government institution, please give the name of the institution as well as that of the head).
7. Witness to the violation (include addresses and if possible telephone numbers of witnesses).
8. Documentary proofs of the violation (attach, for example, letters, legal documents, photos, autopsies, tape recordings, etc., to show proof of the violation).
9. Domestic legal remedies pursued (Also indicate for example, the courts you have been to, attach copies of court judgments, writs of habeas corpus, etc.
10. Other International avenue (please state whether the case has already been decided or is being heard by some other international human rights body; specify this body and indicate the stage at which the case has reached).



## SPECIAL RAPPORTEUR ON REFUGEES, ASYLUM SEEKERS AND DISPLACED PERSONS IN AFRICA

**Background** This Special Rapporteur is a member of the African Commission on Human and Peoples' Rights who has been mandated to "seek, receive, examine and act upon information" on refugees, asylum seekers and IDPs; undertake studies and fact-finding missions; engage in dialogue with states and others; develop strategies to better protect the rights of these groups; raise awareness of refugee law; and report annually to the Commission.

**What You Can Do** You can bring an urgent matter concerning violation of IDPs' rights – particularly large-scale problems – to the attention of the Special Rapporteur and request his intervention. You can also provide the Special Rapporteur with information and request that he undertake a fact-finding mission to the country to address systemic rights issues.

**Evaluation** The Special Rapporteur's position is relatively new and the scope of his activities has only recently been defined. He has, however, already undertaken fact-finding missions to Sudan, Seychelles and Burundi and has sent letters to governments on issues of internal displacement. The Special Rapporteur is also prepared to intervene in some urgent matters of individual violations of the rights of IDPs but the precise contours of what kind of issues he would address have not yet been defined. In his first report to the Commission,<sup>71</sup> he noted that he had received individual communications asking for financial support and complaining of harassment by security officials and "improper handling" by UNHCR. He indicated that he and the Commission lacked the capacity to respond "materially and physically" to these types of individual communications.

IDPs and concerned NGOs might consider sending him information about urgent rights issues, particularly about large-scale problems or issues that are unique to IDPs in a particular country. Whether or not he takes up the individual cases, this information may assist him in his dialogues with governments, in choosing countries for fact-finding missions and may also prompt him to raise the issues for the action of the Commission as a whole, which could include a resolution, declaration or other public act. Individual complaints by IDPs may, of course, be submitted directly to the Commission's regular complaints procedure ([page 156](#)).

**Who May Submit Communications** Anyone, including individuals and NGOs, may submit complaints to the Special Rapporteur.

**Competence** The Special Rapporteur is not limited to the rights provided in the AfCHPR and will refer to any applicable human rights standards.

**Exhaustion of Domestic Remedies** There is no requirement of exhaustion of domestic remedies prior to seeking the assistance of the Special Rapporteur.

<sup>71</sup> Report of the Special Rapporteur on Refugees and Internally Displaced Persons in Africa to the 36th Session of the African Commission on Human and Peoples' Rights, Dakar, Senegal (23 November – 7 December 2004).

**Duplication of Procedures** There is no bar to complaints about cases that have been or are currently being addressed by other international human rights mechanisms.

**Time Issues** Like other Special Rapporteurs of the African Commission, the Special Rapporteur intervenes in individual cases only in urgent matters. Others are referred to the Commission's regular complaints procedure ([page 156](#)).

**Language and Format** Communications may be submitted in Arabic, English, French or Portuguese (but preferably in English or French). There is no specific format or questionnaire.

**Confidentiality** Anonymous complaints are not accepted. However, in transmitting cases to the state party involved, the Special Rapporteur may withhold the name of the victim upon request.

**Procedure** Upon receipt of a complaint for which intervention appears appropriate, the Special Rapporteur will write to the state party for a response. There is no standard procedure for how this dialogue may continue. The Special Rapporteur will then report on the communication and the dialogue with the state party in his annual report to the Commission.

**Potential Result** A complaint may result in a letter to the state concerned by the Special Rapporteur and a report on the case to the full Commission. The Special Rapporteur may also decide to undertake a fact-finding mission (with the state's permission) to examine large-scale rights problems.

### Send Communications to

Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons  
c/o African Commission on Human and Peoples' Rights  
Kairaba Avenue  
P.O. Box 673  
Banjul  
The Gambia  
Tel: +220 4392 962  
Fax: +220 4390 764  
E-mail: [achpr@achpr.org](mailto:achpr@achpr.org)

### For More Information

Malcolm Evans and Rachel Murray, "The Special Rapporteurs in the African System," in *The African Charter on Human and Peoples' Rights: The System in Practice, 1986-2000* (Malcolm Evans and Rachel Murray, eds., Cambridge University Press, 2002), 280-304.

Special Rapporteur's website: [www.achpr.org/english/info/index\\_rdp\\_en.html](http://www.achpr.org/english/info/index_rdp_en.html)

## SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS IN AFRICA

**Background** This Special Rapporteur is a member of the African Commission on Human and Peoples' Rights who has been charged with seeking, receiving and acting on information on the situation of human rights defenders, engaging in dialogue with member states and other parties on human rights defender issues, developing strategies to better protect defenders, raising awareness of and promoting the UN Declaration on Human Rights Defenders, and submitting annual reports to the Commission.

**What You Can Do** You can submit a complaint to the Special Rapporteur about an *urgent* case where the rights or activities of a defender of human rights (such as an advocate for IDP rights) are being curtailed. You can also suggest that he undertake a fact-finding mission to your country to address systemic problems for human rights defenders, providing reasons why this would be appropriate.

**Evaluation** The Special Rapporteur's mandate has recently been created and she has not yet specifically addressed the situation of human rights defenders who advocate for IDPs. Advocates, both in the human rights and humanitarian area, should consider seeking the Special Rapporteur's assistance where their activities are severely curtailed or where they are persecuted for their actions.

**Who May Submit Communications** Anyone, including individuals and NGOs, may submit complaints to the Special Rapporteur.

**Competence** The Special Rapporteur is not limited to the rights provided in the AfCHPR and will refer to any applicable human rights standards with regard to issues in any AfCHPR member state.

**Exhaustion of Domestic Remedies** There is no requirement of exhaustion of domestic remedies prior to seeking the assistance of the Special Rapporteur.

**Duplication of Procedures** There is no bar to complaints about cases that have been or are currently being addressed by other international human rights mechanisms.

**Time Issues** Like other Special Rapporteurs of the African Commission, the Special Rapporteur intervenes in individual cases only in urgent matters. Others are referred to the Commission's regular complaints procedure ([page 156](#)).

**Language and Format** Communications may be submitted in Arabic, English, French or Portuguese (but preferably in English or French). There is no specific format or questionnaire.

**Confidentiality** Anonymous complaints are not accepted. However, in transmitting cases to the state party involved, the Special Rapporteur will withhold the name of the victim upon request.

**Procedure** Upon receipt of a complaint for which intervention appears appropriate, the Special Rapporteur will write to the state party for a response. There is no standard procedure for how this dialogue may continue. The Special Rapporteur will then report on the communication and the dialogue with the state party in his annual report to the Commission.

**Potential Result** A complaint may result in a letter to the state concerned by the Special Rapporteur and a report on the case to the full Commission. The Special Rapporteur may also decide to undertake a fact-finding mission (with the state's permission).

#### Send Communications to:

Special Rapporteur on Human Rights Defenders in Africa  
African Commission on Human and Peoples' Rights  
Kairaba Avenue  
P.O. Box 673  
Banjul  
The Gambia  
Tel: +220 4392 962  
Fax: +220 4390 764  
E-mail: [achpr@achpr.org](mailto:achpr@achpr.org)

#### For More Information

Special Rapporteur's website: [www.achpr.org/english/info/index\\_hrd\\_en.html](http://www.achpr.org/english/info/index_hrd_en.html)

### SPECIAL RAPPORTEUR ON THE RIGHTS OF WOMEN IN AFRICA

**Background** This Special Rapporteur is a member of the African Commission on Human and Peoples' Rights who has been mandated to carry out studies on the situation of women's rights in Africa, draw up guidelines for the consideration of periodic state reports on women's rights, assist governments in preparing and implementing policies, promoting women's rights in collaboration with NGOs and UN bodies, promoting ratification of the Protocol to the African Charter on the Rights of Women in Africa, and reporting to the Commission.

**What You Can Do** You can bring urgent matters of violations of the rights of displaced women to the attention of the Special Rapporteur and request her intervention. You can also provide the Special Rapporteur with information and request that she undertake a fact-finding mission to the country to address systemic rights issues.

**Evaluation** In the early years of her mandate, the Special Rapporteur focused mainly on support to the drafting and adoption of the Protocol to the African Charter on the Rights of Women in Africa. Now that it has been adopted (but has not yet entered into force) she promotes ratification. She has not traditionally reported on individual complaints; however, in 2002 she reported intervening with the government of Nigeria in a death penalty case, and the secretariat of the African Commission indicates that she would consider intervention in urgent matters.<sup>72</sup> Others complaints are referred to the Commission's regular complaints procedure.

<sup>72</sup> Fifteenth Annual Activity Report of the Commission on Human and Peoples' Rights, 2001-2002, para. 33.

**Who May Submit Communications** Anyone, including individuals and NGOs, may submit complaints to the Special Rapporteur.

**Competence** The Special Rapporteur is not limited to the rights provided in the AfCHPR and will refer to any applicable human rights standards.

**Exhaustion of Domestic Remedies** There is no requirement of exhaustion of domestic remedies prior to seeking the assistance of the Special Rapporteur.

**Duplication of Procedures** There is no bar to complaints about cases that have been or are currently being addressed by other international human rights mechanisms.

**Time Issues** Like other Special Rapporteurs of the African Commission, the Special Rapporteur intervenes in individual cases only in urgent matters. Others are referred to the Commission's regular complaints procedure ([page 156](#)).

**Language and Format** Communications may be submitted in Arabic, English, French or Portuguese (but preferably in English or French). There is no specific format or questionnaire.

**Confidentiality** Anonymous complaints are not accepted. However, in transmitting cases to the state party involved, the Special Rapporteur may withhold the name of the victim upon request.

**Procedure** Upon receipt of a complaint for which intervention appears appropriate, the Special Rapporteur will write to the state party for a response. There is no standard procedure for how this dialogue may continue. The Special Rapporteur will then report on the communication and the dialogue with the state party in his annual report to the Commission.

**Potential Result** A complaint may result in a letter to the state concerned by the Special Rapporteur and a report on the case to the full Commission. The Special Rapporteur may also decide to undertake a fact-finding mission (with the state's permission).

### Send Communications to:

Special Rapporteur on the Rights of Women in Africa  
c/o African Commission on Human and Peoples' Rights  
Kairaba Avenue  
P.O. Box 673  
Banjul  
The Gambia  
Tel: +220 4392 962  
Fax: +220 4390 764  
E-mail: [achpr@achpr.org](mailto:achpr@achpr.org)

### For More Information

Special Rapporteur's website: [www.achpr.org/english/info/index\\_women\\_en.html](http://www.achpr.org/english/info/index_women_en.html)

## SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION IN AFRICA

**Background** This Special Rapporteur is a member of the African Commission on Human and Peoples' Rights who has been charged with analyzing national media legislation, policy and practice; undertaking investigative missions to member states where reports of massive violations of freedom of expression have been reported; encouraging full realization of freedom of expression through promotional country missions; making public interventions where specific violations are brought to his attention; keeping a "proper record" of violations; and submitting reports to the Commission.

**What You Can Do** You can submit a complaint to the Special Rapporteur about an urgent case of violation of your right to freedom of expression. You can also suggest that he undertake a fact-finding mission to your country to address massive violations of freedom of expression, providing reasons why this would be appropriate.

**Evaluation** The mandate for this Special Rapporteur has only recently been created. He has not yet addressed IDP issues. IDPs and their advocates might consider calling on his assistance in urgent cases involving not only government impediments to their ability to speak, but also interference with the media's ability to make IDPs' plight better known. IDPs might also consider raising issues concerning the right to seek and obtain information with the Special Rapporteur.

**Who May Submit Communications** Anyone, including individuals and NGOs, may submit complaints to the Special Rapporteur.

**Competence** The Special Rapporteur is not limited to the rights provided in the AfCHPR and will refer to any applicable human rights standards with regard to issues in any AfCHPR member state.

**Exhaustion of Domestic Remedies** There is no requirement of exhaustion of domestic remedies prior to seeking the assistance of the Special Rapporteur.

**Duplication of Procedures** There is no bar to complaints about cases that have been or are currently being addressed by other international human rights mechanisms.

**Time Issues** Like other Special Rapporteurs of the African Commission, the Special Rapporteur intervenes in individual cases only in urgent matters. Others are referred to the Commission's regular complaints procedure ([page 156](#)).

**Language and Format** Communications may be submitted in Arabic, English, French or Portuguese (but preferably in English or French). There is no specific format or questionnaire.

**Confidentiality** Anonymous complaints are not accepted. However, in transmitting cases to the state party involved, the Special Rapporteur will withhold the name of the victim upon request.

**Procedure** Upon receipt of a complaint for which intervention appears appropriate, the Special Rapporteur will write to the state party for a response. There is no standard procedure for how this

dialogue may continue. The Special Rapporteur will then report on the communication and the dialogue with the state party in his annual report to the Commission.

**Potential Result** A complaint may result in a letter to the state concerned by the Special Rapporteur and a report on the case to the full Commission. The Special Rapporteur may also decide to undertake a fact-finding mission (with the state's permission).

#### Send Communications to:

Special Rapporteur on Freedom of Expression in Africa  
African Commission on Human and Peoples' Rights  
Kairaba Avenue  
P.O. Box 673  
Banjul  
The Gambia  
Tel: +220 4392 962  
Fax: +220 4390 764  
E-mail: [achpr@achpr.org](mailto:achpr@achpr.org)

#### For More Information

Special Rapporteur's website: [www.achpr.org/english/info/index\\_free\\_exp\\_en.html](http://www.achpr.org/english/info/index_free_exp_en.html)

### SPECIAL RAPPORTEUR ON PRISONS AND CONDITIONS OF DETENTION IN AFRICA

**Background** This Special Rapporteur is a member of the African Commission on Human and Peoples' Rights who has been charged with monitoring and appraising prison conditions and detention practices, examining individual complaints, and presenting an annual report to the Commission on her activities, cases reviewed and recommendations.

**What You Can Do** You can submit a complaint to the Special Rapporteur about urgent cases of abusive, unhealthy or dangerous detention conditions and practices and request her intervention.

**Evaluation** While the Special Rapporteur is primarily focused on prisons, IDPs and their advocates might also consider seeking her assistance when they are detained in camps where conditions are extremely poor. The Special Rapporteur's focus is on detention conditions and on abusive practices during detention, rather than on whether the detention in the first instance was arbitrary.

**Who May Submit Communications** Anyone, including individuals and NGOs, may submit complaints to the Special Rapporteur.

**Competence** The Special Rapporteur is not limited to the rights provided in the AfCHPR and will refer to any applicable human rights standards. She will, moreover, address issues in any African country.



**Exhaustion of Domestic Remedies** There is no requirement of exhaustion of domestic remedies prior to seeking the assistance of the Special Rapporteur.

**Duplication of Procedures** There is no bar to complaints about cases that have been or are currently being addressed by other international human rights mechanisms.

**Time Issues** Like other Special Rapporteurs of the African Commission, the Special Rapporteur intervenes in individual cases only in urgent matters. Others are referred to the Commission's regular complaints procedure ([page 156](#)).

**Language and Format** If possible, communications should be submitted in English or French, but may also be submitted in Arabic or Portuguese. There is currently no questionnaire or guidelines for complaints. She has indicated, however, that complaints should provide the victim's (and author's) identity and a thorough description of the events, dates and circumstances in which rights were violated.

**Confidentiality** Anonymous complaints are not accepted. However, in transmitting cases to the state party involved, the Special Rapporteur will withhold the name of the victim.

**Procedure** Upon receipt of a complaint, the Special Rapporteur transmits it (without the victim's name) to the state party to request information and with initial comments on state responsibilities in the circumstances alleged. Upon receipt of the state's response, she may submit it to the complainant for additional comment and this response may, in turn, be transmitted to the state. She will then report on the comments of both sides and her conclusions and recommendations in her annual report to the Commission.

**Potential Result** A complaint may result in a letter to the state concerned by the Special Rapporteur and a report on the case to the full Commission. The Special Rapporteur may also decide to undertake a fact-finding mission (with the state's permission) to examine large-scale rights problems in prisons.

#### Send Communications to:

Special Rapporteur on Prisons and Prison Conditions in Africa  
African Commission on Human and Peoples' Rights  
Kairaba Avenue  
P.O. Box 673  
Banjul  
The Gambia  
Tel: +220 4392 962  
Fax: +220 4390 764  
E-mail: [achpr@achpr.org](mailto:achpr@achpr.org)

#### For More Information

Special Rapporteur's website: [www.achpr.org/english/info/index\\_prison\\_en.html](http://www.achpr.org/english/info/index_prison_en.html)



Malcolm Evans and Rachel Murray, “The Special Rapporteurs in the African System,” in *The African Charter on Human and Peoples’ Rights: The System in Practice, 1986–2000* (Malcolm Evans and Rachel Murray, eds., Cambridge University Press, 2002), 280-304.

## AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

**Background** The African Committee was established by the African Charter on the Rights and Welfare of the Child (ACRWC) to monitor state compliance and to elaborate and explain that treaty’s requirements. It is composed of eleven members who are elected by the Assembly of Heads of State and Government of the African Union and serve in their individual capacities. The Committee is empowered to consider periodic reports of states parties on their progress in abiding by the ACRWC as well as individual complaints, to undertake investigations, and to provide interpretations of the ACRWC including through “general comments.”

**What You Can Do** You can submit a complaint to the ACRWC about violations of the rights of displaced children. You can also suggest that the ACRWC undertake a country visit to investigate large-scale violations. If you represent an NGO you may also send information to the Committee prior to its consideration of state reports and on thematic issues of interest, and you can apply for permission to attend Committee sessions as an observer.

**Evaluation** Although the ACRWC entered into force in 1999, the Committee did not have its first meeting until 2002, meeting irregularly since that time. It has been plagued by lack of staff support which has slowed its progress in establishing itself. As of November 2004, no initial state reports or individual complaints had yet been received, and guidelines for individual complaints had not yet been prepared. Much effort is still being directed to increasing the number of states parties to the ACRWC.

Nonetheless, this Committee could potentially be of great interest to IDPs, in particular as article 23 of the ACRWC explicitly requires that states provide protection and assistance to displaced children, including assistance in locating parents for unaccompanied children. Inasmuch as guidelines on admissibility for individual complaints have not yet been released, it is recommended that complainants refer to the guidelines of the African Commission on Human and Peoples’ Rights ([page 160](#)), but that they not hold back from sending a communication to this Committee even if they do not meet the African Commission’s admissibility requirements.

**Who May Submit Communications** The ACWRC itself provides that the Committee may receive communications from “any persons, group or non-governmental organization recognized by the Organization of African Unity [now known as the African Union].”

**Competence** The Committee may only consider complaints concerning violations of the ACWRC concerning member states. The text of the ACWRC and a ratification chart are available on the Committee’s website at [www.africa-union.org/child](http://www.africa-union.org/child).

**Exhaustion of Domestic Remedies** It is not known if there will be a requirement of exhaustion of remedies.

**Duplication of Procedures** It is not known if there will be a bar on duplication of international human rights procedures.

**Time Issues** It is not known if there will be time limits for the submission of complaints or if expedited procedures will be available for urgent matters.

**Language and Format** The official languages of the Committee are Arabic, English, French or Portuguese, and the working languages are English and French. No specific questionnaire or format has been produced.

**Confidentiality** The ACWRC provides that “[e]very communication to the Committee shall contain the name and address of the author and shall be treated in confidence.”

**Procedure** The consideration procedure has not yet been specified.

**Potential Result** A communication may result in a determination by the Committee of violation of the ACWRC. The communication and the summary of the session in which it is discussed will be noted in the Committee’s bi-annual report to the Assembly of Heads of State and Government of the AU.

#### Send Communications to:

African Committee of Experts on the Rights and Welfare of the Child  
 Commission of the African Union  
 African Union Headquarters  
 P.O. Box 3243  
 Roosevelt Street (Old Airport Area)  
 W21K19 Addis Ababa  
 Ethiopia  
 Tel: +251 1 51 35 22  
 or +251 1 51 77 00, Ext. 300 or 230  
 Fax: +251 1 53 57 16  
 or + 251 1 51 78 44/51 87 18  
 E-mail: [dsocial@africa-union.org](mailto:dsocial@africa-union.org); [YigaD@africa-union.org](mailto:YigaD@africa-union.org)

#### For More Information

African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990) (available on the Committee’s website).

Committee’s website: [www.africa-union.org/child](http://www.africa-union.org/child)

Website of the University of West of England Centre for Legal Research: <http://law.uwe.ac.uk/school/research/centre/index.cfm>

## THE AMERICAS

### INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (AND INTER-AMERICAN COURT OF HUMAN RIGHTS)

**Preliminary Note:** It is recommended that applicants considering an individual communication to the Inter-American Commission on Human Rights seek the assistance of a lawyer or an experienced NGO to assist them.

**Background** The Inter-American Commission is a body of the Organization of American States (OAS) charged with promoting the observance of human rights and advising the OAS on human rights issues. It is composed of seven experts who are elected by the OAS General Assembly and serve in their individual capacities. The Commission undertakes investigative missions to OAS member states, publishes reports on human rights in particular countries, considers inter-governmental and individual complaints, and promotes discussion of rights issues through studies, conferences and seminars.

The Inter-American Court of Human Rights is an independent body created by the American Convention on Human Rights. It is composed of seven judges elected by the states parties to the American Convention. The Court hears “contentious cases” (specific disputes between two or more opposing parties) and also issues “advisory opinions” (on general questions of human rights law). The Court can only take up a case if it is referred to it by the Commission (usually because the state party has failed to abide by the Commission’s recommendations) or by a state party.

**What You Can Do** You can submit a petition to the Commission for a violation of the rights of an individual or group of persons under an American treaty or declaration. You can also provide background information and reports to the Commission to encourage it to take an on-site visit to a country to investigate large-scale human rights issues, such as those of IDPs.

**Evaluation** The Commission has not yet issued a final decision on the merits of a complaint relating to internal displacement. However, it has issued detailed requests to governments for “precautionary measures” to be taken pending decision in several cases in order to safeguard the petitioners from imminent harm. In other cases, it has called on the Court to make binding orders for such urgent measures (which the Court calls “provisional measures”) in cases pending before the Commission.

The Commission has comprehensively addressed IDP issues in country reports on Guatemala<sup>73</sup> and Colombia<sup>74</sup> and in a special report on the situation of the Miskito Indians in Nicaragua.<sup>75</sup> It has also repeatedly acknowledged the Guiding Principles on Internal Displacement as an authoritative source of international law, urged OAS member states to implement them, and used them itself in its evaluation of states parties’ activities with regard to IDPs.<sup>76</sup>

73 Doc.No. OEA/Ser.L/V/II.111, doc. 21, rev. 1 (6 April 2001).

74 Doc.No. OEA/Ser.L/L.V/II.111, doc. 20, rev. (16 April 2001).

75 Doc.No. OEA/Ser.L./V.II.62, doc. 10, rev. 3 (29 November 1983).

76 E.g. Doc. No. OEA/Ser.L/V/II.111, doc. 21, rev. 1 (6 April 2001).

Moreover, unlike a number of other human rights mechanisms, both the Commission and the Court are authorized to conduct hearings on petitions before them, and the Commission will also sometimes undertake informal country visits related to pending cases. The Commission's rules with regard to who may submit petitions are less strict than a number of other human rights mechanisms, notably the Human Rights Committee ([page 120](#)). The Commission's authority to initiate its own investigations and reports on the human rights situations in individual countries is also notably stronger than many other mechanisms.

The Commission previously had a Special Rapporteur on displaced persons. However, the position has not been filled since the prior incumbent left the Commission in 2004.

In 2005, the Court issued its first decisions addressing internal displacement issues in a contentious case.<sup>77</sup> In both of these decisions, the Court concluded that arbitrary displacement violates article 22 of the American Convention (concerning the right to freedom of movement) and also insisted that governments must affirmatively protect persons from displacement.

**Who May Submit Communications** Any person, group of persons or NGO recognized in one or more OAS member states may submit a petition to the Commission concerning one or more individuals whose rights have been violated. Petitions may be submitted by persons or groups other than the victim without formal authorization.

Individuals, groups and NGOs cannot send petitions directly to the Court. However, if they submit their case to the Commission and, upon the Commission's final decision, the state in question fails to abide by the Commission's recommendations, the petitioners can request that the Commission submit the case to the Court for binding order. Petitioners may be given the opportunity to participate in the Court's consideration of the case either personally or through a representative.

**Competence** The Commission may consider petitions concerning rights violations by any OAS member state. For the member states of the American Convention on Human Rights, rights provided by that treaty may be invoked before the Commission. For others, rights provided by the American Declaration on Human Rights may be invoked. Moreover, the Commission may also consider violations by states parties of other American-region human rights treaties (addressing torture, disappearances, violence against women, and economic, social and cultural rights).

The Court may only consider cases about states parties to the American Convention on Human Rights that have made a declaration accepting its jurisdiction. Moreover, it may only take up such cases if they are referred to it by a state party or by the Commission.

Ratification information and the texts of the American treaties and Declaration are available at [www.oas.org](http://www.oas.org).

<sup>77</sup> See Case of the Community of Moiwana v. Colombia, Inter-American Court of Human Rights, Judgment of 15 June 2005; Case of the Masacre of Mapiripan v. Colombia, Inter-American Court of Human Rights Judgment of 15 September 2005, available at: [www.corteidh.or.cr/index\\_ing.html](http://www.corteidh.or.cr/index_ing.html).

**Exhaustion of Domestic Remedies** Both the Commission and Court require a showing of exhaustion of domestic remedies unless they are unavailable or ineffective or unreasonably delayed. Both have a detailed jurisprudence of the scope of this rule, which should be consulted prior to submitting a petition.

**Duplication of Procedures** Neither the Commission nor the Court will consider a petition that is pending before, or has already been examined by, another international human rights mechanism. However, procedures that do not provide “a mechanism whereby the violation denounced can be effectively resolved between the petitioner and the authorities of the State,” such as the 1503 procedure ([page 51](#)) and the Special Procedures, are exempted from this rule.

**Time Issues** Petitions to the Commission must be submitted within six months of the notification of the “final ruling” from the domestic system or within a reasonable period of time after violation if no domestic remedies are available or effective.

Both the Commission and the Court may call upon a state to take “precautionary” or “provisional” measures in serious and urgent cases to prevent “irreparable harm to persons” pending the decision on a petition. A petitioner may make a separate request to the Commission for precautionary measures even before a petition is formally filed.

**Language and Format** No specific rules are articulated on the language of petitions; however, the official languages of the Commission and Court are Spanish, French, English and Portuguese. The Commission has issued a form for petitions, reproduced below ([page 176](#)).

**Confidentiality** The identity of the petitioner will be kept confidential (including from the state concerned) during processing of a petition, if requested.

**Procedure** Upon receipt of a petition, the Commission’s secretariat will conduct an initial screening for admissibility. It may contact the author for more information. If passed by this initial screening, the petition is registered and transmitted to the state identified, which has two months to respond. The Commission may ask for further information or argument from the parties before making its decision on admissibility. Once deemed admissible, the petition is considered a “case” and the petitioner is given thirty days to provide additional comments on the merits of the case, which are transmitted to the state for its response. The Commission will also seek to assist the parties to find a “friendly settlement” to the dispute.

The Commission may hold a hearing to verify the facts, to which the state and petitioner are invited to be represented, and may conduct an informal visit to the country in question. If it finds no violation, it prepares a report to this effect, shares it with the parties and includes it in its annual report. If it finds there has been a violation, it prepares a confidential preliminary report with recommendations, which it transmits to the state party. Petitioners only receive a summary of this report. States have two months in which to comply with the recommendations. If the Commission is unsatisfied with the state’s compliance, it may then transmit the case to the Court if the state is a

party to the American Convention and has accepted the Court's jurisdiction. Petitioners have the opportunity to provide arguments in favor of transmittal. In either event, it then reports publicly on the case to the OAS General Assembly. It may then follow up with the parties after publication to monitor ongoing compliance.

If the Court receives a case, it will request written submissions from both sides and then conduct a hearing, usually consolidating issues of admissibility, the substantive issues of the case and appropriate compensation or reparations. It will then issue a binding decision, which may order the state to provide reparations and compensation to the victim.

**Potential Result** If successful, a petition to the Commission may result in:

- A friendly settlement brokered by the Commission
- A Commission report finding a violation with recommendations to the state, which is publicly reported to the OAS General Assembly
- A referral to the Court which in turn may lead to a decision by the Court of a violation and a binding order to the state to provide compensation, reparations or perform other acts (such as releasing someone from detention)

#### Send Communications to:

Inter-American Commission on Human Rights  
1889 F Street, NW  
Washington, DC 20006  
USA  
Fax: +1 202 458 3992  
E-mail: [cidhoea@oas.org](mailto:cidhoea@oas.org)

Copies of petitions should also be sent to the Commission's Special Rapporteurs on **persons of African descent** ([page 177](#)), **freedom of expression** ([page 178](#)), and **women** ([page 180](#)), if they concern issues or persons relevant to their mandates, as they are charged with facilitating the Commission's consideration of such cases.

#### For More Information

The various human rights treaties and instruments in the Americas region are reproduced in *Basic Documents Pertaining to the Inter-American System*, OAS/Ser.L/V/I.4 rev.9 (22 May 2001), and at [www.oas.org](http://www.oas.org)

Commission's website: [www.cidh.oas.org/DefaultE.htm](http://www.cidh.oas.org/DefaultE.htm)

Court's website: [www.corteidh.or.cr/index\\_ing.html](http://www.corteidh.or.cr/index_ing.html)

Beth Lyon and Soren Rottman, "The Inter-American Mechanisms," in *Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 439-94.

Clara Sandoval, “A Critical View of the Protection of Refugees and IDPs by the Inter-American System of Human Rights: Reassessing its Powers and Examining the Challenges for the Future,” *International Journal of Refugee Law* 2005, vol. 17, no. 1, pp. 43-66.

Dinah L. Shelton, “The Inter-American Human Rights System,” in *Guide to International Human Rights Practice* (Hurst Hannum, ed., 4th ed., Transnational Publishers, Inc., 2004), 127-41.

## Petition Form of the Inter-American Commission on Human Rights

The form should be filled in as completely as possible and include all available information regarding the particular act alleged to constitute one or more violations of human rights by an OAS member State. Responses to the questions should be simple and direct. If the requested information is not available to the person filing the complaint or does not exist, the response on the form should be “information not available” or “not pertinent,” as appropriate.

### I. PERSON, GROUP OF PERSONS OR ORGANIZATION FILING THE PETITION

- Name: (if the party filing the petition is a nongovernmental entity, please include the name of its legal representative(s))
- Postal address:  
*(NOTE: The Commission will not be able to process your complaint if it does not include a postal address)*
- Telephone:
- Fax:
- E-mail:
- Do you want the Commission to withhold the petitioner’s identity during processing?  
Yes.....No.....

### II. NAME OF THE PERSON OR PERSONS AFFECTED BY THE HUMAN RIGHTS VIOLATIONS

- Name:
- Postal address:
- Telephone:
- Fax:
- E-mail:
- If the victim is deceased, please also identify his or her next of kin:

### III. OAS MEMBER STATE AGAINST WHICH THE COMPLAINT IS BROUGHT

### IV. FACTS DENOUNCED

- Give a full and detailed account of the events. Specify where and when the alleged violations occurred.
- Available evidence:
- Indicate what documents can prove the violations being denounced (for example, court records, forensic reports, photographs, films, and so on). If you have the documents in your possession, please attach a copy. DO NOT ATTACH ORIGINALS (Copies need not be notarized or otherwise authenticated).
- Name the witnesses to the violations being denounced. If those persons have made sworn statements to the court authorities, if possible send a copy of that testimony or indicate whether it can be sent sometime in the future. Indicate whether the identity of the witnesses is to be kept confidential.
- Identify the persons and/or authorities responsible for the facts denounced.

### V. HUMAN RIGHTS VIOLATED (If possible, indicate which provisions of the American Convention or of other applicable instruments you believe were violated).



**VI. LEGAL REMEDIES TO REDRESS THE CONSEQUENCES OF THE FACTS DENOUNCED**

Detail the measures taken by the victim or the petitioner with judges, courts or other authorities. If the victim or petitioner was unable to institute or exhaust this type of measure, was it because (1) the domestic laws of the State do not provide for due process of law to protect the violated right (2) the party alleging the violation was denied access to the remedies under domestic law or has been prevented from exhausting them, or (3) there has been an unwarranted delay in rendering a final judgment on the aforementioned remedies?

Kindly indicate whether any judicial inquiry was conducted and, if so, when it began. If it has ended, please give the date the inquiry was closed and what the finding was. If it has not yet closed, explain why.

If the court proceedings have ended, please indicate the date on which the victim was notified of the final decision.

**VII. PLEASE INDICATE WHETHER THE VICTIM'S LIFE, INTEGRITY OR HEALTH IS IN JEOPARDY. WAS THE ASSISTANCE OF THE AUTHORITIES REQUESTED, AND IF SO, WHAT WAS THE RESPONSE?****VIII. PLEASE INDICATE WHETHER THE CLAIM CONTAINED IN THE PETITION HAS BEEN FILED WITH THE UNITED NATIONS HUMAN RIGHTS COMMITTEE OR ANY OTHER INTERNATIONAL ORGANIZATION**


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 Signature

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 Date
**SPECIAL RAPPORTEUR ON PERSONS OF AFRICAN DESCENT AND RACIAL DISCRIMINATION**

**Background** This Special Rapporteur is a member of the Inter-American Commission on Human Rights charged with generating awareness of a state's duty to respect the rights of Afro-descendants and to eliminate discrimination; analyzing challenges in the region in this area; formulating recommendations and providing technical assistance to states. She will produce reports and special studies on this issue, analyze complaints received by the Commission concerning racism and racial discrimination, consult with states about improvement of domestic laws, undertake country visits, and draft reports to the Commission.

**What You Can Do** If you have an individual case involving issues of racism or racial discrimination, you should consider providing a separate copy of any petition to the Commission ([page 171](#)) to the Special Rapporteur. You may also bring broader issues (beyond a single case) to the attention of the Special Rapporteur – such as issues of displacement of Afro-descendants or other linkages between displacement and racism – and urge her to undertake a country visit and/or to highlight the issue in a report or study submitted to the Commission as a whole, or in a public statement.

**Evaluation** This “Special Rapporteurship” was created very recently. Like other Special Rapporteurs of the Inter-American Commission, the Special Rapporteur will play an important role in the Commission's

response to petitions it receives. IDPs and their advocates should particularly consider bringing broader thematic issues to the Special Rapporteur's attention, including the special vulnerability of Afro-descendants to displacement in OAS countries and the problems they face once displaced.

**Competence** The Special Rapporteur will address issues in OAS member states only.

### Contact

Special Rapporteur on Persons of African Descent and Racial Discrimination  
Inter-American Commission on Human Rights  
1889 F St. NW  
Washington, DC 20006  
USA

### For More Information

Website of the Inter-American Commission: [www.cidh.org](http://www.cidh.org)

## OFFICE OF THE SPECIAL RAPPORTEUR FOR FREEDOM OF EXPRESSION

**Background** The Office of the Special Rapporteur is a permanent and autonomous unit created by the Inter-American Commission on Human Rights to stimulate awareness of the right to freedom of expression and access to information, make specific recommendations to states on these issues, prepare annual and specialized reports, and respond to petitions and other reports of violations of these rights in an OAS state submitted to the Commission.

**What You Can Do** If you have an individual case involving issues of freedom of expression or information, you should consider providing a separate copy of any petition to the Commission ([page 171](#)) to the Special Rapporteur. You may also bring broader issues (beyond a single case) to the attention of the Special Rapporteur and urge him to undertake a country visit and/or to highlight the issue in a report or study submitted to the Commission as a whole, or in a public statement.

**Evaluation** Unlike the other Special Rapporteurs of the Inter-American Commission, this Special Rapporteur is not a member of the Commission and maintains his own autonomous office with its own staff. As a result, this Special Rapporteur has been able to undertake more activity independent of the Commission, including direct contacts with domestic authorities on particular cases, public statements and reports.

While freedom of expression issues are not commonly the greatest priority for displaced persons, issues of access to information can be quite important. For example, individuals frequently face barriers to obtaining information about impending development projects that may displace them. In such cases, the Special Rapporteur may be able to assist.

**Competence** The Special Rapporteur will address issues in OAS member states only.

## Contact

Office of the Special Rapporteur for Freedom of Expression  
 Inter-American Commission on Human Rights  
 1889 F Street, NW  
 Washington, DC 20006  
 USA  
 Tel: +1 202 458 3796  
 Fax: +1 202 458 6215  
 E-mail: [cidh-expresion@oas.org](mailto:cidh-expresion@oas.org)

## For More Information

Website of the Office of the Special Rapporteur: [www.cidh.oas.org/relatoria/](http://www.cidh.oas.org/relatoria/)

## SPECIAL RAPPORTEUR ON THE RIGHTS OF WOMEN

**Background** This Special Rapporteur is a member of the Inter-American Commission on Human Rights mandated to raise awareness of women's rights, issue recommendations on these issues to states, promote women's use of the Inter-American system's human rights mechanisms, conduct specialized studies and reports, and assist the Commission in responding to petitions concerning women's issues. The Special Rapporteur sometimes undertakes country visits and reports on the findings to the Commission.

**What You Can Do** If you have an individual case involving women's rights, you should consider providing a separate copy of any petition to the Commission ([page 171](#)) to the Special Rapporteur. You may also provide the Special Rapporteur with relevant background information about the situation of displaced women in an OAS country and encourage her to undertake a country visit and/or a specialized study on the issue.

**Evaluation** To date, the Special Rapporteur has not particularly focused on issues of displaced women. However, the Special Rapporteur is quite interested in issues of violence against women and women's access to justice, both of which are frequently of concern to displaced women. Since the mandate was established in 2002, the Special Rapporteur has carried out independent country visits to Mexico and Guatemala and has conducted several studies on women's rights.

**Competence** The Special Rapporteur will address issues in OAS member states only.

## Contact

Special Rapporteur on the Rights of Women  
 Inter-American Commission on Human Rights  
 1889 F St. NW  
 Washington, DC 20006  
 USA  
 E-mail: [cidhoea@oas.org](mailto:cidhoea@oas.org)

### For More Information

Website of the Special Rapporteur: [www.iachr.org/women/Default.eng.htm](http://www.iachr.org/women/Default.eng.htm)

## INTER-AMERICAN COMMISSION OF WOMEN

**Background** This Commission is a specialized organization of the Organization of American States (OAS) with a mandate to protect and promote women's rights in the Americas through policy development, undertaking studies, promoting adherence to OAS conventions, resolutions and other rules concerning gender equality, and reporting to the OAS General Assembly on progress and problems in this area. It is composed of 34 delegates chosen by OAS member governments. It does not address individual complaints of rights violations.

**What You Can Do** You can provide information on issues of concern to displaced women to be used in the Commission's studies and advocacy with the OAS General Assembly and member states. If you represent an NGO, you might seek a more formal partnership with the Commission to work on these issues.

**Evaluation** The Commission has a primary role in advising OAS member states and the OAS General Assembly on gender issues, including on the need for new standards and strategies to implement existing ones. Among the existing standards is the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, which requires member states to report periodically to the Commission on their progress in implementation.

The Commission has recently focused on issues of women's education, violence against women, women in areas of conflict and peace building, and trafficking of women, undertaking and publishing studies on these issues in OAS states and making recommendations. It has not taken a large role in the area of internal displacement.

The Commission has no complaints mechanism or formal system for gathering information to support its activities. However, it undertakes a number of projects in tandem with domestic and regional NGOs and this could be a promising means to engage it further on the issues of displaced women. It might also make use of information informally provided by IDP advocates in its annual report to the OAS General Assembly.

**Competence** The Commission may address women's issues in any OAS member state. It is mainly focused on norms and laws in these areas developed in the Americas region.

### Contact

Inter-American Commission of Women (CIM)  
1889 F St., NW  
Washington, DC 20006  
USA  
Tel: +1 202 458 6084

## For More Information

Commission's Website: [www.oas.org/cim/](http://www.oas.org/cim/)

## INTER-AMERICAN DEVELOPMENT BANK INDEPENDENT INVESTIGATION MECHANISM

**Preliminary Note:** It is recommended that applicants considering resort to this mechanism seek experienced advice in formulating and following up their complaint (although, as noted below, direct representation by international actors is discouraged). Contact information for several international NGOs active in this area is provided below.

**Background** The Inter-American Development Bank (IDB) is a regional finance organization that provides loans, guarantees and technical assistance to governments and the private sector in the Latin American and Caribbean region in order to promote development. Like other multilateral development banks, IDB has developed a number of operational policies and procedures, including a policy on involuntary resettlement, which it is committed to follow in its lending and other assistance programs. An Independent Investigation Mechanism has been set up to accept outside complaints that IDB is failing to abide by these policies. The mechanism consists of a series of steps involving bank staff, the Board and, if approved, formal investigation of the complaints by an independent panel which produces recommendations to the Board for any needed actions. At the time of preparation of this guide, a proposal for significant changes to the structure and functioning of the Mechanism was under review at IDB.

**What You Can Do** If you have suffered, or fear you may suffer, harm (such as displacement) from a development project in which IDB is involved and you believe that IDB has failed to follow its own rules in planning or implementation of the project, you can file a “request” for an Investigation Mechanism investigation.

**Evaluation** Like the World Bank, IDB has a specific operational policy on involuntary resettlement (Sectoral Operational Policy 710) that calls for efforts to avoid displacement from projects and for the creation of fair resettlement plans including fair and adequate compensation and rehabilitation where it is not avoidable. Other IDB policies, including those on the environment, population and public health, may also be relevant to persons facing displacement.

The Investigation Mechanism procedure is not, strictly speaking, a human rights mechanism, as it is only authorized to hear complaints of violations of IDB's own internal rules. It can only consider IDB's involvement and responsibility. It cannot directly examine the responsibility of governments and private sector borrowers for their (frequently significant) roles in displacement by development projects. On the other hand, IDB's social and environmental policies (including Sectoral Operational Policy 710 on Involuntary Resettlement) require that IDB ensure through its contracts and ongoing contacts with the borrowing governments and private sector organizations that the borrowers are abiding by the policies. If they are not, IDB may remove support from the project.

The Investigation Mechanism has handled only a handful of cases and has not to date made a finding that IDB failed to meet its obligations. IDB management has recently proposed a number of changes to the Mechanism, including a new title, “Consultation and Compliance Review Mechanism.” The changes will place greater emphasis on attempts to find “friendly settlement” but will also allow for investigation if these are unsuccessful. They will also make the Investigation Panel permanent (rather than the current roster of experts chosen only temporarily for specific cases). The proposal will not fundamentally change the fact that it is the Board of Executive Directors of the Bank that makes the final decisions about any actions on complaints.

**Who May Submit Communications** Requests for investigation can be filed by a community, association, society or other group of persons who can provide reasonable evidence that they will be “directly and materially affected” by an IDB-supported project (called “affected parties” or “requesting parties” by IDB). A local NGO may file a request as their representative. In exceptional cases where no local groups can act (such as where they face the danger of retaliation), international NGOs can represent affected parties. Representatives must submit proof of authorization with the request.

**Competence** The Investigation Mechanism will consider requests concerning projects which IDB is supporting (but has not fully disbursed its share of the funds) where it is claimed that IDB has violated its own policies and procedures (including failing to enforce these policies and procedures on borrowers). Currently, it can also address projects that are being considered by IDB but are not yet approved. Under the proposed changes to the Mechanism, this would no longer be permitted. Likewise, issues raised that are the same as those in pending litigation against IDB are excluded.

**Exhaustion of Other Remedies** The Investigation Mechanism requires requesting parties to show that they have attempted to bring their concerns to the attention of IDB management representatives and that the response has not been satisfactory.

**Duplication of Procedures** There is no formal bar on matters that have been or are currently being addressed by other mechanisms, except (1) prior consideration of the same case by the Investigation Mechanism itself, or (2) matters that have been brought against IDB in court.

**Time Issues** Requests must be received prior to the point that IDB’s involvement is considered complete (once at least 95 percent of the funds it is contributing have been disbursed).

**Language and Format** No specific format is required, but requests must be in writing, signed and dated, and may not be anonymous. Supporting documents, including prior correspondence with IDB management, should be attached. They may be submitted in the official languages of IDB (Spanish, English, Portuguese and French). If necessary, they can also be submitted in a local language but the request will then be delayed for translation.

A model request form is part of the proposed changes to the Mechanism, but it has not yet been officially approved. It can be found on IDB’s website (listed below).

**Confidentiality** The Investigation Mechanism will keep the names of requesting parties confidential upon request.

**Procedure** The current process is as follows: the requesting party sends a complaint to the coordinator of the Mechanism requesting an investigation. The coordinator undertakes an initial screening of the complaint to verify that it meets the procedural requirements noted above. If so, a consultant is appointed to review the complaint. If he or she finds that the complaint is not frivolous, Bank Management is asked to give a response within 30 days. Based on this response, the coordinator makes a recommendation to the Executive Board as to whether there should be an investigation. If the Board approves an investigation, a panel of three investigators is appointed (and the requesting party is notified). The Panel undertakes an investigation (including interviewing the requesting party) and submits its findings to the Board. Management prepares a response that is also given to the Board. The Board considers the Panel report and Management response and decides whether any action is required. The Panel report and Management response are then made public. Afterward, Management must report to the Panel about measures to implement the Panel’s decision.

Should the currently proposed changes to the procedure be approved, complaints will be initially screened within 15 days of receipt. A formal “consultation phase” will be initiated within 60 days of acceptance of the complaint after initial screening and before any formal investigation. During the consultation phase, lasting 20 days, the parties will be strongly encouraged to reach a settlement. If this is unsuccessful, the requesting party can then request a formal “compliance review” investigation. A permanent “Compliance Review” panel will once again screen the request and, if deemed appropriate, will then seek Management response, due within 20 days. It will then decide whether to transmit it to the Board within 15 days. If so, the Board can then decide whether to authorize an investigation to be carried out by the panel. The process then continues in a manner similar to the current procedure.

**Potential Result** A complaint to the Mechanism can result in an Executive Board decision to modify a project to comply with its operational policies. This might mean, for example, greater efforts to involve affected persons in decision making, higher rates of compensation, or avoidance of displacement in the first instance.

#### **Send Communications to:**

Inter-American Development Bank  
Independent Investigation Mechanism  
Stop E-1205  
Washington, DC 20577  
USA  
Tel: +1 202 623 1635; +1 202 623 3952  
Fax: +1 202 312 4057  
E-mail: [sec-iim@iadb.org](mailto:sec-iim@iadb.org)

*(Note that if proposed changes are approved, a complaint will be officially received only if sent by mail.)*

#### **For More Information**

Inter-American Development Bank’s website: [www.iadb.org](http://www.iadb.org)



Involuntary Resettlement Operational Policy (available at [www.iadb.org](http://www.iadb.org))

The International Accountability Project

1315 Carlotta Ave

Berkeley, CA 94703

USA

E-mail: [dana@accountabilityproject.org](mailto:dana@accountabilityproject.org)

Website: [www.accountabilityproject.org](http://www.accountabilityproject.org)

Center for International Environmental Law (CIEL)

1367 Connecticut Ave., NW

Suite 300

Washington, DC 20036

USA

Tel: +1 202 785 8700

Fax: +1 202 785 8701

E-mail: [info@ciel.org](mailto:info@ciel.org)

Website: [www.ciel.org](http://www.ciel.org)

Bank Information Center (BIC)

733 15th Street, NW

Suite 1126

Washington, DC 20005

USA

Tel: +1 202 737 7752

Fax: +1 202 737 1155

E-mail: [info@bicusa.org](mailto:info@bicusa.org)

Website: [www.bicusa.org](http://www.bicusa.org)

## ASIA

### ASIAN DEVELOPMENT BANK ACCOUNTABILITY MECHANISM

**Preliminary Note:** It is recommended that applicants considering resort to this mechanism seek experienced assistance in formulating and following up their complaint (although, as noted below, direct representation by international actors is discouraged). Contact information for several international NGOs active in this area is provided below.

**Background** The Asian Development Bank (ADB) is a regional finance institution whose primary task is to make loans, finance projects, and provide technical assistance to governments and



private sector actors to stimulate development and reduce poverty in Asia and the Pacific. Like the World Bank ([page 147](#)), ADB has developed environmental and social policies, including specific guidelines on involuntary resettlement, to guide its lending and other activities. It has also developed an accountability mechanism designed to respond to community complaints about its projects. The mechanism is made up of two components: a “consultation phase” managed by the Special Project Facilitator and a “compliance review phase” managed by the Compliance Review Panel.

**What You Can Do** If you have been, or fear you will be, adversely affected by an ADB-assisted private or public project, you may file a complaint with the Special Project Facilitator, who will attempt to find a compromise solution. If that process is unsatisfactory, and if you believe ADB has failed to follow its own operating policies, you may then file a request with the Compliance Review Panel for an investigation and Board decision as to whether there has been a violation and what action should be taken to correct it.

**Evaluation** Like the World Bank and other regional multilateral lending institutions, ADB has a number of environmental and social policies governing its operations, including a specific policy on involuntary resettlement that calls for efforts to avoid displacement from projects and for the creation of fair resettlement plans including fair and adequate compensation, consultation with affected persons, and rehabilitation where displacement is not avoidable. Other policies that may be relevant to displacement issues include policies on disclosure of information, the rights of indigenous peoples, gender and development, poverty reduction, and environmental impacts. These are available on ADB’s website and upon request at ADB country offices.

ADB’s Accountability Mechanism is not, strictly speaking, a human rights mechanism, as it is not authorized to apply human rights norms but rather its own policies and rules. It can only consider ADB’s involvement and responsibility. It cannot directly examine the responsibility of governments and private sector borrowers for their (frequently significant) roles in displacement by development projects. However, ADB can require that its policies be followed in order to continue its involvement in a project.

The current version of the Mechanism was created in 2003, replacing the prior investigation mechanism which did not include a formal “consultation” component. One potential advantage of the two-part process is that there is no requirement that ADB be shown to have violated its rules for an initial complaint to be addressed by the “consultation phase” to the Special Projects Facilitator. However, in the handful of cases the Special Projects Facilitator has addressed to date, none have been deemed satisfactorily resolved at the consultation phase, according to the Facilitator’s reports. Only two cases have so far been entered into the registry of the Compliance Review Mechanism.

### Who May Submit Communications

**For the “Consultation Phase”** “Complaints” to the Special Project Facilitator to open a “consultation phase” proceeding can be filed by any group of two or more people (including individuals, organizations, associations, etc.) who:

- (1) live in the country where an ADB-assisted project is planned or underway, or in an adjacent ADB member country, and
- (2) who are, or are likely to be, directly affected by an ADB-assisted project.

**For the “Compliance Review Phase”** “Requests” to the “Compliance Review Panel to open the “compliance review phase” proceeding can be filed by any group of two or more people (including individuals, organizations, associations, etc.) who:

- (1) meet the same requirements listed above for the “consultation phase”,
- (2) have previously submitted a complaint to the Special Project Facilitator and have participated in the “consultation phase” process.

**For both “phases,”** complaints can be submitted by a local representative, such as a local NGO. In exceptional cases in which no local groups can act (such as where they face the danger of retaliation), international NGOs can represent affected parties. Representatives must submit proof of authorization with the complaint.

**Competence** The Special Project Facilitator can consider complaints about ADB actions or omissions from eligible persons concerning any ADB-assisted project that is planned or underway.

The Compliance Review Panel has similar requirements with the addition that it can only consider a complaint if the harm to the complaining parties comes from a violation by ADB of its own policies or procedures.

Both of these mechanisms also exclude complaints that (1) do not concern ADB’s own actions or omissions, (2) concern issues of procurement of goods and services, (3) allege fraud or corruption, (4) concern the adequacy of ADB’s existing policies or procedures, (5) are “frivolous, malicious, trivial or generated to gain competitive advantage,” or (6) concern ADB personnel or non-operational “housekeeping” matters such as finance and administration.

**Exhaustion of Domestic Remedies** In order to make a complaint to the Special Project Facilitator or a request to the Compliance Review Panel, affected parties must show that they have previously raised the matter with ADB management directly.

**Duplication of Procedures** ADB’s Accountability Mechanism will not address complaints or requests that have previously been addressed by the former ADB Inspection Function.

**Time Issues** Complaints and requests must be received prior to the point that ADB’s involvement is considered complete. A project is considered completed for this purpose if a “Project Completion Report” has been issued, which generally occurs within one to two years after a project has been physically completed.

**Language and Format** No specific format is required, but complaints and requests must be in writing, signed and dated, and may not be anonymous. Supporting documents, including prior

correspondence with ADB management, should be attached. The working language of ADB is English, but if affected parties cannot submit in this language, they may do so in any of the national languages of ADB's member countries. In this case, however, additional time will be required for translation.

Model complaint/request forms for the Special Project Facilitator and for the Compliance Review Panel are included below.

**Confidentiality** The Special Projects Facilitator and Compliance Review Panel will keep the names of requesting parties confidential upon request.

**Procedure** Once the Special Projects Facilitator receives a complaint, it will acknowledge it within 7 days and then screen it within 21 days for eligibility according to the criteria noted above. If it deems it ineligible it informs the complainant and management, and the complainant then has the opportunity to complain to the Compliance Review Panel.

If, on the other hand, the Special Projects Facilitator accepts the complaint, it will undertake a review, involving site visits, interviews and meetings with stakeholders, within the next 49 days. At the end, the Special Projects Facilitator will produce findings to the President of ADB which are shared with the complainant. The complainant and management can then opt to continue with the consultation process or to abandon it and file a request for a compliance review. If the complainant opts to continue the consultation process, she or he and management will submit comments on the findings and the Special Project Facilitator will then generate recommendations for a course of action. From that point, the complainant may, at any time, opt to discontinue the process if it is unsatisfactory and file a request with the Compliance Review Panel.

Once a request for a compliance review is received, the Panel acknowledges it within 7 days and registers it on a public register. Within 14 days, the Panel will independently determine if the request meets the eligibility criteria noted above (unless the Special Projects Facilitator has previously deemed the complaint ineligible, in which case the time period is 21 days). The Panel will then provide ADB's Board of Directors with a report on eligibility and the Board has 21 days to decide whether to authorize a compliance review. Its decision is relayed to the requester within 7 days. If authorized, the Compliance Review Panel may then undertake an investigation, including site visits, interviews of stake holders and other steps. There is no time limit for the investigation. It then prepares a draft report to which the requesting party and management have 30 days to respond. Within 14 days of these responses, a final report is prepared and submitted to the Board. Within 21 days, the Board will consider the report and make final decisions. Within 7 days, its decisions are relayed to the parties and made public on the website. The CRP will then monitor compliance with any Board decisions for the next 5 years.

**Potential Result** A complaint to the Special Project Facilitator can result in a negotiated resolution to the problem. If this is unsuccessful, a request to the Compliance Review Panel can lead to an investigation and recommendations to the Board of Directors for a binding decision requiring

management to act in compliance with ADB policies. This might mean, for example, greater efforts to involve affected persons in decision making, higher rates of compensation, or avoidance of displacement in the first instance.

### Send Communications to:

Special Project Facilitator  
Asian Development Bank  
6 ADB Avenue  
Mandaluyong City  
0401 Metro Manila  
Philippines  
Tel: +63 2 632 4825  
Fax: +63 2 6362490  
E-mail: [spf@adb.org](mailto:spf@adb.org)

Complaints will also be accepted by any ADB office such as a resident mission or representative office, which will forward them unopened to SPF.

Once the Special Project Facilitator's process has been exhausted, requests for investigation can be sent to the Compliance Review panel at:

Secretary, Compliance Review Panel  
Asian Development Bank  
6 ADB Avenue  
Mandaluyong City 1550  
Philippines  
Tel: +63 2 632 4149  
Fax: +63 2 636 2088  
E-mail: [crp@adb.org](mailto:crp@adb.org)

Complaints can also be hand-delivered to ADB headquarters or to any ADB country office, a list of which can be found at [www.adb.org/About/field.asp](http://www.adb.org/About/field.asp).

### For More Information

ADB website on accountability: [www.compliance.adb.org](http://www.compliance.adb.org)

“Asian Development Bank Accountability Mechanism: Listening to Communities Affected by ADB-Assisted Projects and Enhancing Development Effectiveness” (March 2004), available at the above website.

Special Projects Facilitator's website: [www.adb.org/spf](http://www.adb.org/spf)

“Special Project Facilitator Operating Procedures” (20 February 2004), available at the above website.

Compliance Review Panel's website: <http://compliance.adb.org/>

“Draft Operating Procedures for the Compliance Review Panel” (26 March 2004), available at the above website.

Some concerned NGOs:

Bank Information Center (BIC)  
733 15th Street, NW  
Suite 1126  
Washington, DC 20005  
USA  
Tel: +1 202 737 7752  
Fax: +1 202 737 1155  
E-mail: [info@bicusa.org](mailto:info@bicusa.org)  
Website: [www.bicusa.org](http://www.bicusa.org)

Center for International Environmental Law (CIEL)  
1367 Connecticut Ave., NW  
Suite 300  
Washington, DC 20036  
USA  
Tel: +1 202 785 8700  
Fax: +1 202 785 8701  
E-mail: [info@ciel.org](mailto:info@ciel.org)  
Website: [www.ciel.org](http://www.ciel.org)

NGO Forum on the Asian Development Bank  
85-A, Masikap Ext., Central District  
Diliman, Quezon City, 1101  
Philippines  
Tel: +63 2 921 4412  
Fax: +63 2 921 4412  
E-mail: [forum@pacific.net.ph](mailto:forum@pacific.net.ph)  
Website: [www.forum-adb.org/](http://www.forum-adb.org/)

## Sample Complaint/Request Letters Sample Complaint Letter to the Special Project Facilitator Date

To: Special Project Facilitator  
 Asian Development Bank  
 6 ADB Avenue  
 Mandaluyong City  
 0401 Metro Manila  
 Philippines  
 Tel: +63 2 632-4825  
 Fax: +63-2 636-2490  
 E-mail: nsamarasingha@adb.org

### Dear Special Project Facilitator:

We, [name of group or name of representative of the affected group], whose names and addresses are attached, live in [name of area and country] present this complaint to the Special Project Facilitator. [If the complaint is filed through a representative, please provide the names of the project-affected people with their addresses and evidence of authority to represent them.]

1. We are, or are likely to be, directly affected materially and adversely by the ADB-assisted project [add name and description of project, and country where project is located].
2. The direct and material harm is, or will be, the result of an act or omission of ADB in the course of the formulation, processing or implementation of this project. The acts or omissions that we believe are the responsibility of ADB include the following: [fill in acts or omissions]
3. Our rights and interests that have been, or are likely to be, directly affected materially and adversely by this project include the following: [fill in these rights and interests]
4. We seek the following outcome and remedies through the help of the Special Project Facilitator: [fill in the outcome and remedies that are sought by the complainant]
5. We have previously made a good faith effort to address our problems with the ADB operations department concerned in the following manner: [list and attach correspondence, details of meetings, e-mails, and other communications]
6. We cannot provide the above information [specify which] because: [please give an explanation of why any of the information above cannot be provided]
7. We submit the following facts with supporting documents: [list these matters or facts and attach any other supporting evidence that the complainant deems relevant]
8. We authorize the Special Project Facilitator to publicly release the information in this complaint. [Yes] [No] [indicate Yes or No]
9. We do not request that our identities be kept confidential.  
 [OR] We request that our identities be kept confidential for the following reason: [state reason]

Signatures:

Telephone:

Names:

Fax:

Addresses:

E-mail:

Other Contact Information:

### Sample Request for a Compliance Review to the Compliance Review Panel

The following sample letter to the Compliance Review Panel (CRP) that includes the information that a requester should provide in a letter asking for a review of ADB compliance. It is not necessary to follow this approach, but the provision of this information will speed the registration of a compliance review request. Some of the information will have been provided already to the Special Project Facilitator, and can simply be repeated here. The additional information should be spelled out in as much detail as possible, and any identification of policy violations will assist the CRP in compliance review.

Date of this request:

To: Secretary, Compliance Review Panel  
Asian Development Bank  
6 ADB Avenue  
Mandaluyong City 1550  
Philippines  
Tel: +63 2 632 4149  
Fax: +63 2 636 2088  
E-mail: crp@adb.org

Dear Secretary:

We who have signed this letter live in \_\_\_\_\_, and ask that the Compliance Review Panel help us by examining ADB's compliance with its own policies and procedures with regard to the project mentioned below. We are familiar with the Operating Procedures of the CRP, and understand that the CRP will first examine whether this request meets its eligibility requirements.

The name of the project that has harmed us, or is likely to harm us in the future, is \_\_\_\_\_, located at \_\_\_\_\_.

We believe that ADB has failed to follow its policies/procedures, especially with regard to \_\_\_\_\_, and that in doing so, we have suffered or will suffer clear damage that we can describe. The specific damage related to these policy violations is \_\_\_\_\_.

We would like ADB to help to remedy the harm in the following way: \_\_\_\_\_.

We have previously attempted to take care of our concerns with the Bank staff and with the Special Project Facilitator. This is a brief record of what happened: \_\_\_\_\_. We are referring our complaint to the CRP because the outcome of those previous contacts was unsatisfactory in the following way: \_\_\_\_\_.

Aside from the information already provided above, there are various documents that would help the CRP to understand our situation. We attach a list of those documents, noting where the CRP can obtain copies.

Our names, addresses, and contact information are provided below.

Signature

Signature

*[Address, telephone and fax numbers, and e-mail for each person, where available]*

In those situations where we represent an organization or a large group of people, please contact us through the person with the address and contact information as described below.

Name, title and affiliation:

Address:

Additional contact information:

## EUROPE

### COUNCIL OF EUROPE INSTITUTIONS

#### ADVISORY COMMITTEE OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

**Background** The Advisory Committee is the body created to assist the Council of Europe's Committee of Ministers in its role as monitor of the compliance with the Framework Convention for the Protection of National Minorities, a Council of Europe human rights instrument. The Advisory Committee is made up of 18 experts appointed by the Committee of Ministers. The Advisory Committee is not empowered to address individual complaints. However, it reviews periodic state reports and undertakes country visits to discuss compliance issues with member states, before issuing opinions for the approval and action by the Committee of Ministers.

**What You Can Do** If you represent a national or international NGO, you can provide the Advisory Committee with information pertinent to its review of periodic state reports about their compliance with the Framework Convention.

**Evaluation** The Framework Convention guarantees a broad range of protections for national minorities, who are frequently disproportionately affected in situations of internal displacement. These rights include civic and political participation; freedom of expression; and protection of minority culture, language and customs, and education. One provision (art. 16) specifically prohibits measures to reduce minority populations in particular areas in order to suppress their culture and other rights.

Without an individual complaints mechanism, the Convention's enforcement is weakened. However, the advisory committee has a liberal policy of accepting information from both national and international NGOs to aid it in considering state reports. It has even drafted country-specific questionnaires for NGOs to prompt them to provide additional information.

The Committee has previously addressed issues of displaced members of national minorities in a number of its country opinions, including in opinions concerning Croatia, Bosnia and Herzegovina, the Russian Federation, Serbia and Montenegro, and the Former Yugoslav Republic of Macedonia. These opinions are made public after acceptance by the Committee of Ministers and are available from the secretariat's office or on the Committee's website.

**Competence** The Committee receives periodic reports from all state members of the Framework Convention. A list of members and of the expected due date of periodic reports is available from the secretariat's office or on the Committee's website.

#### Contact

Secretariat of the Framework Convention for the Protection of National Minorities  
Directorate General of Human Rights



Council of Europe  
 F-67075 Strasbourg-Cedex  
 France  
 Tel: +33 (0)3 90 21 44 33  
 Fax: +33 (0)3 90 21 49 18  
 E-mail: [minorities.fcnm@coe.int](mailto:minorities.fcnm@coe.int)

### For More Information

Framework Convention for the Protection of National Minorities, H(1995)010, available from the secretariat or on the Advisory Committee's website.

Website of the Advisory Committee: [www.coe.int/minorities/](http://www.coe.int/minorities/)

Gerd Oberleitner, "Monitoring Minority Rights under the Council of Europe's Framework Convention," in *Minority Rights in the 'New' Europe* (Peter Cumper and Steven Wheatley, eds., Kluwer Law International, 1999).

## EUROPEAN COMMISSIONER FOR HUMAN RIGHTS

**Background** The European Commissioner for Human Rights is an independent institution focused on promoting education and awareness of human rights, encouraging the establishment of national human rights structures, identifying shortcomings in member states' laws and generally encouraging respect and full enjoyment of human rights in Council of Europe member states. The Commissioner undertakes country visits, sponsors seminars and studies and prepares thematic reports. He does not address individual complaints.

**What You Can Do** You can bring IDP issues in your country to the Commissioner's attention and encourage him to undertake a mission to discuss them with the government, and/or to prepare a thematic report on the issue.

**Evaluation** Although the Commissioner is not empowered to address individual complaints, he does receive information about rights violations provided by individuals and NGOs to inform his other activities. He has frequently raised IDP issues in the past, including in reports on his visits to Cyprus, the Balkan states, and the Russian Federation.

**Competence** The Commissioner will address human rights guaranteed in European treaties and in Council of Europe member states only.

### Contact

Mr. John Dalhuisen  
 Private Counselor of the Commissioner for Human Rights  
 Council of Europe

F-67075 Strasbourg-Cedex  
 France  
 Tel: +33 (0) 3 88 41 23 13  
 Mobile: +33 (0) 6 61 14 70 37  
 Fax: +33 (0) 3 90 21 50 53  
 E-mail: [CommissionerHR.Communication@coe.int](mailto:CommissionerHR.Communication@coe.int)

### For More Information

Website of the Commissioner: [www.coe.int/T/E/Commissioner\\_H.R](http://www.coe.int/T/E/Commissioner_H.R)

## EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE

**Background** This Committee was created by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (European Torture Convention) which entered into force in 2002. It is currently made up of 36 experts<sup>78</sup> who serve in their individual capacities.

The Committee's sole task is to visit places of detention in states parties to the Convention to examine the treatment of persons there and to make recommendations to protect them from torture or inhuman and degrading treatment. The Committee does not address individual complaints.

**What You Can Do** You can bring detention-related torture or inhuman treatment concerns in your country to the attention of the Committee and encourage it to make an official investigative visit.

**Evaluation** The Committee undertakes both periodic and ad hoc visits to member states to investigate potential torture or inhuman or degrading treatment of persons who are detained. The scope of the Committee's inquiry is not limited to prisons. Article 1 of the Convention directs it to address "the treatment of persons deprived of their liberty." Accordingly, displaced persons detained in any circumstances may be eligible for the Committee's attention.

**Competence** The Committee will only visit states parties to the European Torture Convention. A list of current states parties is available at: [www.cpt.coe.int/en/states.htm](http://www.cpt.coe.int/en/states.htm).

### Contact

European Committee for the Prevention of Torture  
 Council of Europe  
 F-67075 Strasbourg-Cedex  
 France  
 Tel: + 33 3 88 41 2388  
 Fax: +33 3 88 41 2772  
 E-mail: [cptdoc@coe.int](mailto:cptdoc@coe.int)

<sup>78</sup> According to Article 5 of the Convention, the Committee is comprised of a number of experts equal to the number of state parties. There are currently forty-five state parties; nine seats are vacant.

## For More Information

Website of the Committee: [www.cpt.coe.int/en/](http://www.cpt.coe.int/en/)

## EUROPEAN COURT OF HUMAN RIGHTS

**Preliminary Note:** It is highly recommended that applicants considering filing a complaint with the Court seek the assistance of an experienced lawyer before submitting the initial forms. Many complaints are rejected at initial stages because of the Court’s complex admissibility rules. At later stages of a case, representation by a lawyer is mandatory (but at these stages, financial assistance to hire a lawyer may be granted).

**Background** The Court has jurisdiction over matters concerning the interpretation and application of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and its protocols, including individuals’ complaints against their own governments. The Court is made up of 41 judges – one for each member state of the Convention – who are elected by the Council of Europe’s Parliamentary Assembly and act in their individual capacities.

**What You Can Do** You can file a complaint with the Court for a violation of your rights under the ECHR or its protocols.

**Evaluation** The Court is one of the very few international human rights mechanisms with the power to issue binding judgments for monetary compensation. It is also one of the more misunderstood – as evidenced by the over 90 percent rate of rejections of complaints due to inadmissibility. For this reason, as noted above, it is highly recommended to seek the help of a lawyer from the beginning. Unfortunately, while the Court may grant legal aid upon request of those who cannot afford a lawyer, it will only do so once a complaint has already been filed and has been initially screened for admissibility.

The Court has decided a number of cases concerning internally displaced persons or relevant to their interests. For example, in a series of cases concerning Cyprus and the conflict in Southeastern Turkey, the Court has awarded monetary compensation against the Turkish government for driving civilians from their homes.<sup>79</sup> The ECHR and its protocols have a broad reach, covering most widely accepted civil and political rights. They do not, however, address many economic or social rights (such as the rights to an adequate standard of living, food and housing). These types of issues may be brought before the Court only if there is an additional civil rights element, such as discrimination (for example, if housing assistance is provided to persons of one ethnicity but not to another).

The Court has very strict and complex admissibility requirements as well as a large backlog and it is slower to complete cases than the UN treaty bodies. Moreover, the success rates of complainants are higher in the latter bodies. However, those bodies do not have the power to issue binding judgments, much less to assign monetary damage awards.

<sup>79</sup> Case of Akdivar and Others v. Turkey (Application No. 21893/93) (Judgment, 16 September 1996); Case of Bilgin v. Turkey (Application No. 23819/914) (Judgment, 16 November 2000); Case of Dulas v. Turkey (Application No. 25801/94) (Judgment, 30 January 1994); Case of Mentés and Others v. Turkey (Application No. 58/1996/677/867) (Judgment, 28 November 1997); Case of Selçuk and Asker v. Turkey (Application No. 12/1997/796/998-999) (Judgment, 24 April 1998); Case of Yöyler v. Turkey (Application No. 26973/95) (Judgment, 24 July 2003).

**Who May Submit Communications** Any person, NGO or group of individuals who is a victim of a violation of the Convention or one of its protocols may file a complaint, directly or through a legal representative. If the direct victim has died or is a minor, a close relative may enter a complaint as an “indirect victim.”

**Competence** The Court is competent to address matters within the scope of the ECHR and its protocols with regard to their states parties, so long as the state in question has not entered a reservation to the right at issue, and the event complained of occurred after the instrument entered into force for that state. A list of ratifications to the Convention and its protocols and of declarations and reservations is available from the Court’s secretariat and on its website (listed below).

**Exhaustion of Domestic Remedies** The Court will only admit complaints after all domestic remedies have been exhausted. This means that complainants must have tried to use any available courts or administrative procedures at the national level, unless they would be “inadequate or ineffective.” The Court has addressed what exhaustion of remedies means and the available exceptions to it in a series of cases that should be studied before a complaint is prepared.

**Duplication of Procedures** The Court will not admit a complaint on “substantially the same” matter previously submitted to the Court by the same complainant. It will also refuse to admit a claim that has “already been submitted to another procedure of international investigation or settlement and contains no relevant new information” (ECHR art. 35). This includes the treaty bodies such as the Human Rights Committee ([page 120](#)) and the Committee against Torture ([page 132](#)) and similar mechanisms, but not the Special Procedures or the 1503 procedure ([page 51](#)).

**Time Issues** Complaints must be filed with the Court within six months of the date on which the final domestic decision was taken on the case. In cases where the complainants may suffer irreparable harm while a claim is pending before the Court, the Court may be asked to order “interim measures” to the authorities until the claim is decided.

**Language and Format** The initial complaint may be in any official language of any member state of the ECHR. However, in later stages of the case, pleadings and oral representations must be in one of the Court’s working languages (English and French). At the outset of a case, the complainant must complete the approved “Application Form.” The form itself is available in several languages from the Registrar’s office and on the Court’s website. The form requires information, including identifying data of the complainant and the violating state, the facts of the case, the provisions of the ECHR or protocols that have been violated, information about the remedies the complainants have pursued at the national level, and the remedy requested (such as monetary compensation). Abusive language in the complaint may lead to rejection of the case.

**Confidentiality** The complainant may request that his identity be kept confidential in public records, but it will be revealed to the state party.

**Procedure** Once the complaint on the approved application form is received, the Registrar registers it and a “judge rapporteur” makes an initial determination on its admissibility. If the judge rapporteur

believes it is inadmissible, he or she prepares a report to this effect and refers the complaint to a three judge committee which votes on the question. If the committee agrees that the complaint is inadmissible, the case is dismissed and the claimant is informed. If it is deemed admissible (either by the judge rapporteur or the committee), the case is referred to a chamber of the court (consisting of seven judges). The state party is provided a copy and asked for its submission on the question of admissibility within six weeks. The complainant then has the opportunity to respond in writing. During this period and throughout the case, the Court may seek to assist the parties to reach a “friendly settlement” to dispose of the matter by agreement. The judge rapporteur prepares a new report and a hearing may be held before the chamber decides the question of admissibility. If it is again deemed admissible, more written pleadings are requested from the parties on the merits of the case and there may or may not be a hearing on the question before a final decision is reached.

**Potential Result** The Court may issue a judgment finding a violation of the Convention or its protocols and ordering the government to provide the complainant with monetary compensation as well as costs and expenses. It cannot order other kinds of relief (such as directing the state to amend its legislation). The judgment is binding and its execution is supervised by the Council of Europe’s Committee of Ministers.

#### Send Communications to:

The Registrar  
European Court of Human Rights  
Council of Europe  
F-67075 Strasbourg-Cedex  
France

#### For More Information

Website of the Court: [www.echr.coe.int/](http://www.echr.coe.int/)

“Notes for the guidance of persons wishing to apply to the European Court of Human Rights,” available from the Registrar and the Court’s website.

Kevin Boyle, “Council of Europe, OSCE and European Union,” in *Guide to International Human Rights Practice* (Hurst Hannum, ed., 4th ed., Transnational Publishers, Inc., 2004), 146-60.

Diane Atkinson-Sanford, “European Human Rights Mechanisms,” in *Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures* (Joan Fitzpatrick, ed., Transnational Publishers, Inc., 2002), 315-420.

## EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE

**Background** ECRI examines issues of racism, xenophobia, anti-Semitism and intolerance in Europe from the perspective of human rights. It is currently composed of 46 members (one for each Council of Europe member state with three current vacancies) who are appointed by their state

governments but serve in their individual capacities. ECRI visits Council of Europe member states and prepares reports on the situation of racism and intolerance in each, prepares thematic reports, issues general policy recommendations, and disseminates examples of “good practices” to combat racism and intolerance. ECRI does not directly address individual complaints. However, it actively seeks the participation and collaboration of NGOs in its work, including through organizing contact networks and consultative workshops.

**What You Can Do** You can provide ECRI with information concerning racism or intolerance in your state, or with regard to a particular theme (for example, displacement due to discrimination).

**Evaluation** In a reversal of the pattern of a number of similar bodies, such as the European Committee of Social Rights, ECRI does not receive periodic reports on states but rather investigates and then periodically prepares such reports itself. It now regularly does so through on-site visits by representatives of the Committee as well as a confidential dialogue with authorities prior to the completion of public reports. It has raised IDP issues in a number of its previous reports and plainly takes an interest in the issue, but has not issued any general policy recommendations, thematic reports, or “good practice” reports specifically focused on displacement.

Its encouragement of participation by NGOs, though informal, promises good access to those interested in raising IDP issues. However, the Commission’s recommendations are not binding.

**Competence** ECRI is authorized to monitor issues of racism and intolerance in each Council of Europe member state. A list of member states is available at [www.coe.int](http://www.coe.int). It is not tied to a specific human rights treaty.

### Contact

European Commission against Racism and Intolerance Secretariat  
Council of Europe  
F-67075 Strasbourg-Cedex  
France  
Fax: +33 (0)3 88 41 39 87

### For More Information

Website of the Commission: [www.coe.int/T/E/human\\_rights/Ecri/1-ECRI/](http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/)

*ECRI and its Programme of Activities*, CRI (99) 53 rev.5, available from the Commission secretariat at the above address and on the website.

## EUROPEAN COMMITTEE OF SOCIAL RIGHTS

**Background** ECSR is the body responsible for monitoring states’ compliance with the European Social Charter, a Council of Europe instrument guaranteeing a number of social and economic rights.

The Committee is made up of 13 members who are elected by the Council of Europe’s Committee of Ministers and serve in their individual capacities. The Committee receives annual reports from Charter member states upon which it makes official “conclusions” about state compliance. It also addresses “collective complaints” of violations of the Charter.

**What You Can Do** If your government is violating your rights under the Social Charter, you may request that an eligible organization submit a collective complaint about the violation to ECSR.

**Evaluation** The European Social Charter covers a wide range of rights of potential interest to IDPs in areas including housing, health, education, employment, social welfare, freedom of movement and non-discrimination. However, individuals cannot directly complain of violations of these rights but must persuade an eligible non-governmental or labor organization to complain about violations in these areas in general. Perhaps for this reason, the Committee’s volume of activity has been rather low – only 31 complaints have been registered since the complaints mechanism came into force in 1998.

The Committee’s conclusions and decisions are not binding on member states but are made public and may therefore bring publicity to a problem. While an annual reporting cycle is imposed on states, there is no regular procedure for “shadow reporting” by NGOs to the practices of the UN treaty bodies. However, national trade unions are allowed to comment on state reports and might be persuaded to raise issues of interest to IDPs.

**Who May Submit Communications** Generally, collective complaints may only be submitted by national employers’ organizations and trade unions, certain pan-European employers’ and workers’ organizations, and international NGOs in consultative status with the Council of Europe. A list of eligible NGOs is available from ECSR or its website (contact information below).

The additional protocol to the European Social Charter of 1995 creating the collective complaints mechanism also allows for national NGOs to submit complaints if member states specifically opt to allow this. Thus far, only Finland has done so.

**Competence** All European Social Charter member states are required to submit periodic reports to ECSR. However, ECSR is authorized to receive collective complaints only concerning those states that have ratified the 1995 protocol to the Charter or have made a declaration embracing the provisions of the 1995 protocol as part of their ratification of the Revised Social Charter of 1996. A list of ratifications and declarations is available from ECSR and its website.

The ECSR may receive complaints about any European Social Charter rights binding upon the country in question. This may not include all the rights provided in the Charter. The original (1961) Social Charter provides a “menu” of rights, from which member states are obliged to bind themselves only to a portion. As a result, not every right guaranteed in the Charter is binding on every member state. An amended Social Charter was adopted in 1996 and creates a unified set of obligations for all signatories, but not all parties to the original version of the Charter have accepted this revision. A list of the declarations (setting out which obligations are taken on by each state) and of ratifications of the amended Social Charter are available from the ECSR office and website.



**Exhaustion of Domestic Remedies** There is no requirement that parties must seek remedies from domestic or other sources prior to submitting a collective complaint.

**Duplication of Procedures** There is no bar against complaints about matters that are also being addressed by other mechanisms.

**Time Issues** There is no specific time limit for bringing collective complaints. Complaints are generally taken up in the order they are received, but ESCR's rules of procedure allow the Committee to give precedence to a particular complaint. This might be requested for particularly urgent cases.

**Language and Format** Collective complaints may generally be made in one of the two official languages of the Council of Europe (English and French). National trade unions and employers' organizations and authorized national NGOs may use any language. No particular format is required or recommended by ECSR, except that they must be written and signed by the complaining organization.

**Confidentiality** There is no specific provision for confidentiality in ECSR's rules. However inasmuch as the procedure concerns "collective complaints" and does not focus necessarily on individual cases, it should be possible to shield the identities of affected persons in the presentation of a case.

**Procedure** Once a complaint is received, a member of ECSR is appointed Rapporteur for the case. She or he prepares a draft decision on admissibility (in light of the factors described above) for adoption by the Committee. The defending state and the submitting organization may be asked for written comments on admissibility. If the complaint is deemed inadmissible, the parties are informed and the decision is made public. If it is found admissible, ECSR asks the state to make a written response on the merits and then allows the submitting organization to respond. Either party may request a hearing (normally public). After this, the Committee makes a decision on the merits of the complaint.

**Potential Result** ECSR may issue a decision that a state action has violated its obligations under the Social Charter. The decision is submitted to the EU Committee of Ministers and made public within four months. The Committee of Ministers adopts a resolution based on the decisions, which may recommend actions to rectify the violation.

## Contact

European Committee of Social Rights  
 Council of Europe  
 Avenue de l'Europe  
 67075 Strasbourg-Cedex  
 France  
 Tel: +33 (0)3 88 41 20 00 (switchboard)  
 E-mail: [social.charter@coe.int](mailto:social.charter@coe.int)



## For More Information

The text of the European Charter of Social Rights, its protocols and the Revised Charter are available from the Committee and on its website.

Committee's website: [www.coe.int/T/E/Human\\_Rights/Esc/](http://www.coe.int/T/E/Human_Rights/Esc/)

## EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT INDEPENDENT RECOURSE MECHANISM

**Preliminary Note:** It is recommended that applicants considering resort to this seek experienced assistance in formulating and following up their complaint (although, as noted below, direct representation by international actors is discouraged). Contact information for several international NGOs active in this area is provided below.

**Background** The European Bank for Reconstruction and Development (EBRD) is a regional multilateral finance institution created to support transitions from Soviet to market-based economies in Eastern Europe and Central Asia. It provides loans, guarantees, equity investments and other support to governments and private sector actors, including in large infrastructure projects that may lead to displacement. The “Independent Recourse Mechanism” was created in 2004 to respond to community complaints about EBRD projects. It addresses eligible complaints through “Problem Solving Initiatives” and/or “Compliance Reviews.”

**What You Can Do** If you have been, or fear you will be, directly, adversely and materially affected by an EBRD-assisted private or public project (for example, if you will be displaced from your home as a result of the project), you may file a complaint with the Independent Recourse Mechanism.

**Evaluation** EBRD is the most recent regional finance institution to have created an internal accountability mechanism. It has also adopted two main policies of interest to those facing displacement, which concern public disclosure and the environment. The environmental policy, in turn, explicitly adopts for EBRD's own use policies on involuntary resettlement, indigenous peoples, and cultural property utilized by the International Finance Corporation, a member of the World Bank Group (page 147).<sup>80</sup> The IFC's policy on involuntary resettlement provides that displacement from assisted projects should be avoided if possible, but that if it cannot be avoided, its effects should be mitigated through adequate consultation, compensation and rehabilitation measures.

EBRD's Independent Recourse Mechanism is not, strictly speaking, a human rights mechanism because it does not refer to human rights norms. It can only consider ADB's involvement and responsibility. It cannot directly examine the responsibility of governments and private sector borrowers for their (frequently significant) roles in displacement by development projects. However, EDRB can require that its policies be followed in order to continue its involvement in a project.

<sup>80</sup> European Bank for Reconstruction and Development, Environmental Policy, para. 21 (July 2003).

Like the Asian Development Bank, EBRD's Independent Recourse Mechanism includes options both for mediation of a dispute, called a "problem-solving initiative" and for a full investigation or "compliance review." A compliance review will only be undertaken if complainants show that EBRD has violated one of its own policies. Thus, where a formal violation of EBRD rules cannot be shown, the "problem-solving" option may still be available. No complaints have yet been entered into EBRD's register for either of these options.

**Who May Submit Communications** Complaints can be filed by any group of two or more individuals who: (1) are from an area which is, or is likely to be, affected by an EBRD-assisted project, (2) have a "common interest" (for example, all have homes that will be affected by the project), and (3) claim that the project has or is likely to have a "direct adverse and material effect" on this common interest (for example, all will be required to leave their homes to make room for the project).

Complaints can be submitted by a local representative of the affected parties, such as a local NGO. If there is no adequate or appropriate representation available locally, an international representative (such as an international NGO) can represent affected parties, so long as it can demonstrate that it is fluent in the national language of the affected group. All representatives must submit proof of authorization by the affected parties with the complaint.

**Competence** The Independent Recourse Mechanism can receive complaints about EBRD's actions or omissions concerning projects which it is currently financing or with which it is planning to become involved and which are not yet completed. Projects are considered completed if the Bank no longer has a financial interest or 12 months after the physical completion of the project (or if not involving a structure, 12 months after the final disbursement of EBRD funds).

The Independent Recourse Mechanism excludes complaints that (1) do not concern EBRD's own actions or omissions, (2) concern issues of procurement of goods and services, (3) allege fraud or corruption, (4) relate to Article 1 of the Agreement Establishing the Bank or the Portfolio Ratio Policy, (5) concern the adequacy of EBRD's existing policies or procedures, (6) are "frivolous or malicious" or have the primary purpose to seek competitive advantage through delaying the project or disclosing information, or (7) relate to the laws, policies or regulations of the country of operations.

**Exhaustion of Domestic Remedies** In order to make a complaint to the Independent Recourse Mechanism, affected parties must show that they have previously raised the matter with EBRD management directly and in "good faith". As part of this requirement, complainants must explain why they feel further informal discussions with EBRD management are unlikely to bring results.

**Duplication of Procedures** The Independent Recourse Mechanism will not address complaints or requests that have previously been addressed by the Mechanism unless there is new evidence that was not previously known.

**Time Issues** As noted above, complaints must be brought within 12 months of the physical completion of a project or of the final disbursement of EBRD funds.

**Language and Format** No specific format is required, but complaints and requests must be in writing, signed and dated, and may not be anonymous. Supporting documents, including prior correspondence with EBRD management, should be attached. Complaints may be submitted in one of EBRD’s working languages (English, French, German or Russian) or in the native language of the complainants. In the latter case, however, additional time will be required for translation. The Independent Recourse Mechanism will normally respond in English, but this may be translated into other languages upon request.

A model complaint letter provided by EBRD is included below.

**Confidentiality** The identity of some or all of the members of the affected group will be kept confidential upon a request accompanied by an explanation for the need for confidentiality.

**Procedure** Once a complaint with original signature is received, it is registered and the Chief Compliance Officer selects an independent expert to jointly undertake an assessment as to eligibility per the factors described above. Within 30 days these two assessors will arrive at a preliminary decision as to (1) whether or not the claim is eligible for consideration by the Independent Recourse Mechanism, and if so (2) whether it warrants a compliance review and/or a problem-solving initiative. Complainants have ten days to respond to the preliminary decision, to argue, for example that it should be found eligible or that it merits a compliance review. Afterwards, the report is finalized and presented to the President or Board of Directors of EBRD (depending on the nature of the project at issue).

The President or Board will then accept or reject the recommendation of the eligibility assessors. If a compliance review is accepted, a separate Compliance Review Expert is selected and undertakes a review which may include interviews with the complainants and other parties, site visits and expert consultations. If a problem-solving initiative is accepted, a facilitator is selected who will seek a consensus solution to the problem. There is no timeframe for the compliance review or problem-solving initiative process. At the end of the processes, a report is prepared for the President or Board with recommendations. Once the President or Board has decided whether to accept or reject the recommendations, the complainant is informed and the report is made public.

**Potential Result** If a problem-solving initiative is accepted, a mediated solution may be reached between the complainant and EBRD management. If a compliance review is undertaken, the compliance review expert may recommend remedial measures to the President or the Board. In either case, it is possible that elements of a project may be changed to avoid or better compensate for possible displacement.

#### **Send Communications to:**

Chief Compliance Officer  
European Bank for Reconstruction and Development

One Exchange Square  
London EC2A 2JN  
United Kingdom  
Fax: +44 20 7338 7633  
E-mail: [irm@ebrd.com](mailto:irm@ebrd.com)

**Note:** If complaints are sent by fax or e-mail, an acknowledgement signed by the complaining parties or their representative must also be sent by mail.

Complaints may also be hand delivered to the Chief Compliance Officer at any of the Bank's resident offices (for addresses, call the Headquarters at +44 20 7338 6000 or see [www.ebrd.com/about/contacts/index.htm](http://www.ebrd.com/about/contacts/index.htm)).

### For More Information

EBRD Independent Recourse Mechanism website: [www.ebrd.com/about/integrity/index.htm](http://www.ebrd.com/about/integrity/index.htm)

EBRD, "Independent Recourse Mechanism: The Guide to Making a Complaint about an EBRD-Financed Project," July 2004 (available on request from the Independent Recourse Mechanism office or at [www.ebrd.com/pubs/general/6080.pdf](http://www.ebrd.com/pubs/general/6080.pdf)).

EBRD, Independent Recourse Mechanism Rules of Procedure, as approved by the Board on 6 April 2004 (available on request from the Independent Recourse Mechanism office or at [www.ebrd.com/about/irm/about/procedur.pdf](http://www.ebrd.com/about/irm/about/procedur.pdf)).

Bank Information Center (BIC)  
733 15th Street, NW  
Suite 1126  
Washington, DC 20005  
USA  
Tel: +1 202 737 7752  
Fax: +1 202 737 1155  
E-mail: [info@bicusa.org](mailto:info@bicusa.org)  
Website: [www.bicusa.org](http://www.bicusa.org)

CEE Bankwatch Network  
Jicinska 8  
130 00 Praha 3  
Czech Republic  
Tel/Fax: +420 274 816 571  
E-mail: [main@bankwatch.org](mailto:main@bankwatch.org)  
Website: [www.bankwatch.org](http://www.bankwatch.org)

## EBRD Sample Complaint Form

### PART A: Information you must include in your complaint

You must provide all the information asked for in this section.

Date:

#### 1. About the affected group

Name of members of the affected group:

What the common interest of the group is:

Where the affected group lives (city, country):

#### 2. About the authorized representatives

Name of authorized representative(s):

Your relationship to the group:

If the authorized representative is not locally based, reason you are representing the affected group:

Native language of the affected group:

Can you communicate effectively in the group's native language? Yes  No

Please provide evidence of your fluency in the group's native language, for example, that you are a native speaker, or have studied and worked in the language.

#### 3. About the EBRD-financed project

Project name:

Country:

Project description:

Please state how the group's common interest is affected or likely to be affected, and possibly harmed by this project:

Please give full details of the rights and interests that the project affects.

#### 4. What the affected group has done so far to resolve the problem

Before the CCO can review your complaint, you must have made efforts in good faith to resolve the problem with the relevant EBRD department and other relevant parties.

Please detail your efforts briefly and attach all correspondence, e-mails, details of meetings and other communications you have had with the Bank about the problem. Please also explain briefly why you believe further discussions will not be fruitful. If you cannot provide this information, please give reasons.

#### 5. Facts and evidence

Please state the facts and attach any evidence to support the claim of direct adverse and material harm caused by the project.

This might include drawings, photos, plans, letters, taped interviews, or other materials you believe relevant.

### PART B: Other information to support your complaint

You do not have to fill in this section, but any extra information you give here could help us decide how best to handle your complaint.

### 1. Why you think the Bank has not followed its Environmental Policy and/or Public Information Policy on a project

Name or description of the specific Bank operation, if known, or if different from the project name above:

Why you think the Bank has not followed its policies in the course of preparing, processing or implementing the project:

### 2. How you would like the problem to be solved

Please tell us what you would like to happen next/expect from the IRM:

-Compliance review (this means a review of the Bank's actions to see whether it has followed its Environmental Policy and/or Public Information Policy)

-Problem-solving initiative (this might include any of the following to help address the underlying problem: fact-finding, mediation, conciliation, dialogue facilitation, investigation or reporting)

Please say what you would like to see as an outcome to the problem that has given rise to the complaint. This might relate to matters outside the Bank's control.

### 3. Previous complaints

Have you made a previous complaint about a similar or related matter? Yes  No

For example, with any other person or institution, or administrative, regulatory or judicial body.

If yes, please explain how the complaint was handled; what stage the complaint has reached; any outcomes so far.

### 4. Preferred language for receiving communications from the IRM

Please tell us how the group would like to receive communications: English only is satisfactory OR English, plus one of:

French  German  Russian  Other  please specify

Communications from the IRM are in English. We may also be able to provide communications in French, German or Russian. If the CCO agrees, we may be able to provide communications in the group's native language. Please be aware that if we have to arrange translation into other languages this may affect the time required to respond. We may not be able to find a satisfactory translator if the language is other than the Bank's working languages.

### 5. Confidentiality for group members

Reason you want to keep the identity of some or all group members confidential:

Please tick here if you want to keep the identity of all members of the group confidential

OR Please give the names of individual group members whose identity you want to keep confidential:

The IRM will use reasonable efforts to maintain confidentiality where possible. However, if we believe others will discover or need to know your identity or the identity of group members in order to process the complaint, we will tell you that we may not be able to keep these identities confidential, and will discuss with you how to proceed.

Declaration and signatures

I am/we are making this complaint as the authorized representative of the affected group.

If there are two authorized representatives:

Please tell us how the group has authorized you to act for them:

Must act together  May act individually

First authorized representative

Signature:

Name:

Address for correspondence:

Daytime telephone number:

Fax number:

E-mail:

Second authorized representative

Signature:

Name:

Address for correspondence:

Daytime telephone number:

Fax number:

E-mail:

## EUROPEAN UNION<sup>81</sup>

### EUROPEAN PARLIAMENT COMMITTEE ON PETITIONS

**Background** The European Parliament is one of the major organs of the European Union (EU). While its primary function is legislative, the Parliament has created a Committee on Petitions that is empowered to address petitions from individuals concerning any matter within the sphere of activities of the EU. It can respond in a variety of ways, including by or investigating the matter itself, requesting that the European Commission undertake an investigation of the matter, negotiating with responsible authorities, or undertaking new rule-making related to the petition.

The Committee is also the Parliament's primary liaison with the European Ombudsman, who only addresses complaints about EU entities.

**What You Can Do** You can submit a petition to the Committee about actions by member states or EU entities that negatively affect you and that infringe upon EU law.

**Evaluation** The Committee on Petitions can only consider petitions related to matters within the scope of EU activities and "EU law" (which, for purposes of this guide, includes European Community law). This does not include the European Convention on Human Rights (an instrument of the Council of Europe), which is addressed by the European Court of Human Rights ([page 195](#)). While there is a European Charter of Fundamental Rights that falls within the scope of the EU, it is not yet binding on member states. Still, EU law does contain a number of protections that might be of interest to IDPs, including protections against racial or ethnic discrimination, employment rights, equal rights for men and women, and rights in the health, education and consumer fields. Moreover, the Committee has previously addressed issues relevant to internal displacement, most recently with regard to land laws in Spain that led to state annexation of private lands for development purposes. The Committee receives and processes hundreds of petitions every year.

The Committee cannot make binding judgments on petitions and serves more as a means of increasing publicity for particular issues.

**Who May Submit Communications** Citizens or residents of an EU member state as well as organizations with their headquarters in an EU member state may submit petitions about matters that directly affect them.

**Competence** The EU Committee can consider any "matter which comes within the European Union's fields of activity."

**Exhaustion of Domestic Remedies** There is no formal rule requiring that other remedies for the problem be sought before involving the Committee.

<sup>81</sup> The predecessor organizations of the European Union also set up a European Court of Justice mandated to interpret European law to ensure its uniform application. Individuals have only very limited access to the European Court and at this point it seems unlikely that it will ever become a major source of protection for IDP rights. For more information about the Court, see Anthony Arnall, *The European Union and its Court of Justice* (1999).



**Duplication of Procedures** There is no formal rule barring simultaneous submission of a petition to the Committee and recourse to other mechanisms.

**Time Issues** There is no specific time limit for submitting a petition, nor a specified “expedited” procedure for addressing petitions.

**Language and Format** Submissions to the Committee may be in any of the official EU languages (Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish, Swedish, Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovak, and Slovene) or in another language if a summary in an EU language is provided. No particular format is required, but petitions must be written and signed, with full contact information of the petitioner and an adequate description of the issue complained about. The Committee’s website has a form for making petitions online at <http://www.europarl.eu.int/parliament/public/petition/submit.do?language=EN>.

**Confidentiality** Upon request, the identity of petitions can be kept confidential. Otherwise, all petitions are entered into a public register.

**Procedure** Upon receipt of a petition, it is entered into a register. The Committee then makes a decision as to whether the petition is admissible (i.e. if it concerns a matter with the EU’s fields of activity). If not, the petition is considered filed and the petitioner is informed. If it is considered admissible, the Committee will act upon the petition. This action may include public hearings, on-site fact-finding missions and other means to seek additional information.

**Potential Result** In addition to publicity generated by public hearings and fact-finding missions, a petition may result in:

- a public opinion of the Committee with a request to the President of the European Parliament to submit it to other EU institutions for action;
- a referral to another European Parliament committee for action;
- a Committee motion for a resolution of the full Parliament; or
- a request to the European Commission for a formal investigation as to whether a member state has violated EU law (“compliance proceeding”);
- direct discussions with national or local authorities to resolve the issue.

## Contact

European Parliament  
Committee on Petitions  
Members’ Activities Division  
L-2929 Luxembourg

## For More Information

Committee’s website: [http://www.europarl.eu.int/committees/peti\\_home\\_en.htm](http://www.europarl.eu.int/committees/peti_home_en.htm)

## ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

### HIGH COMMISSIONER ON NATIONAL MINORITIES

**Background** The High Commissioner was first appointed in 1992 to serve as an early warning and conflict prevention mechanism by quickly identifying tensions involving national minorities and intervening with authorities and other relevant parties to attempt to address them. He mainly works through confidential “quiet diplomacy” but also publishes thematic and country recommendations. He is not an ombudsman and does not address individual complaints or situations involving organized terrorism.

**What You Can Do** You can inform the High Commissioner about violations of minority rights in OSCE participating states that might lead to violence-producing tensions.

**Evaluation** In light of his diplomatic conflict-prevention role, the High Commissioner rejects the title of “human rights mechanism” and is not an appropriate means to “name and shame” rights violators or to obtain individual relief. On the other hand, he has recognized that suppression of minorities and failure to fulfill their rights are important sources of tension and his interventions have frequently focused on attempting to change these dynamics, including by encouraging legal and policy reform. He welcomes informal communication about minority issues in the OSCE region from minority groups.

Due to the confidential nature of many of his activities, it is not clear to what extent the High Commissioner has actively intervened in displacement issues, although his activities have obvious relevance for preventing conflict-induced displacement in the first instance. Moreover, he has been openly involved in attempting to improve the adequate and non-discriminatory distribution of humanitarian aid. Protracted displacement situations in many countries in the OSCE region – most of them involving national minorities – have the potential to reignite conflicts; the rights issues of those affected should therefore be of interest to him.

**Competence** The High Commissioner will only address the issues of “national minorities” (for which no precise definition has been agreed) within OSCE participating states. A list of these states is available on the OSCE website at: [www.osce.org](http://www.osce.org). He is not bound to a particular treaty, but makes use of both relevant international and European instruments.

### Contact

High Commissioner for National Minorities  
P.O. Box 20062  
2500 EB The Hague  
Netherlands  
Tel: +31 70 312 55 00  
Fax: +31 70 363 59 10  
E-mail: [hcnm@hcnm.org](mailto:hcnm@hcnm.org)

### For More Information

High Commissioner’s website: [www.osce.org/hcnm/](http://www.osce.org/hcnm/)

John Packer, “The OSCE High Commissioner on National Minorities,” in *International Human Rights Monitoring Mechanisms* (Gudmundur Alfredsson, et al., eds., Martinus Nijhoff Publishers, 2001).

## OSCE HUMAN DIMENSION MEETINGS

**Background** The OSCE organizes annual “Human Dimension Implementation Meetings” and three “Supplementary Human Dimension Meetings” on specific topics per year, all concerned at least in part with the compliance of member states with their commitments to “human rights and fundamental freedoms” made in the OSCE context. These meetings are open to the press and include representatives of OSCE participating states, international and domestic NGOs, and international organizations.

**What You Can Do** If you represent an NGO, you may attend these meetings and raise both individual and collective cases of violations of IDPs’ rights.

**Evaluation** The OSCE was founded on a series of non-binding agreements among participating states beginning with the Helsinki Final Act of 1975, including agreements to be bound by fundamental norms of human rights as set out in the Charter of the United Nations and the Universal Declaration of Human Rights. The full range of civil, political, economic, social and cultural rights may therefore be raised in the context of Human Dimension meetings which provide a public and high level platform to discuss violations, but do not result in binding opinions or judgments.

Issues of internal displacement have been repeatedly raised in the Human Dimension meetings, and participants have indicated their interest to continue to discuss such matters. In 2004, a Supplementary Human Dimension meeting was devoted exclusively to internal displacement in the OSCE region. The OSCE has recognized the Guiding Principles on Internal Displacement as a useful framework and has agreed to integrate the issue of IDP voting rights into its work.

NGOs wishing to participate in future meetings should contact the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) and fill in a simple form. Schedules and agendas for upcoming meetings are also available from ODIHR.

**Contact** Office for Democratic Institutions and Human Rights

Aleje Ujazdowskie 19

00-557 Warsaw

Poland

Tel: +48 22 520 06 00

Fax: +48 22 520 06 05

E-mail: [office@odihr.pl](mailto:office@odihr.pl)

### For More Information

ODIHR’s website: [www.osce.org/odihr/](http://www.osce.org/odihr/)

# ANNEXES

# ANNEX I: THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

## INTRODUCTION: SCOPE AND PURPOSE

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
  - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
  - (b) States when faced with the phenomenon of internal displacement;
  - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
  - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

## SECTION I - GENERAL PRINCIPLES

### PRINCIPLE 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

### PRINCIPLE 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted

to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

### PRINCIPLE 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

### PRINCIPLE 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

## SECTION II - PRINCIPLES RELATING TO PROTECTION FROM DISPLACEMENT

### PRINCIPLE 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

### PRINCIPLE 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
  - (a) When it is based on policies of apartheid, “ethnic cleansing” or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
  - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
  - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
  - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation;
 and

- (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

### PRINCIPLE 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
  - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
  - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
  - (c) The free and informed consent of those to be displaced shall be sought;
  - (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
  - (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
  - (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

### PRINCIPLE 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

### PRINCIPLE 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

## SECTION III - PRINCIPLES RELATING TO PROTECTION DURING DISPLACEMENT

### PRINCIPLE 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
  - (a) Genocide;
  - (b) Murder;
  - (c) Summary or arbitrary executions; and
  - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
  - (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
  - (b) Starvation as a method of combat;
  - (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
  - (d) Attacks against their camps or settlements; and
  - (e) The use of anti-personnel landmines.

### PRINCIPLE 11

1. Every human being has the right to dignity and physical, mental and moral integrity.
2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
  - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
  - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
  - (c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.



**PRINCIPLE 12**

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

**PRINCIPLE 13**

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

**PRINCIPLE 14**

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

**PRINCIPLE 15**

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

**PRINCIPLE 16**

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations

engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.

3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

### PRINCIPLE 17

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

### PRINCIPLE 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water;
  - (b) Basic shelter and housing;
  - (c) Appropriate clothing; and
  - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

### PRINCIPLE 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

### PRINCIPLE 20

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

### PRINCIPLE 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
  - (a) Pillage;
  - (b) Direct or indiscriminate attacks or other acts of violence;
  - (c) Being used to shield military operations or objectives;
  - (d) Being made the object of reprisal; and
  - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

### PRINCIPLE 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
  - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
  - (b) The right to seek freely opportunities for employment and to participate in economic activities;
  - (c) The right to associate freely and participate equally in community affairs;
  - (d) The right to vote and to participate in governmental and public affairs, including the right

- to have access to the means necessary to exercise this right; and  
 (e) The right to communicate in a language they understand.

### PRINCIPLE 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

## SECTION IV - PRINCIPLES RELATING TO HUMANITARIAN ASSISTANCE

### PRINCIPLE 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

### PRINCIPLE 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

### PRINCIPLE 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

**PRINCIPLE 27**

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.
2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

**SECTION V - PRINCIPLES RELATING TO RETURN, RESETTLEMENT AND REINTEGRATION****PRINCIPLE 28**

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

**PRINCIPLE 29**

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

**PRINCIPLE 30**

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

## ANNEX 2: BIBLIOGRAPHY AND WEBSITES

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## UN HUMAN RIGHTS COUNCIL, SUB-COMMISSION ON THE PROTECTION AND PROMOTION OF HUMAN RIGHTS, AND SPECIAL PROCEDURES

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