



**10 YEARS OF THE
PENINSULA PRINCIPLES**

**UNCHARTED
WATERS:
EXPLORING
JUDICIAL AVENUES
FOR CLIMATE
DISPLACED
COMMUNITIES**

January 2024



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Image: Solomon Islands
Photo credit: Beni Knight

Contents

Introduction	9
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The Current State of Human Rights Complaint Mechanisms	10
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Complaint Mechanisms for Cases Involving Climate Displacement	12
--	-----------

1. United Nations Complaint Mechanisms	13
--	----

1.1 Treaty Bodies	13
-------------------	----

1.2 Human Rights Council	19
--------------------------	----

1.3 Special Procedures	20
------------------------	----

1.4 United Nations Specialised Entities	23
---	----

2. International Courts	26
-------------------------	----

3. Regional Human Rights Bodies	27
---------------------------------	----

3.1 Europe	28
------------	----

3.2 Americas	30
--------------	----

3.3 Africa	31
------------	----

3.4 Asia and the Pacific	33
--------------------------	----

4. Broader International Treaties	33
-----------------------------------	----

5. Responsible Business Conduct Platforms	35
---	----

6. Development Bank Complaint Mechanisms	36
--	----

Conclusions	39
--------------------	-----------

Executive Summary

This report is the second in a series of three reports addressing judicial aspects of the struggle to secure justice for climate displaced persons everywhere. This series is designed to provide practical support to those forced to flee their homes because of the effects of climate change and to human rights practitioners seeking pathways to justice.

The first report in the series provided an analysis of the human rights arguments presented in legal cases globally pertaining to climate displacement, providing a critical overview of how this issue is currently framed and addressed in judicial contexts. The report found that only a tiny fraction (less than 1%) of the more than 2,400 climate change cases that have been heard by courts around the world deal in any way with climate displacement.

The current report identifies and outlines the available international and regional complaint mechanisms that could be accessed by climate displaced persons seeking judicial attention to their plight. Very few of the 33 procedures examined have yet entertained complaints concerning climate displacement, and thus a range of judicial avenues are available but untested. Any one of these, and hopefully many, can provide the potential basis for precedent-setting decisions that could have a markedly positive impact on the rights of the hundreds of millions of people across the world threatened with climate displacement.

The third report will propose a pioneering approach to climate displacement litigation. It will outline the characteristics of a potential legal test case specifically designed to enhance the protection of the housing, land and property rights of climate displaced persons. The case that will be proposed will aim not only to test the efficacy of the existing mechanisms but also to potentially set a precedent for future legal strategies in addressing the complex challenges faced by individuals and communities displaced due to climate change.

Together, these reports offer a holistic and in-depth exploration of the intersection between climate displacement, the judiciary and human rights, highlighting current gaps in legal frameworks and suggesting innovative pathways for advancing the rights of climate displaced populations.

These three reports are part of a range of activities by Displacement Solutions marking the 10-year anniversary of the Peninsula Principles on Climate Displacement Within States. The urgency and relevance of these principles in our current climate crisis context are more pronounced than ever. Since their adoption in August 2013, the escalating impacts of climate change - from severe weather events to rising sea levels - have increasingly led to widespread displacement across the globe.

In line with the spirit of the Peninsula Principles, particularly Principle 16, this report aims to assist climate displaced people and their advocates with information to assist them in accessing appropriate remedies and compensation when their rights have been violated.

By outlining a comprehensive list of international and regional complaint mechanisms, this report seeks to illuminate pathways through which those affected by climate displacement can seek justice and judicial decisions that reinforce the need for concrete solutions to climate displacement wherever it may occur. It underscores the critical need for states, communities, and individuals to leverage these principles as a foundational tool to ensure the protection and assertion of their rights in the face of escalating climate challenges.

When reading the report, we encourage readers to take note of the following significant issues which provide context for understanding how these mechanisms can be accessed in a manner that ensures the highest possibility of success:

Utilization of Mechanisms:

Of the 33 identified mechanisms, a mere six have considered any cases dealing with issues related to climate displacement. This finding underscores a significant gap: the majority of these mechanisms, despite their potential applicability, have not yet engaged with the complexities of climate displacement. This lack of engagement indicates either a low level of awareness among displaced persons and their advocates about these avenues or a possible misalignment of the mechanisms' scopes with the specific needs of climate displaced populations.

Technical and Accessibility Challenges:

The research encountered several technical issues that highlight the challenges in accessing these complaint mechanisms. Varied accessibility methods and inconsistent transparency across different platforms were common. In several instances, obtaining clear information on how to submit a complaint proved difficult, with some official websites being non-functional or outdated. These technical barriers present significant obstacles for climate displaced persons seeking to utilize these mechanisms.

Regional Mechanism Gaps:

There is a notable absence of regional complaint mechanisms in areas such as the Pacific and the Middle East. The lack of regional mechanisms is particularly concerning as these areas are among those most vulnerable to climate change impacts. The absence of dedicated regional forums for addressing climate displacement issues in these regions points to a critical gap in the global human rights protection infrastructure, further exacerbating the challenges faced by displaced communities in these parts of the world.



Image: Papua New Guinea
Photo credit: Kadir van Lohuizen / NOOR

Climate displacement is reaching dramatic levels and shows no sign of slowing down in the near- or longer-term. The *lowest* estimate of the scale of this problem predicts that a minimum of 216 million people will lose their homes due to climate effects. Based on our almost 20 years of experience working on this issue worldwide, it is beyond dispute that this is a massive underestimate. There are few, if any, global challenges larger than that posed by climate displacement.

So far government action in ensuring that the human rights of people affected by climate displacement are respected and fulfilled has lagged behind other climate action. It will therefore be up to the people who are affected by climate displacement themselves to advocate for their rights, including through the courts and other human rights bodies, to raise the profile of this issue and seek to ensure that justice can be secured for the hundreds of millions likely to be affected in the years to come.

This report was drafted by Viraaj Akuthota and finalised with editorial inputs from Shaun Butta, Kirsten Young and myself. Graphic design and other artistic works were carried out by Arteria.

Scott Leckie
Executive Director and Founder

Introduction

Climate Displacement (CD) is one of the major human consequences of climate change and represents a critical and expanding area of global concern. It encompasses the involuntary migration of individuals and communities due to environmental disruptions like rising sea levels, extreme weather events, and other climate-related phenomena. Such displacement often straddles the line between voluntary and involuntary movement. It poses significant challenges to human rights, particularly in securing fundamental necessities like housing, food, water, and livelihoods. This report, the second in a series, explores the legal avenues available for climate displaced persons where their rights have been violated, specifically focusing on international and regional judicial and remedial mechanisms.

On 18 August 2023, the Peninsula Principles on Climate Displacement Within States (Peninsula Principles) turned ten. During the 10 years since the adoption of the Peninsula Principles, the world has experienced record-breaking temperatures, flooding at a rate never before seen, unprecedented numbers of devastating hurricanes and cyclones, and the loss of huge areas of land due to sea level rise. The Peninsula Principles are therefore more relevant than ever before as they provide a normative framework to protect the people displaced or threatened with displacement from these climate-related events. Principle 16 also emphasises the right of displaced persons to fair and equitable access to remedies and compensations when their rights are infringed upon.

However, to date there have been limited efforts to utilise international and regional human rights laws and principles to provide protection and to seek remedies for those facing climate displacement threats. Displacement Solutions recently released a report that demonstrates the lack of international and domestic case law, finding only 19 cases out of more than 2,400 climate change cases considered by judicial and other decision-making mechanisms around the world that directly or indirectly dealt with climate displacement.¹

This report aims to identify avenues which have not yet been explored where climate displaced populations might obtain legal redress on an international level (complaint mechanisms). Unexplored for the purpose of this report means that a relevant body has not adjudicated or heard a matter that squarely addresses the human rights impact of climate displacement. The report reviews every notable international and regional organization with a broad member state base, identifying all of the human rights complaint mechanisms where climate displaced persons could lodge a complaint to seek remedy for their harm. By providing a detailed guide to a diverse range of bodies the report seeks to provide a comprehensive picture that will empower climate displaced individuals and their advocates with information to help them to navigate these mechanisms effectively so that they can seek justice and reparation in alignment with their fundamental human rights.

¹ Displacement Solutions, Climate Displacement Litigation: Navigating the Human Rights Landscape - A Global Review, November 2023: https://issuu.com/displacementsolutions/docs/climate_displacement_litigation.

The Current State of Human Rights Complaint Mechanisms

International and regional human rights complaint mechanisms play a crucial role in providing avenues for redress for individuals and communities whose rights have been infringed. These mechanisms vary widely in structure and function, ranging from formal judicial bodies to quasi-judicial committees and non-judicial grievance mechanisms. The United Nations Human Rights Committee, for example, stands out as one of the oldest and most prominent quasi-judicial bodies, and has dealt with thousands of complaints since it was set up.

The international human rights complaints mechanisms face a number of challenges, particularly regarding the implementation of their decisions in national legal systems, as well as in terms of their efficiency.² Another key challenge is the gap between their formal availability and the practical realities faced by individuals seeking justice. This gap is often exacerbated by a lack of awareness about their existence and complexities in navigating the complaint processes. As a result, while the complaints systems are theoretically designed to be accessible and effective, the actual experience of rights-holders may differ significantly.

Nonetheless, these complaint mechanisms play a crucial role in the international human rights system and in offering recourse to those experiencing or threatened with violations of their human rights around the world. Through addressing complaints, the mechanisms aim to ensure that violations are prevented, stopped, investigated or that remedial action is taken.³ They offer significant scope for expanding the legal protections and remedies available to individuals and communities experiencing or threatened with climate displacement.

Conditions to Satisfy Prior to Lodging a Complaint

Before lodging a complaint with any human rights complaint mechanisms there are several essential prerequisites and conditions that must be met by anyone submitting a claim. These requirements are crucial for ensuring that the complaint is valid, admissible, and can be effectively processed.

Understanding these preconditions is fundamental for anyone seeking to utilize these mechanisms to seek redress. The following paragraphs will detail the general requirements typically involved in lodging a human rights complaint, which include the statute of limitations, the exhaustion of

² Ivana Jelić, Linus Mührel, The Human Rights Committee—Challenges and Prospects for Enhanced Effectiveness and Integration, *Journal of Human Rights Practice*, Volume 14, Issue 1, February 2022, Pages 17–43, <https://doi.org/10.1093/jhuman/huac026>.

³ Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

local remedies, the requirement that complaints be lodged by or on behalf of the victim, and the non-political nature of the complaint. Each of these aspects plays a significant role in shaping the eligibility and potential success of a human rights complaint.

Statute of Limitations

A critical aspect to consider before lodging a human rights complaint is the statute of limitations. This refers to the maximum time period after an event within which legal proceedings may be initiated. Different complaint mechanisms have varying statutes of limitations. For example, the East African Court of Justice requires that complaints be filed within two months from the date of the alleged violation. Adhering to this timeframe is essential, as failure to file within the prescribed period can result in the complaint being dismissed as time-barred.⁴

Exhaustion of Local Remedies

A common requirement for most non-state-based grievance mechanisms is the exhaustion of local remedies. This means that the complainant must first seek justice through the domestic legal system before approaching an international or regional body. The rationale behind this requirement is to give the country concerned the opportunity to address the violation using its own legal system. Only when these remedies are exhausted, or if they are proven to be ineffective or unduly prolonged, can the complainant proceed to international mechanisms.

Lodging by or on Behalf of the Victim

Another fundamental requirement is that the complaint must be lodged by the victim of the violation or someone acting on their behalf. This ensures that the complaint directly represents the interests and experiences of those affected by the alleged human rights violation. In cases where the victim is unable to file the complaint, it can be submitted by a representative or an advocate, but the connection to the victim and their consent (if possible) is crucial.

Nature of the Complaint

Lastly, it is important that the complaint is not of a political nature. Human rights complaint mechanisms are designed to address violations of human rights found in human rights law, not to serve as platforms for political disputes. This distinction is crucial to maintain the objectivity and integrity of the complaint process. Complaints perceived to be motivated by political agendas or aimed at advancing political issues may not be considered appropriate for these mechanisms and could be dismissed on these grounds.

⁴ East African Court of Justice, "Rules of Procedure 2019." 2019, p. 107, East African Community: <https://www.eacj.org/wp-content/uploads/2023/02/EACJ-Rules-of-Procedure-2019.pdf>.

Complaint Mechanisms for Cases Involving Climate Displacement

This report presents complaint mechanisms in a format designed to provide comprehensive information for lodging complaints. Each mechanism is detailed in a table with the following elements:

- (a) **Complaint Mechanism Name:** Identifies the responsible organization or body.
- (b) **Complaint Content:** Highlights the nature of complaints relevant to human rights or climate displacement. Note that only content related to these areas is included, as the scope of some mechanisms may be broader.
- (c) **Previous Consideration of Climate Displacement Claims:** Indicates if the mechanism has dealt with climate displacement claims in the past. If no claim can be found, a link to the database will be provided. If a claim can be found, links to the relevant claim will be provided.
- (d) **How to Lodge a Complaint:** Provides the method or process for submitting a complaint, such as via an online form or email.
- (e) **Relationship to Climate Displacement Claims:** Details the mechanism's relevance to climate displacement issues. This section is included only when the connection to climate displacement is not immediately apparent.
- (f) **Link to Complaint Process:** Provides a URL to the complaint submission page or, if not available, to a page with relevant contact information. In cases where no formal online complaint mechanism exists, the link directs to the best available resource, acknowledging that some mechanisms may not have a public-facing complaint process but still possess a mandate to hear complaints.

The report categorizes complaint mechanisms into six distinct sections: United Nations Complaint Mechanisms, International Courts, Regional Human Rights Bodies, Broader International Treaties, Responsible Business Conduct Platforms and Development Bank Complaint Mechanisms. This approach is designed to assist potential applicants from diverse jurisdictions to identify the most appropriate mechanism for their complaint.

1. United Nations Complaint Mechanisms

The United Nations (UN) structure comprises several principal organs and a network of agencies, programs, funds, and related organizations. Overall, it is a complex organization with a multi-layered structure designed to address a wide range of global issues. Consequently, there exist multiple entry points for complaints about human rights violations. This section of the report details four United Nations human rights complaint mechanism categories for possible use by victims of human rights violations relating to climate displacement. These are: Treaty Bodies, Human Rights Council, Special Procedures and United Nations Specialised Entities.⁵

1.1 Treaty Bodies

There are nine core international human rights treaties. Each of these treaties has established a “treaty body” (Committee) of experts to monitor implementation of the treaty provisions by its States parties. Treaty bodies may consider individual complaints or communications from individuals.

Anyone can lodge a complaint with a Committee against a State:

- (a) that is party to the treaty in question (through ratification or accession) providing for the rights which have allegedly been violated; and
- (b) that accepted the Committee’s competence to examine individual complaints, either through ratification or accession to an Optional Protocol or by making a declaration to that effect under a specific article of the Convention.

This complaint process refers to complaints as ‘Individual Communications.’

Currently, eight of the nine human rights treaty bodies may receive and consider individual complaints or communications from individuals. The remainder of this section highlights each Individual Communication process for the seven most relevant treaties.

⁵ Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

Individual Communications (Complaints) Process for 7 Human Rights Treaty Bodies

Complaint Mechanism	The Human Rights Committee (CCPR) – Individual Communication
Complaint Content	May consider individual communications alleging violations of the rights set forth in the International Covenant on Civil and Political Rights by States parties to the First Optional Protocol to the International Covenant on Civil and Political Rights ⁶
How to Lodge a Complaint	Email, fax or mail ⁷
Previous Consideration of CD Claim	Yes ⁸
Link to Complaint Process	https://www.ohchr.org/sites/default/files/Documents/HRBodies/PUAS-online-form-E.docx

Complaint Mechanism	The Committee on Elimination of Discrimination against Women (CEDAW) – Individual Communication
Complaint Content	May consider individual communications alleging violations of the Convention on the Elimination of All Forms of Discrimination against Women by States parties to the Optional Protocol to the Convention on the Elimination of Discrimination against Women ⁹
How to Lodge a Complaint	Email, fax or mail ¹⁰
Previous Consideration of CD Claim	No ¹¹
Link to Complaint Process	https://www.ohchr.org/sites/default/files/Documents/HRBodies/PUAS-online-form-E.docx

⁶ Id.

⁷ Id.

⁸ United Nations Treaty Body – International Covenant on Civil and Political Rights, Daniel Billy and others v Australia, 2023: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F135%2FD%2F3624%2F2019&Lang=en.

⁹ Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

¹⁰ Id.

¹¹ United Nations Human Rights Treaty Bodies Database: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en.

Complaint Mechanism	The Committee Against Torture (CAT) – Individual Communication
Complaint Content	May consider individual complaints alleging violations of the rights set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by States parties who have made the necessary declaration under article 22 of the Convention ¹²
How to Lodge a Complaint	Email, fax or mail ¹³
Previous Consideration of CD Claim	No ¹⁴
Link to Complaint Process	https://www.ohchr.org/sites/default/files/Documents/HRBodies/PUAS-online-form-E.docx

Complaint Mechanism	The Committee on the Elimination of Racial Discrimination (CERD) – Individual Communication
Complaint Content	May consider individual petitions alleging violations of the International Convention on the Elimination of All Forms of Racial Discrimination by States parties who have made the necessary declaration under article 14 of the Convention ¹⁵
How to Lodge a Complaint	Email, fax or mail ¹⁶
Previous Consideration of CD Claim	No ¹⁷
Link to Complaint Process	https://www.ohchr.org/sites/default/files/Documents/HRBodies/PUAS-online-form-E.docx

¹² Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

¹³ Id.

¹⁴ United Nations Human Rights Treaty Bodies Database: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en.

¹⁵ Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

¹⁶ Id.

¹⁷ United Nations Human Rights Treaty Bodies Database: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en.





CLIMATE DISPLACED PERSONS

Image: Kadir van Lohuizen / NOOR
Location: Bangladesh



Complaint Mechanism	The Committee on the Rights of Persons with Disabilities (CRPD) – Individual Communication
Complaint Content	May consider individual communications alleging violations of the Convention on the Rights of Persons with Disabilities by States parties to the Optional Protocol to the Convention ¹⁸
How to Lodge a Complaint	Email, fax or mail ¹⁹
Previous Consideration of CD Claim	No ²⁰
Link to Complaint Process	https://www.ohchr.org/sites/default/files/Documents/HRBodies/PUAS-online-form-E.docx

Complaint Mechanism	The Committee on Economic, Social and Cultural Rights (CESCR) – Individual Communication
Complaint Content	May consider individual communications alleging violations of the International Covenant on Economic, Social and Cultural Rights by States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights ²¹
How to Lodge a Complaint	Email, fax or mail ²²
Previous Consideration of CD Claim	No ²³
Link to Complaint Process	https://www.ohchr.org/sites/default/files/Documents/HRBodies/PUAS-online-form-E.docx

¹⁸ Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

¹⁹ Id.

²⁰ United Nations Human Rights Treaty Bodies Database: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en.

²¹ Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

²² Id.

²³ United Nations Human Rights Treaty Bodies Database: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en.

Complaint Mechanism	The Committee on the Rights of the Child (CRC) – Individual Communication
Complaint Content	May receive and consider individual communications alleging violations of the Convention on the Rights of the Child and its Protocols (OPSC, OPAC) by States parties to the Optional Protocol (on a communications procedure) to the Convention on the Rights of the Child
How to Lodge a Complaint	Email, fax or mail ²⁴
Previous Consideration of CD Claim	No ²⁵
Link to Complaint Process	https://www.ohchr.org/sites/default/files/Documents/HRBodies/PUAS-online-form-E.docx

A complaint and communication process has not yet entered into force for the Treaty Body pursuant to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This treaty will become law once the requisite number of ratifications have been submitted by States parties.

Complaint Mechanism	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Complaint Content	Violation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
Link to Complaint Process	https://www.ohchr.org/en/treaty-bodies/cmw/communications-procedures
Entered into Force	No ²⁶

1.2 Human Rights Council

The Human Rights Council is the main intergovernmental body within the United Nations responsible for human rights. The Human Rights Council is composed of 47 Member States and provides a multilateral forum to address human rights violations and country situations. It responds to human rights emergencies and makes recommendations on how to better implement human rights on the ground.

The complaint procedure of the Human Rights Council addresses consistent patterns of gross and reliably attested violations of all human rights and fundamental freedoms occurring in any part of a United Nations member state's jurisdiction.²⁷

²⁴ Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

²⁵ United Nations Human Rights Treaty Bodies Database: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en.

²⁶ Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-and-mechanisms>.

²⁷ Office of the High Commissioner for Human Rights, "FAQ: Complaint Procedure of the Human Rights Council": <https://www.ohchr.org/en/hr-bodies/hrc/complaint-procedure/faq>.

Complaint Mechanism	The Human Rights Council – Complaint Procedure
Complaint Content	“Consistent patterns of gross and reliably attested violations of all human rights and fundamental freedoms occurring in any part of the world and under any circumstances” ²⁸
How to Lodge a Complaint	Online or mail ²⁹
Previous Consideration of CD Claim	Does not publish decisions ³⁰
Link to Complaint Process	https://complaints.ohchr.org/Home/HRCStart

1.3 Special Procedures

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. Their Complaint Mechanism is referred to as ‘Communications’. When the Special Procedures receive a complaint (Submission), the experts can review the Submission’s content and then decide whether they will forward the complaint as a Communication to the respective Government, intergovernmental organisations, military, businesses or security companies.

There is only one online complaint form for all 46 thematic and 14 country mandates.³¹ (Despite the relevant website stating that there are 46 thematic mandates, the Office of the High Commissioner for Human Rights only lists 45 thematic areas). Both the thematic and country mandates are listed below.

It is worth noting that the Communication procedures:

- (a) Are not a ‘judicial procedure that can replace a judicial proceeding’;
- (b) Do ‘not establish facts or pass judgement’; and
- (c) Do not carry the ‘requisite power or authority to enforce their recommendations’.

²⁸ Office of the High Commissioner for Human Rights, “Complaint Procedure of the Human Rights Council”, p. 3: https://www.ohchr.org/sites/default/files/Documents/HRBodies/ComplaintProcedure/ComplaintProcedurebooklet_E.pdf.

²⁹ Office of the High Commissioner for Human Rights, “HRC Complaint Procedure Index”: <https://www.ohchr.org/en/hr-bodies/hrc/complaint-procedure/hrc-complaint-procedure-index>.

³⁰ Id.

³¹ Office of the High Commissioner for Human Rights, “Special Procedures of the Human Rights Council”: <https://www.ohchr.org/en/special-procedures-human-rights-council>.

Thematic Mandates³²

African Descent	Disappearances	Health	Toxics and Human Rights	Indigenous Peoples	Older Persons
Albinism	Education	Housing	Slavery	Internally Displaced Persons	Poverty
Arbitrary Detention	Environment	Women and Girls	Torture	International Solidarity	Privacy
Business	Executions	Water and Sanitation	Terrorism	International Order	Racism
Climate Change	Food	Violence Against Women and Girls	Sexual Orientation and Gender Identity	Leprosy	Religion or Belief
Cultural Rights	Foreign Debt	Unilateral Coercive Measures	Sale of Children	Mercenaries	
Development	Freedom of Opinion and Expression	Truth, Justice, Reparation and Guarantees of Non-Recurrence	Human Rights Defenders	Migrants	
Disability	Freedom of Peaceful Assembly and of Association	Trafficking in Persons	Independence of Judges and Lawyers	Minority Issues	

³² Office of the High Commissioner for Human Rights, “View All Country Mandates - Special Procedures of the Human Rights Council”: <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM>.

Country Mandates³³

Afghanistan	Iran
Belarus	Mali
Burundi	Myanmar
Cambodia	Palestinian territories occupied since 1967
Central African Republic	Russian Federation
Democratic People's Republic of Korea	Somalia
Eritrea	Syrian Arab Republic

Complaint Mechanism	Special Procedures' Communication Procedure
Complaint Content	Must concern a thematic area mandate or a country mandate that is listed in the table above
How to Lodge a Complaint	Online or mail ³⁴
Previous Consideration of CD Claim	Yes ³⁵
Link to Complaint Process	https://spsubmission.ohchr.org/

³³ Office of the High Commissioner for Human Rights, "View All Country Mandates - Special Procedures of the Human Rights Council": <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx>.

³⁴ Office of the High Commissioner for Human Rights, "Submissions to the Special Procedures of the Human Rights Council": <https://spsubmission.ohchr.org/>.

³⁵ Special Procedure Communication, 'AL PAK 7/2022', <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27734>; Special Procedure Communication, 'AL COL 11/2022', <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27647>; Special Procedure, 'AL USA 16/2020', <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25381>.

1.4 United Nations Specialised Entities

Complaint Mechanism	Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization (UNESCO)
Complaint Content	A violation of any of the 5 following Universal Declaration of Human Rights articles: <ul style="list-style-type: none"> • Right to education (Article 26) • Right to participate in cultural life and to share scientific advancement (Article 27) • Right to information, including freedom of opinion and expression (Article 19) • Freedom of thought, conscience and religion (Article 18) • Right to freedom of association (Article 20) ³⁶
How to Lodge a Complaint	Mail ³⁷
Previous Consideration of CD Claim	Does not publish decisions ³⁸
Member States	194 member states of UNESCO ³⁹
Link to Complaint Process	http://www.claiminghumanrights.org/unesco_procedure.html

³⁶ Claiming Human Rights, "UNESCO Complaint Procedure": http://www.claiminghumanrights.org/unesco_procedure.html.

³⁷ Id.

³⁸ UNESCO, "Procedure of the Committee on Conventions and Recommendations": <https://www.unesco.org/en/legal-affairs/cr-committee/104-procedure?hub=66535>.

³⁹ UNESCO, "List of UNESCO Member States": <https://pax.unesco.org/countries/ListeMS.html>.



SEA LEVEL RISE

Location: Solomon Islands
Photo credit: Beni Knight



Complaint Mechanism	UNESCO - World Heritage Committee
Complaint Content	A “threat to a World Heritage site, or a site on the List of World Heritage” ⁴⁰
How to Lodge a Complaint	Online form ⁴¹
Previous Consideration of CD Claim	No ⁴²
Relationship to CD Claim	A protected site that is impacted by climate change could also cause climate displacement
Link to Complaint Process	https://whc.unesco.org/en/world-heritage-centre

Complaint Mechanism	International Labour Organisation’s Committee on Freedom of Association
Complaint Content	A “violation of freedom of association standards or principles” ⁴³
How to Lodge a Complaint	Email
Previous Consideration of CD Claim	No ⁴⁴
Member States	187 member states ⁴⁵
Link to Complaint Process	https://www.ilo.org/legacy/english/normes/cfa_electronic_form_new_version_en.docx

2. International Courts

In the realm of international courts, the International Criminal Court (ICC), the International Court of Justice (ICJ), and the International Tribunal for the Law of the Sea are often highlighted due to their roles in administering universal jurisdiction. However, both the ICJ and the International Tribunal

⁴⁰ UNESCO World Heritage Centre, “Frequently Asked Questions”: <https://whc.unesco.org/en/faq/1>.

⁴¹ UNESCO World Heritage Centre: <https://whc.unesco.org/en/world-heritage-centre>.

⁴² UNESCO World Heritage Centre, “Decisions of the World Heritage Committee”: <https://whc.unesco.org/en/decisions/?cid=305&action=list&searchDecisions=>.

⁴³ International Labour Organization, “Committee on Freedom of Association”: <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang--en/index.htm>.

⁴⁴ International Labour Organization, “ILO Database”: <https://www.ilo.org/dyn/normlex/en/f?p=1000:20060::FIND::::>.

⁴⁵ International Labour Organization, “Member States”: <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/member-states/lang--en/index.htm>.

for the Law of the Sea primarily hear complaints from member states, limiting their scope to state-based disputes. In contrast, this report focuses on the ICC, which prosecutes individuals for severe international crimes like genocide, war crimes, and crimes against humanity. The ICC serves as a court of last resort, stepping in when national jurisdictions are unable or unwilling to prosecute such serious offenses, thus playing a pivotal role in upholding international law and human rights on a global scale.

Complaint Mechanism	International Criminal Court - Office of the Prosecutor
Complaint Content	Violations of the Rome Statute (genocide, crimes against humanity, war crimes, and the crime of aggression) ⁴⁶
How to Lodge a Complaint	Mail or online form ⁴⁷
Previous Consideration of CD Claim	No ⁴⁸
Relationship to CD Claim	The ICC has indicated that it will entertain complaints relating to the destruction of the environment and land dispossession ⁴⁹
Member States	123 member States ⁵⁰
Link to Complaint Process	https://otplink.icc-cpi.int/ ⁵¹

3. Regional Human Rights Bodies

Human rights systems at the regional level enhance the safeguarding and realization of human rights by incorporating specific regional elements, including common customs, values, cultural aspects, and practices unique to that region.

In instances where national institutions either fail to enforce laws or are themselves perpetrators of legal violations, seeking justice beyond national borders can become a viable or necessary option. Regional legal structures offer individuals whose rights have been infringed the opportunity to present their cases to a regional entity. This is contingent on the country's participation in the respective regional framework.

⁴⁶ International Criminal Court, "Office of the Prosecutor": <https://www.icc-cpi.int/about/otp>.

⁴⁷ International Criminal Court, "Contact the Office of the Prosecutor": <https://www.icc-cpi.int/about/otp/otp-contact>.

⁴⁸ International Criminal Court, "Case Law Database": <https://www.legal-tools.org/cld>.

⁴⁹ See: Displacement Solutions, Land Grabbing as an Internationally Wrongful Act, October 2019, p. 79.

⁵⁰ International Criminal Court, "States Parties": <https://asp.icc-cpi.int/states-parties>.

⁵¹ International Criminal Court, "Contact the Office of the Prosecutor": <https://www.icc-cpi.int/about/otp/otp-contact>.

The Asia-Pacific region has yet to establish a regional human rights framework comparable to those operational in the European, American, or African contexts. Consequently, there exists no dedicated regional entity in the world's most populated region where individuals can lodge complaints about human rights infringements to a regional human rights body or court.⁵²

3.1 Europe

Complaint Mechanism	The European Court of Human Rights
Complaint Content	Violation of the European Convention of Human Rights or its protocols ⁵³
How to Lodge a Complaint	Mail ⁵⁴
Previous Consideration of CD Claim	No ⁵⁵
Member States	46 member States ⁵⁶
Link to Complaint Process	https://www.echr.coe.int/apply-to-the-court

Complaint Mechanism	The Office for Democratic Institutions and Human Rights (ODIHR) within the Organization for Security and Co-operation in Europe (OSCE)
Complaint Content	Violation of OSCE human rights commitments or other international human rights standards ⁵⁷
How to Lodge a Complaint	In person, orally or written ⁵⁸
Previous Consideration of CD Claim	No ⁵⁹
Member States	57 member States ⁶⁰
Link to Complaint Process	https://www.osce.org/odihr

⁵² OHCHR, "OHCHR Management Plan 2022-2023 Asia Pacific," page 1: https://www2.ohchr.org/english/OMP_22_23/documents/Asia-Pacific.pdf.

⁵³ European Court of Human Rights, "Questions & Answers about the Court": https://www.echr.coe.int/documents/d/echr/questions_answers_eng.

⁵⁴ European Court of Human Rights, "Apply to the Court": <https://www.echr.coe.int/apply-to-the-court>.

⁵⁵ European Court of Human Rights, "HUDOC Database": [https://hudoc.echr.coe.int/eng#\(%%22documentcollectionid2%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\]\)](https://hudoc.echr.coe.int/eng#(%%22documentcollectionid2%22:[%22GRANDCHAMBER%22,%22CHAMBER%22])).

⁵⁶ Council of Europe, "46 Member States": <https://www.coe.int/en/web/portal/46-members-states>.

⁵⁷ Individual Human Rights Complaints A Handbook for OSCE Field Personnel, paragraph 4.2(2), <https://www.osce.org/files/f/documents/8/9/20437.pdf>.

⁵⁸ Id, paragraph 4.2(1).

⁵⁹ Based on a review of the OSCE's website, we were unable to identify any published decisions of complaints or the complaints themselves, <https://www.osce.org/odihr>.

⁶⁰ OSCE, "Participating States": <https://www.osce.org/participating-states>.

Complaint Mechanism	European Ombudsman
Complaint Content	A complaint regarding “maladministration by the institutions, bodies and agencies of the European Union ... Maladministration occurs if an institution or body fails to act in accordance with the law or the principles of good administration, or violates human rights” ⁶¹
Previous Consideration of CD Claim	No ⁶²
How to Lodge a Complaint	Online form
Link to Complaint Process	https://www.ombudsman.europa.eu/en/make-a-complaint

Complaint Mechanism	European Committee of Social Rights – The Collective Complaints Procedure
Complaint Content	Violation of “Articles 1-19 of Part II of the 1961 European Social Charter, Articles 1-4 of Part II of the 1988 Additional Protocol to the 1961 European Social Charter; Articles 1 to 31 of Part II, and Article E of Part V of the Revised European Social Charter in conjunction with one or more of the aforementioned articles” ⁶³
Previous Consideration of CD Claim	No ⁶⁴
How to Lodge a Complaint	Email or mail ⁶⁵
Member States	16 member states ⁶⁶
Link to Complaint Process	https://www.coe.int/en/web/european-social-charter/collective-complaints-procedure1#%2232231907%22:[0]

⁶¹ European Ombudsman, “Make a Complaint”: <https://www.ombudsman.europa.eu/en/make-a-complaint>.

⁶² Based on a review of reports submitted by the European Ombudsman, we found no reports containing consideration of climate displaced persons related topics, <https://eur-lex.europa.eu/homepage.html>.

⁶³ Council of Europe, “European Social Charter - Collective Complaints Procedure”: [https://www.coe.int/en/web/european-social-charter/collective-complaints-procedure1#%2232231907%22:\[0\]](https://www.coe.int/en/web/european-social-charter/collective-complaints-procedure1#%2232231907%22:[0]).

⁶⁴ Council of Europe, “HUDOC - European Committee of Social Rights Decisions”: [https://hudoc.esc.coe.int/eng#%22sort%22:\[%22escpublicationdate%20descending%22\],\[%22escdctype%22:\[%22DEC%22\]\]](https://hudoc.esc.coe.int/eng#%22sort%22:[%22escpublicationdate%20descending%22],[%22escdctype%22:[%22DEC%22]]).

⁶⁵ Council of Europe, “European Social Charter - Collective Complaints Procedure”: [https://www.coe.int/en/web/european-social-charter/collective-complaints-procedure1#%2232231907%22:\[0\]](https://www.coe.int/en/web/european-social-charter/collective-complaints-procedure1#%2232231907%22:[0]).

⁶⁶ Id.

3.2 Americas

Complaint Mechanism	Inter-American Commission on Human Rights
Complaint Content	<p>A violation of any of the following:</p> <ul style="list-style-type: none"> • American Declaration of the Rights and Duties of Man; • American Convention on Human Rights; • American Convention on Human Rights “Pact of San José, Costa Rica”; • Inter-American Convention to Prevent and Punish Torture; • Additional Protocol to the American Convention in the area of Economic, Social and Cultural Rights “Protocol of San Salvador”; • Protocol to the American Convention on Human Rights to Abolish the Death Penalty; • Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará”; • Inter-American Convention on Forced Disappearance of Persons; and • Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities⁶⁷
How to Lodge a Complaint	Online form
Previous Consideration of CD Claim	Yes ⁶⁸
Member States	35 member states ⁶⁹
Link to Complaint Process	https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/petitions.asp

⁶⁷ Organization of American States, “How to Petition the Inter-American System on Human Rights,” page 2: <http://www.oas.org/en/iachr/docs/pdf/howto.pdf>.

⁶⁸ Climate Case Chart, “Petition to the Inter-American Commission on Human Rights Seeking Relief from Violations of the Rights of Arctic Athabaskan Peoples Resulting from Rapid Arctic Warming and Melting Caused by Emissions of Black Carbon by Canada”: <https://climatecasechart.com/non-us-case/petition-inter-american-commission-human-rights-seeking-relief-violations-rights-arctic-athabaskan-peoples-resulting-rapid-arctic-warming-melting-caused-emissions>.

⁶⁹ Organization of American States, “Member States”: https://www.oas.org/en/about/member_states.asp.

3.3 Africa

Complaint Mechanism	African Commission on Human Rights
Complaint Content	Violation of the African Charter on Human and Peoples' Rights ⁷⁰
How to Lodge a Complaint	Email, fax or mail ⁷¹

Complaint Mechanism	African Court on Human and Peoples' Rights
Complaint Content	Violation of the African Charter on Human and Peoples' Rights or any other human rights instrument ratified by the State concerned ⁷²
How to Lodge a Complaint	Email, fax or mail ⁷³
Previous Consideration of CD Claim	No ⁷⁴
Member States	8 member states ⁷⁵
Link to Complaint Process	https://www.african-court.org/wpafc/how-to-file-a-case/

Complaint Mechanism	African Committee of Experts on the Rights and Welfare of the Child
Complaint Content	Violation of the African Charter on the Rights and Welfare of the Child ⁷⁶
How to Lodge a Complaint	Email to the Secretariat ⁷⁷
Previous Consideration of CD Claim	No ⁷⁸
Member States	50 member states ⁷⁹
Link to Complaint Process	https://www.acerwc.africa/en/about/secretariat

⁷⁰ African Union, "African Charter on Human and Peoples' Rights": <https://achpr.au.int/en/states>.

⁷¹ There is no specific mention on how to submit a complaint in the relevant documents, <https://achpr.au.int/en/states>.

⁷² African Court on Human and Peoples' Rights, "How to File a Case": <https://www.african-court.org/wpafc/how-to-file-a-case/>.

⁷³ Id.

⁷⁴ Institute for Human Rights and Development in Africa, "Case Law Database": [https://caselaw.ihrda.org/en/library/?q=\(allAggregations:!f,filters:\(\),from:0,includeUnpublished:!t,limit:30,order:asc,sort:metadata.case_headnotes,type:!\(%2759fb1f73c01ffe324453baed%27,%275a02d63d8d198d0468c16f95%27\),unpublished:!f\)](https://caselaw.ihrda.org/en/library/?q=(allAggregations:!f,filters:(),from:0,includeUnpublished:!t,limit:30,order:asc,sort:metadata.case_headnotes,type:!(%2759fb1f73c01ffe324453baed%27,%275a02d63d8d198d0468c16f95%27),unpublished:!f)).

⁷⁵ African Court on Human and Peoples' Rights, "Declarations": <https://www.african-court.org/wpafc/declarations/>.

⁷⁶ African Committee of Experts on the Rights and Welfare of the Child, "About Communications": <https://www.acerwc.africa/en/page/about-communications>.

⁷⁷ Pursuant to section 3(i) of the guidelines, a communication should be sent to the secretariat: <https://www.acerwc.africa/sites/default/files/2022-06/Guidelines-for-Consideration-of-Communications-and-Monitoring-Implementation-of-Decisions-by-the-African-Committee-of-Experts-on-the-Rights-and-Welfare-of-the-Child-English.pdf>

⁷⁸ African Committee of Experts on the Rights and Welfare of the Child, "Communications Table": <https://www.acerwc.africa/en/communications/table?page=0>.

⁷⁹ African Committee of Experts on the Rights and Welfare of the Child, "Member States Ratifications": <https://www.acerwc.africa/en/member-states/ratifications>.

Complaint Mechanism	Economic Community of West African States Community Court of Justice
Complaint Content	Violation of the African Charter on Human and Peoples' Rights and any law that the International Court of Justice has jurisdiction over ⁸⁰
How to Lodge a Complaint	Fax or mail
Previous Consideration of CD Claim	No ⁸¹
Member States	15 member states ⁸²
Link to Complaint Process	http://www.claiminghumanrights.org/ecowas.html

Complaint Mechanism	East African Court of Justice
Complaint Content	"Legal or natural person seeking a determination on the legality of any Act, regulation, directive decision or action of a Partner State on the ground that it is or unlawful or infringes the [Treaty for the Establishment of the East African Community]" ⁸³
How to Lodge a Complaint	Fax or mail
Previous Consideration of CD Claim	No ⁸⁴
Member States	6 member states ⁸⁵
Link to Complaint Process	https://www.eacj.org/ ⁸⁶

⁸⁰ Revised treaty, <http://www.courtecowas.org/wp-content/uploads/2023/10/Revised-treaty-ECOWAS.pdf>; Article 19(1) of the PROTOCOL A/P.I/7/91 ON THE COMMUNITY COURT OF JUSTICE, http://www.courtecowas.org/wp-content/uploads/2018/11/Protocol_AP1791_ENG.pdf

⁸¹ Institute for Human Rights and Development in Africa, "Case Law Database": [https://caselaw.ihrda.org/en/library/?q=\(allAggregations:!f,filters:\(\),from:0,includeUnpublished:!t,limit:30,order:asc,sort:metadata.case_headnotes,types:!\(%2759fb1f73c01ffe324453baed%27,%275a02d63d8d198d0468c16f95%27\),unpublished:!f\)](https://caselaw.ihrda.org/en/library/?q=(allAggregations:!f,filters:(),from:0,includeUnpublished:!t,limit:30,order:asc,sort:metadata.case_headnotes,types:!(%2759fb1f73c01ffe324453baed%27,%275a02d63d8d198d0468c16f95%27),unpublished:!f)).

⁸² ECOWAS, "Member States": <https://ecowas.int/member-states/>.

⁸³ East African Court of Justice, "About the Court": https://www.eacj.org/?page_id=31.

⁸⁴ East African Court of Justice, "Search Results for 'Climate Change'": https://www.eacj.org/?page_id=4821&fwptextsearch=%22climate%20change%22#.

⁸⁵ East African Community, "Official Website": <https://www.eac.int/>.

⁸⁶ The East African Court of Justice is currently in the process of creating an E-Court where individuals will be able to submit their complaints: https://www.eacj.org/?page_id=6020

3.4 Asia and the Pacific

Despite being the world’s largest region by population by a large measure, Asia and the Pacific still lacks a formal regional mechanism for human rights complaints. While important, the ASEAN Intergovernmental Commission on Human Rights (AICHR) does not typically process individual complaints, although there have been instances suggesting AICHR’s involvement in such matters.⁸⁷ This indicates a nuanced role of AICHR within the ASEAN region’s human rights framework.

Complaint Mechanism	ASEAN Intergovernmental Commission on Human Rights (AICHR)
Complaint Content	Violation of the Universal Declaration of Human Rights or of the ASEAN Human Rights Declaration ⁸⁸
How to Lodge a Complaint	Email, fax or in person at the Secretariat in Jakarta ⁸⁹
Previous Consideration of CD Claim	Does not publish decisions
Member States	10 member states ⁹⁰
Link to Complaint Process	https://aichr.org/

4. Broader International Treaties

Beyond the procedures just outlined, a variety of international agreements and mechanisms that extend beyond conventional human rights and environmental frameworks may also be of use to climate displaced persons. This includes, for instance, the Aarhus Convention, which is pivotal in ensuring access to information, public participation in decision-making, and justice in environmental matters. The section also examines the International Oil Pollution Compensation (IOPC) Funds, which provide financial recompense for oil pollution damages from tanker spills. Additionally, it includes the International Finance Corporation’s Compliance Advisor Ombudsman, a key mechanism for addressing grievances from communities affected by IFC/MIGA projects. Collectively, these treaties and mechanisms represent a diverse array of international legal instruments designed to address specific environmental, economic, and social challenges globally.

⁸⁷ Forum-Asia, “ASEAN Intergovernmental Commission on Human Rights”: <https://hrasean.forum-asia.org/mechanism/asean-intergovernmental-commission-on-human-rights/>; Human Rights in ASEAN, “Submissions to AICHR”: <http://humanrightsinasean.info/asean-intergovernmental-commission-human-rights/submissions-aichr.html>; LSE Blogs, “Intergovernmental Commission on Human Rights”: <https://blogs.lse.ac.uk/vaw/regional/southeast-asia/intergovernmental-commission-on-human-rights/>.

⁸⁸ ASEAN Human Rights Declaration, article 10, <https://aichr.org/wp-content/uploads/2018/10/ASEAN-Human-Rights-Declaration.pdf>.

⁸⁹ Forum-Asia, “ASEAN Intergovernmental Commission on Human Rights - Communications and Complaints”: <https://hrasean.forum-asia.org/mechanism/asean-intergovernmental-commission-on-human-rights/#:~:text=Communications%20and%20complaints%20can%20now,on%20to%20the%20AICHR%20Chair>.

⁹⁰ ASEAN, “Member States”: <https://asean.org/member-states/>.

Complaint Mechanism	The Aarhus Convention Compliance Committee
Complaint Content	Violation of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ⁹¹
How to Lodge a Complaint	Email or mail
Previous Consideration of CD Claim	No ⁹²
Member States	47 member states ⁹³
Relationship to CD claim	If state actions in environmental decision-making processes, including inadequate information provision or restrictions on public participation and access to justice, contribute to or exacerbate climate displacement
Link to Complaint Process	https://unece.org/env/pp/cc/communications-from-the-public

Complaint Mechanism	IOPC Funds – Compensation and Claims Management
Complaint Content	Complaint regarding an individual who “suffered oil pollution damage in a Member State who cannot obtain full compensation for the pollution damage from the shipowner under the relevant Civil Liability Convention” ⁹⁴
Previous Consideration of CD Claim	Does not publish decisions
Member States	105 member states ⁹⁵
Relationship to CD claim	If displacement is caused by the harm flowing from an oil spill, the affected person can seek compensation ⁹⁶
Link to Complaint Process	https://iopcfunds.org/compensation/

⁹¹ Guide to the Aarhus Convention Compliance Committee, paragraph 12, https://unece.org/DAM/env/pp/Publications/Guide_to_the_Compliance_Committee__second_edition__2019_/English/Guide_to_the_Aarhus_Convention_Compliance_Committee__2019.pdf.

⁹² UNECE, “Communications from the Public - Aarhus Convention Compliance Committee”: <https://unece.org/env/pp/cc/communications-from-the-public>.

⁹³ UNECE, “Aarhus Convention Status of Ratification”: <https://unece.org/environment-policy/public-participation/aarhus-convention/status-ratification>.

⁹⁴ International Oil Pollution Compensation Funds, “Compensation”: <https://iopcfunds.org/compensation/>.

⁹⁵ International Convention on Civil Liability for Oil Pollution Damage: <https://treaties.un.org/pages/showDetails.aspx?objid=08000002801083db>.

⁹⁶ International Maritime Organization, “International Convention on Civil Liability for Oil Pollution Damage (CLC)”: [https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-\(CLC\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-(CLC).aspx).

Complaint Mechanism	International Finance Corporation's Compliance Advisor Ombudsman (CAO)
Complaint Content	A person who is "affected, or potentially affected, by the environmental and social impacts of an International Finance Corporation or Investment Guarantee Agency project" ⁹⁷
Previous Consideration of CD Claim	Yes ⁹⁸
How to Lodge a Complaint	Online form ⁹⁹
Link to Complaint Process	https://www.cao-ombudsman.org/how-we-work

5. Responsible Business Conduct Platforms

In this section, the report highlights the National Contact Points (NCPs) of the Organisation for Economic Co-operation and Development (OECD). These NCPs promote adherence to the OECD Guidelines for Multinational Enterprises on climate change, human rights and environmental standards and provide a platform for resolving issues related to their implementation. These bodies provide an avenue for complaints as well as offering opportunities to influence corporate and governmental policies. For climate displaced persons, engaging with the NCPs can be a strategic approach to address the challenges they face by advocating for policies and actions that mitigate the impacts of climate displacement and promoting sustainable solutions.

⁹⁷ Compliance Advisor Ombudsman (CAO), "Intake and Assessment": <https://www.cao-ombudsman.org/how-we-work/intake-assessment>.

⁹⁸ The CAO has decided on multiple cases that have resulted in displacement and where the CAO has determined that climate change is a cross-cutting issue. For example their decision on the 'Costa Rica: Reventazon HPP-01' matter, <https://www.cao-ombudsman.org/cases/costa-rica-reventazon-hpp-01>.

⁹⁹ Compliance Advisor Ombudsman (CAO), "About Us": <https://www.cao-ombudsman.org/about-us>.

Complaint Mechanism	National Contact Points of the OECD
Complaint Content	Non-observance of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct ¹⁰⁰
How to Lodge a Complaint	Email or mail
Previous Consideration of CD Claim	Yes ¹⁰¹
Member States	51 member states and national contact points ¹⁰²
Relationship to CD claim	The guidelines state that “Enterprises should, within the framework of internationally recognised human rights, the international human rights obligations of the countries in which they operate respect human rights... seek ways to prevent or mitigate adverse human rights impacts...provide for remediation of adverse human rights impacts where ..they have caused or contributed to these impacts”, which clearly encompasses the protection of climate displaced persons. ¹⁰³
Link to Complaint Process	https://unece.org/env/pp/cc/communications-from-the-public

6. Development Bank Complaint Mechanisms

This section focuses on mechanisms established by major development banks to address grievances which are particularly crucial for projects impacting communities, including those experiencing climate displacement. These entities provide avenues for individuals and communities, including those affected by climate displacement, to lodge complaints about development projects. These projects, often state-involved, can contribute to or affect climate displacement, making these mechanisms essential for ensuring that the concerns of affected communities are addressed and integrated into the development and accountability processes of these financial institutions.

¹⁰⁰ OECD, “National Contact Points for Responsible Business Conduct”: <https://mneguidelines.oecd.org/ncps/>.

¹⁰¹ The complaints made to the National Contact Points can be broad in scope, such as alleging an obligation to ‘limit and manage risks associated with climate change’, which could encompass climate displacement issues. Such cases have been addressed, for example, ‘RETE LEGALITA’ PER IL CLIMA & Italian company active in the Agriculture, forestry and fishing sector 2’, <https://mneguidelines.oecd.org/database/instances/it0021.htm>.

¹⁰² OECD, “National Contact Points for Responsible Business Conduct”: <https://mneguidelines.oecd.org/ncps/>.

¹⁰³ OECD, “Responsible Business Conduct for Institutional Investors: Key Considerations for Due Diligence under the OECD Guidelines for Multinational Enterprises,” page 25: <https://www.oecd-ilibrary.org/docserver/81f92357-en.pdf?expires=1701767648&id=id&accname=guest&checksum=9B110101938FFCCFDBC782AC5CB6024D>.

Complaint Mechanism	World Bank Inspection Panel
Complaint Content	Allegations of harm caused by projects funded by the World Bank due to non-compliance with its operational policies and procedures ¹⁰⁴
Previous Consideration of CD Claim	No ¹⁰⁵
How to Lodge a Complaint	Email or mail
Link to Complaint Process	https://www.inspectionpanel.org/how-to-file-complaint

Complaint Mechanism	Inter-American Development Bank (IDB) Independent Consultation and Investigation Mechanism
Complaint Content	Complaints “related to environmental, social or corporate governance issues of a project that is financed or is being considered for financing by the IDB Group” ¹⁰⁶
Previous Consideration of CD Claim	No ¹⁰⁷
How to Lodge a Complaint	Online form ¹⁰⁸
Link to Complaint Process	https://www.iadb.org/en/who-we-are/file-complaint/grievances-portal

Complaint Mechanism	Asian Development Bank Accountability Mechanism
Complaint Content	“Direct and material harm that has been, or is likely to be, caused to the complainants by the ADB-assisted project” ¹⁰⁹
Previous Consideration of CD Claim	Yes ¹¹⁰
How to Lodge a Complaint	Email or mail ¹¹¹
Link to Complaint Process	https://www.adb.org/who-we-are/accountability-mechanism/how-file-complaint

¹⁰⁴ World Bank Inspection Panel, “How to File a Complaint”: <https://www.inspectionpanel.org/how-to-file-complaint>.

¹⁰⁵ World Bank Inspection Panel, “Panel Cases”: <https://www.inspectionpanel.org/panel-cases>.

¹⁰⁶ Inter-American Development Bank (IDB), “File a Complaint”: <https://www.iadb.org/en/who-we-are/file-complaint>.

¹⁰⁷ IDB Independent Consultation and Investigation Mechanism (MICI), “Cases”: <https://mici.iadb.org/en/cases>.

¹⁰⁸ Inter-American Development Bank, “Online Complaint Form”: <https://www.iadb.org/en/who-we-are/file-complaint>.

¹⁰⁹ Asian Development Bank (ADB), “How to File a Complaint - Accountability Mechanism”: <https://www.adb.org/who-we-are/accountability-mechanism/how-file-complaint>.

¹¹⁰ Asian Development Bank, “Pakistan: Supporting Public–Private Partnership Investments in Sindh Province, 2022”: <https://www.adb.org/projects/documents/pakistan-supporting-public-private-partnership-investments-sindh-province-rrp>.

¹¹¹ Asian Development Bank (ADB), “How to File a Complaint - Accountability Mechanism”: <https://www.adb.org/who-we-are/accountability-mechanism/how-file-complaint>.

Complaint Mechanism	African Development Bank Group Independent Review Mechanism (IRM)
Complaint Content	“Any group of two or more people in the country or countries where the Bank Group-financed project is located who believe that as a result of the Bank Group’s violation, their rights or interests have been, or are likely to be, adversely affected in a direct and material way” ¹¹²
Previous Consideration of CD Claim	No ¹¹³
How to Lodge a Complaint	Email or mail ¹¹⁴
Link to Complaint Process	https://www.afdb.org/en/independent-review-mechanism/management-of-complaints/how-to-file-a-complaint



Image: Panama

Photo credit: Kadir van Lohuizen / NOOR

¹¹² Id.

¹¹³ African Development Bank Group, “Independent Review Mechanism - Registered Requests”: <https://www.afdb.org/en/independent-review-mechanism/management-of-complaints/registered-requests>.

¹¹⁴ African Development Bank Group, “Independent Review Mechanism - How to File a Complaint”: <https://www.afdb.org/en/independent-review-mechanism/management-of-complaints/how-to-file-a-complaint>.

Conclusions

Almost three dozen international and regional judicial and quasi-judicial avenues exist for potential use by climate displaced persons and their advocates. The vast majority of these 33 mechanisms have yet to address climate displacement issues. There is, therefore, tremendous scope to utilise these mechanisms to provide redress, and prevent or stop human rights violations associated with climate displacement. Much remains to be done.

This report is ultimately a call to action. It invites states, policymakers, legal experts, human rights activists and climate displaced persons themselves to identify cases where procedural attention may assist in the pursuit of climate justice and to invoke them all.

Climate displaced persons and the communities from which they stem deserve climate justice now. Human rights complaint mechanisms are one piece in the broader puzzle of methods by which this justice can be secured.

This report forms part of the *Peninsula Principles@10 Project*, commemorating ten years since the adoption of this groundbreaking international normative framework outlining the housing, land and property rights of people facing climate displacement.

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