



THE TAHRIR INSTITUTE FOR MIDDLE EAST POLICY

Corporate Accountability for Human Rights Violations in the Middle East and North Africa

A Guide for Lawyers and the Civil Society Organizations that Support and Work With Them



About the Tahrir Institute for Middle East Policy (TIMEP)

The Tahrir Institute for Middle East Policy (TIMEP) is dedicated to centering localized perspectives in the policy discourse to foster transparent, accountable, and just societies in the Middle East and North Africa (MENA) region. TIMEP was created to serve as a connective tissue between local advocates and decision-makers, ensuring that the voices of these experts and advocates would be heard; that their work would be strengthened; and that they as individuals would be protected. Across its work, TIMEP leverages a toolbox of research; policy engagement; legal interventions; events; and coalition-building.

TIMEP's Legal Unit is dedicated to turning the law into a powerful tool for change. It does so by serving as a resource on legal, judicial, and accountability issues in the MENA region and by investing in the community already working with the law day-and-night and supporting, amplifying, and complementing their work.

About the Authors

Noor Hamadeh is an international human rights lawyer with particular expertise in business and human rights in the MENA region. Noor is currently an Advocacy Counsel with the International Corporate Accountability Roundtable based in Washington D.C.

Mai El-Sadany is a human rights lawyer with a focus on the MENA region. She is currently the Managing Director and Legal and Judicial Director at TIMEP. In her current role, Mai works to make international legal tools and mechanisms accessible for the MENA legal community in support of domestic efforts on-the-ground.

Yasmin Omar is a human rights lawyer. She specializes in international law and U.N. mechanisms. She holds an L.L.M. from Syracuse University College of Law and is currently the U.N. and Regional Mechanisms Manager at the Committee for Justice (C.F.J.).

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Note on Terminology

For the purposes of this guide, when referring to the term "corporate accountability," the authors of the guide adopt the most inclusive definition of this term, including accountability for human rights violations arising from corporate, business, investment, and development-related activity, for which individuals, organizations, corporations, and other entities may be held responsible.

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Introduction

Human rights violations and abuses committed around the world are not solely perpetrated by individuals or States, but also by business actors. For residents harmed by a local factory's pollution or laborers denied their right to strike, this statement has long been a reality. Yet in recent decades and particularly following the release of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in 2011, it has been one more widely embraced by the multinational community, incorporated into the international legal framework, and even recognized by corporations around the world.

Globally, businesses have engaged in business activities which result in human rights violations and abuses. Moreover, States have all too often failed to hold businesses within their jurisdictions accountable and failed to provide protections for those impacted by corporate abuse. The UNGPs and similar initiatives have sought to remedy this by working to ensure that States protect individuals from corporate abuse of international human rights norms, that corporations respect individual rights, and that remedies are provided when violations do occur.

In the decade or so since the UNGPs were developed, some businesses have indeed altered their business practices to ensure that they are not causing, contributing, or directly linked to human rights abuses. Some States have implemented stronger mechanisms to hold businesses accountable for engaging in said-abuses. While cause for celebration, much work remains to be done, including on awareness-building, documentation and monitoring of business behavior, and the pursuit of corporate accountability.

Today, holding actors accountable for corporate activity continues to be particularly complex and often out of reach, not only because of the large disparity in legal regimes regarding corporate behavior, but also because of the transnational nature of business. Businesses headquartered in States that have strong protections against corporate human rights abuses can still engage in human rights abuses in other States around the world if those protections do not extend beyond the borders of the State.

In the Middle East and North Africa (MENA) region, this certainly rings true. Governments have provided few protections against corporate human rights abuses. Moreover, the business environment has not been one in which businesses have been expected or called upon to respect human rights. This creates an environment rife for foreign businesses to take advantage of minimal protections. Weak economies incentivize local businesses to prioritize their own survival over providing protections for workers. Multinational corporations often exploit informal systems of labor to employ migrants and refugees, providing low wages and minimal protections. Corruption continues to be widespread, both among States and business actors. The court systems in a number of the region's countries continue to deteriorate, raising questions on the ability to seek justice for abuses or violations domestically--particularly corporate abuses that are rarely recognized in the first place.

While governments in the MENA region have largely proven unable or unwilling to hold businesses to account, and while businesses based in or from the region--be they foreign or local--have been slow to take action, accountability for corporate behavior may still be possible. A number of mechanisms do exist which can be used to hold corporations to account for human rights abuses and States to account for their failure to prevent corporate human rights abuse.

This guide has been crafted to introduce users to corporate accountability mechanisms, with a focus on the international mechanisms that are most relevant and applicable to the MENA context. Targeting lawyers from the MENA region and the civil society organizations that collaborate with them and support them, the guide seeks to make basic information about these mechanisms, their mandates, and the ways to engage with them accessible to the legal community.

The guide is divided into three sections. The first section goes through some of the legally-binding mechanisms through which both States and corporate actors can be held to account, including domestic courts, regional human rights courts, and international courts. The second section presents mechanisms which can be leveraged to pressure States to influence corporate behavior, including mechanisms within the United Nations Human Rights System, regional mechanisms, and intergovernmental mechanisms. In the third and final section, the guide provides information on mechanisms that can be used to pressure businesses to abide by human rights norms including mechanisms in international financial institutions, sanctions regimes, international complaint mechanisms, and multistakeholder initiatives. The guide provides descriptions of each mechanism, the ways to engage with said-mechanism, relevance to the MENA context, and links for further reading.

This guide is not, nor does it seek to be comprehensive; it does not delve into every mechanism in the pursuit of corporate accountability. There are excellent resources which do so already and do so with remarkable diligence, clarity, and resourcefulness, including but not limited to FIDH's "[Corporate Accountability for Human Rights Abuse: A Guide for Victims and NGOs on Recourse Mechanisms.](#)" Rather, this guide seeks to serve as an introduction--to present a menu of options of sorts--to welcome lawyers from and in the MENA region to the world of corporate accountability and to highlight some of the key mechanisms that may be available to them, taking into account the forms of corporate abuses present in the region, the types of business actors from and in the region, and the larger political, economic, and rule of law trends and conditions affecting the region.

We hope that this guide serves as a practical resource for its users, as an impetus for discussion and conversation, as a spark to delve deeper into particular mechanisms, and ultimately, as a call for action to leverage these mechanisms in support of victims and in furtherance of accountability and better corporate behavior

Legally Binding Mechanisms

Judicial Mechanisms

1. Domestic Criminal Courts

Description: Business and private sector actors who have committed human rights abuses can be held accountable in some domestic criminal courts. Generally, criminal cases are brought by the State itself, rather than the victim or survivor, though there are some jurisdictions that allow private prosecutions. Investigations may also be triggered based on information provided by lawyers and civil society.

These criminal cases can be brought under the country's domestic criminal laws. These laws will determine whether a business entity or an individual within the business can be held accountable; they will also determine what relationship the business or business activity must have to the country in which the prosecution is taking place. Different countries deal with this in [different ways](#).

In rare instances where a business or business-related actor is suspected of committing international crimes like genocide or crimes against humanity, States may also invoke "[universal jurisdiction](#)" (or a form of extraterritorial jurisdiction) to prosecute actors, regardless of where the crime happened or what country the victim or defendants are from.

There are a [number of obstacles](#) to criminally prosecuting corporate human rights abuses, including the influence of corporations, lack of political will, and the fact that some jurisdictions do not allow a corporation to be criminally liable.

Relevance: Whether in providing evidence or documentation to trigger an investigation, in reporting on or conducting complementary action to the trial, or in directly participating in legal proceedings, lawyers and civil society organizations can play a pivotal role in domestic criminal proceedings that hold business actors to account.

Specific to the MENA region and by way of example, in 2016, 11 former Syrian employees and two civil society organizations (ECCHR and Sherpa) filed a criminal complaint before French courts against French cement company Lafarge for alleged abuses committed in Syria by its subsidiary. Lafarge had allegedly purchased commodities such as oil and pozzolan from the Islamic State in order to maintain its Jalabiya cement factory between 2012 and 2014 in northeastern Syria and paid taxes to the Islamic State. Lafarge may face charges of complicity in crimes against humanity and endangering the lives of others. [The case is still ongoing](#) and more details are available [here](#).

2. Domestic Civil Courts

Description: An individual who is harmed by a business actor may be able to file a civil lawsuit in a domestic court against that actor for the harm they caused. Lawsuits can be filed using domestic law, usually through tort law systems or their equivalents, where the complainant will generally have to prove that the defendant acted negligently or committed

a wrongful act that caused the complainant harm. An individual seeking to bring a lawsuit can file a complaint with the domestic civil court that includes the facts of the case and legal basis for the suit.

The specific rules will differ in each country. Civil suits can potentially be filed against different individuals or entities depending on their involvement in the harmful activity. Like criminal cases, if the suit concerns acts or omissions which have occurred outside of the State in which the suit is filed, particular rules on jurisdiction will dictate whether a court is able to hear the suit. This can involve an assessment of the level of connection to the country in which the case is being filed.

Relevance: Lawyers and civil society organizations can play an important role in domestic civil proceedings that hold business actors to account; these roles can involve everything from documentation that trigger an investigation to advocacy around the case, and even direct participation in the proceedings.

One example of a domestic civil case in the MENA region is the [Titan Cement Lawsuit](#), brought in Egypt in 2016, when residents of the Wadi al-Qamar area filed a lawsuit at the Egyptian Administrative Court challenging the use of coal by Alexandria Portland Cement Company (part of Titan Cement Egypt). The court ultimately found the company responsible for causing environmental pollution and health damage.

Regional Human Rights Courts

1. African Court on Human and Peoples' Rights

Description: The [African Court on Human and Peoples' Rights](#) has jurisdiction over allegations relating to violations of human rights contained in the [African Charter on Human and Peoples' Rights](#) or any other human rights instrument ratified by the State concerned. This includes violations that are themselves committed by the State; or violations committed by an individual, business, or other entity, where the State has failed to protect its citizens against said-violation. Only States that have ratified the Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights may be brought before the Court. [A list of the States that have ratified the Protocol is available here.](#)

Alleged violations must have taken place after the State ratified the Protocol. The alleged violations must have also taken place in the State concerned. Complaints involving an alleged violation can be brought before the Court by the African Commission, State Parties to the Protocol, or African Intergovernmental Organizations. In cases in which the State against which the complaint is being brought has deposited a declaration recognizing the jurisdiction of the Court to accept cases from individuals and NGOs, then individuals and NGOs can also bring complaints before the Court; only a handful of States have done so.

Those filing complaints before the court must complete an [application form following particular rules and guidelines](#). The court gives a judgement within 90 days of deliberations and does not allow an option for appeal. However, the judgement can be reviewed if new evidence comes to light.

Relevance: Lawyers and civil society organizations may play an important role in collecting evidence, raising awareness, and engaging with the African Commission or State Parties to support and build momentum around potential cases. In Tunisia, where the relevant declaration has been deposited, individuals and civil society organizations can also directly bring cases themselves. After a case has been brought, lawyers and civil society organizations continue to have an important role in monitoring, reporting, and documentation.

The MENA States that have signed the Protocol and that can be brought to account before the African Court are Tunisia, Algeria, Western Sahara, and Libya. Tunisia has additionally deposited the declaration recognizing the jurisdiction of the Court to accept cases from individuals and NGOs.

2. European Court of Human Rights

Description: The [European Court of Human Rights](#) allows for any individual or private entity to file a complaint against a member State of the Council of Europe if they have been personally or directly wronged as a result of a violation of a right or a freedom [in the European Convention on Human Rights](#) by public authorities of that member State and the violation took place in the jurisdiction of the State concerned. A list of member States is [available here](#).

In the context of corporate accountability, States can be held accountable in the European Court of Human Rights for failing to protect people under their jurisdiction from businesses and business activities which violate rights in the European Convention. Before a complaint is filed before the European Court of Human Rights, the complainant has to exhaust domestic remedies available to them.

Further information on the criteria for submitting a complaint can be found [here](#). Any submission made to the European Court for Human Rights must strictly follow the requirements in [Procedural Rule 47 of the Court](#). Any application to the Court that doesn't meet these rules will be discarded. It is important to follow this rule because once an application is discarded, the same claim can no longer be filed a second time.

Relevance: NGOs can submit amicus curae in cases and when they are themselves victims, they can bring cases before the European Court. More generally, they can also conduct important monitoring, documentation, and advocacy work to complement proceedings. Lawyers can play a direct role in representing victims before the Court.

The list of State parties to the European Convention includes Turkey. Additionally, as more individuals of MENA descent relocate or become displaced in the State parties of the European Convention, the European Court may increasingly become an avenue for accountability for them. Separately, there have also been exceptional cases of extraterritorial jurisdiction in which the Court has recognized States' responsibility over human rights abuses taking place outside of a State Party's territory, which may further open up the applicability of the Court to corporate abuses taking place in the MENA region.

There have been a number of decisions on business and corporate accountability before the European Court; they include [Fadeyeva v Russia](#), where the Court found Russia in violation of Article 8 of the Convention for failing to regulate the environmental pollution from a privately-owned plant that reportedly released emissions to the extent that it rendered the area unsafe for habitation.

3. The Inter-American Court of Human Rights

Description: The purpose of the [Inter-American Court of Human Rights](#) is to interpret the American Convention on Human Rights; more specifically, it resolves contentious cases and supervises judgments, issues advisory opinions, and orders provisional measures.

The Court is competent to hear cases involving violations of rights enshrined in the Convention; cases must be submitted by State parties to the Convention or the Inter-American Commission. The State parties in the case must have recognized the Court's "contentious jurisdiction" in order to be brought to account before it. The list of States that have accepted the contentious jurisdiction of the Court is available [here](#).

The Court cannot entertain complaints by individuals and civil society organizations.

Relevance: While individuals and civil society organizations cannot submit complaints before the Inter-American Court, both can submit amicus curae. Lawyers and civil society organizations may still play a role ahead of and around proceedings in the advocacy, documentation, and reporting spaces.

Though the nexus between the Inter-American Court and the MENA region has not been particularly strong, this may very well change, particularly following the [Court's recognition](#) of jurisdiction over activities taking place outside of the State, but under its control.

In addition to the three regional human rights courts presented in this section, in September 2014, the Statute of the Arab Court of Human Rights was approved by the Ministerial Council of the League of Arab States. The Statute, which is meant to establish the Arab Court, enters into force upon ratification by 7 States. To date, the Statute has not yet entered into force and no Arab Court has been created. A [number of critiques](#) about the Statute and the Court have been raised by accountability advocates.

International Courts

1. International Criminal Court

Description: The International Criminal Court (ICC) prosecutes violations of the [Rome Statute](#), which includes four main crimes: the crimes of genocide, war crimes, crimes against humanity, and aggression. Cases before the ICC are brought against individuals, which can include corporate officers or directors, investors, and other business actors. The ICC prosecutes cases only when States are unwilling or unable to do so.

In a situation where genocide, crimes against humanity, or war crimes were committed on or after July 1, 2002, the ICC has jurisdiction when: the crimes were committed by a State Party national, or in the territory of a State Party, or in a State that has accepted the jurisdiction of the Court, or the crimes were referred to the ICC Prosecutor by the United Nations Security Council (UNSC). As of July 17, 2018, a situation in which an act of aggression would appear to have occurred could be referred to the ICC by the UNSC, irrespective as to whether it involved States Parties or non-States Parties. In the absence of a UNSC referral of an act of aggression, the Prosecutor may initiate an investigation on her own initiative or upon request from a State

Party. The list of State Parties to the Rome Statute is [available here](#).

The court's website lays out the various [stages of a case](#). In addition to the right to appeal a decision, the court also allows the reopening of proceedings if new relevant information comes to light.

Relevance: Lawyers may play a direct role in the proceedings of the ICC. Additionally, lawyers and civil society organizations have played important roles in making information available to the Prosecutor of the ICC to help support or encourage the initiation of an investigation; in conducting monitoring and reporting work around cases; and in participating in relevant advocacy.

Jordan and Tunisia are the only MENA countries currently State Parties to the Rome Statute. There are however [three investigations](#) involving MENA States before the ICC: Palestine, Libya, and Sudan.

By way of example in the corporate accountability space, in 2018, the Harvard Law School's International Human Rights Clinic submitted a [communication](#) to the ICC alleging that Chiquita Brands International executives made payments to paramilitary group Autodefensas Unidas de Colombia (AUC) in Colombia. The ICC is [continuing](#) its preliminary investigations into this case.

2. Specialized Tribunals

Description: [Specialized tribunals](#) are developed to respond to situations of conflict or large scale atrocities where domestic courts may not be able to hold perpetrators accountable. These tribunals are also avenues where businesses or businesspersons can be held accountable for involvement in international human rights abuses or international crimes. Such tribunals usually have jurisdiction over individuals who were involved in international crimes that took place in the context of the conflict that was the basis for the development of the tribunal.

Relevance: Lawyers may play a direct role in the proceedings of specialized tribunals. Additionally, lawyers and civil society organizations can play important roles depending on the particular nature of the tribunal, from monitoring and documentation, to the submission of amicus curiae, to partaking in related advocacy.

Specific to the MENA region, in 2009, the [Special Tribunal for Lebanon](#) (STL) was inaugurated with the primary mandate to hold trials for those responsible for the February 2005 attack which killed, among others, former Prime Minister Rafik Hariri.

There are a number of business-related cases that have been brought before specialized tribunals around the world, including the case against [Friedrich Flick](#) in the Nuremberg Tribunals following World War II, which found that Flick financed the German SS through his financial contributions to the Friends of Himmler, a group of German businesspeople who provided the SS with support. Though not related to the overarching issue before the STL, in 2015, the judge [found](#) a corporate defendant (Al-Akhbar newspaper) guilty for "knowingly and willfully interfering with the administration of justice by publishing information on purported confidential witnesses in the Ayyash et al. case, thereby undermining public confidence in the Tribunal's ability to protect the confidentiality of information about, or provided, by witnesses or potential witnesses." This [constituted](#) the first time that a legal entity was convicted and sentenced under international law.

Pressure on States

UN Human Rights System

1. Universal Periodic Review

Description: [The Universal Periodic Review \(UPR\)](#) is a process that involves a review of the human rights records of all UN Member States. It provides an opportunity for States to declare what actions they have taken to improve the human rights situations in their countries and for other States to hold their peers to account through questions and recommendations.

Every UPR cycle is a four-and-a-half-year period. Per the UPR process, the State being reviewed submits a national report and the Office of the U.N. High Commissioner for Human Rights puts together one report compiling U.N. information—including reports by the special procedures and treaty bodies—on the country, as well as a second report compiling information received from stakeholders, including civil society. Following the reporting, the UPR Working Group holds a review session for each State where the State reports on its human rights record, and where other States direct questions and make recommendations. Thereafter, there is a session dedicated to the adoption of recommendations. The State is then meant to follow-up and provide mid-term reporting on progress. If a State is not cooperating with the UPR, the Human Rights Council can decide on the measures it would need to take in case of persistent non-cooperation.

Relevance: As part of the UPR process, [civil society organizations](#) can submit information ahead of the UPR and following the UPR to monitor implementation; attend the UPR Working Group sessions; and make statements at the regular session of the Human Rights Council when the outcome of the State reviews is considered. Specific to business accountability, reporting can include, for example, States' responsibility in facilitating business violations, failure to prevent violations as a result of business activity, and/or failure to hold business-related perpetrators to account.

When [Egypt](#) was reviewed by the UPR in 2014, it received three recommendations to improve corporate involvement in human rights implementation, to encourage greater corporate social responsibility among Egyptian businesses, and to encourage Egyptian corporations to comply with voluntary principles and initiatives relating to business and human rights.

2. Special Procedures

a. UN Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises

Description: The UN Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, also known as the [UN Working Group on Business and Human Rights](#), was created as a special procedure mechanism of the UN Human Rights Council. The Working Group undertakes a number of types of activities including country visits; the hosting of consultations, dialogue, and forums with stakeholders

(states, businesses, civil society organizations, and others); receiving information regarding its mandate; maintaining a communication procedure; providing guidance on national action plans; identifying best practices; and reporting, among other things.

Under its [Communications Procedure](#), the Working Group can receive information from any relevant source regarding alleged human rights abuses or violations on the issue of human rights and transnational corporations and other business enterprises which have occurred, are ongoing, or have a high risk of occurring. Allegations may involve cases impacting one or more persons or a group, but they may also involve large structural issues, like laws or policies. Those submitting information may do so in the form of either an urgent appeal or an allegation letter. In response, and when deemed appropriate, the Working Group can intervene directly with both States and businesses in response to such allegations. This intervention involves sending a letter to concerned States and businesses to draw their attention to the facts of the allegation; States and businesses are then provided with a period of time to respond. Communications sent and replies received remain confidential until they are published in reports submitted to the UN Human Rights Council. At times, the Working Group also opts to issue a public statement or press release regarding the issue.

Relevance: Civil society organizations and lawyers can submit communications to the Working Group. They can also provide [information](#) to the Working Group in response to particular calls for input around particular issues that the Working Group may be investigating or producing reports on.

In response to information shared with the Working Group, in June 2020, the Working Group published a [communication involving Saudi Arabia](#) raising concerns about the Saudi government's "facilitation of the enslavement, trafficking and forced labor of migrant domestic workers."

b. Other UN Special Procedures

Description: In addition to the Working Group on Business and Human Rights, there are a number of other UN special procedures that may be relevant to make business-related submissions to, including but not limited to [the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights](#); the [Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#); and [Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#), among others. [A full list of the thematic special procedures](#) and [country-specific special procedures](#) are available in the links.

Particularly because the special procedures work on a voluntary basis, it is important to gauge and assess the work of the special procedures to whom any submissions are being made, including their level of engagement, their mandate, and their areas of focus in order to ensure that submissions made are strategic and conducive to follow-up actions.

Relevance: Civil society organizations and lawyers can provide information to the relevant UN special procedures at their initiative or in response to particular calls for input and submissions.

Specific to the MENA region, the [UN Working Group on the use of mercenaries](#), for example, published a [communication involving the Libyan government](#) in June 2020 regarding

information it received on Libya's use of mercenaries in the context of conflict in Tripoli. The working group requested additional information, including on what steps the Libyan government was taking to prevent the use of mercenaries from contributing to abuses of human rights. At times, special procedures submit communications in collaboration with one another. This particular communication to the Libyan government, for example, had also been joined by the [Working Group on Arbitrary Detention](#), the [Special Rapporteur on extrajudicial executions](#), the [Special Rapporteur on the sale and sexual exploitation of children](#), and the [Special Rapporteur on torture](#).

3. 1503 Procedure

Description: The 1503 Procedure is a confidential [procedure](#) before the Commission on Human Rights that has the mandate to examine a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms occurring in any State. Any individual or group that is the victim of such human rights violations may submit a complaint. Additionally, any person or group with direct and reliable knowledge of such human rights violations may make a complaint. When an NGO submits a complaint, it should have reliable direct evidence of the situation it is describing. A complaint should be submitted within a reasonable time following the exhaustion of available remedies in the relevant country.

The steps of the 1503 Procedure are detailed [here](#), and they include government engagement. Following government engagement and investigation, the Procedure can ultimately make a decision to keep the situation under review; to take the situation up under a different, public procedure; or to discontinue the issue. The process is confidential; decisions taken at various stages of the process are not disclosed; and a complainant is not informed of the government's response to a complaint. However, after the Commission has considered situations before it, the Chairperson can announce the names of countries examined under the 1503 Procedure at a public meeting.

Relevance: Civil society organizations and lawyers can submit complaints to the 1503 Procedure so long as they have direct and reliable evidence of the situation they are reporting. Additionally, civil society organizations and lawyers can provide support to individuals who are victims of violations and are looking to make complaints themselves.

In the MENA region, [Iraq](#) has previously been the subject of a 1503 Procedure.

Treaty Bodies

1. Committee on Migrant Workers

Description: The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is the body that monitors implementation of the [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#) by its State parties. A list of State parties is available [here](#).

All States Parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every five years. The Committee examines each report and addresses its concerns and

recommendations to the State Party by issuing “concluding observations.”

The Committee is also empowered to consider [complaints](#) from individuals claiming that their rights under the Convention have been violated. However, ten States Parties must accept this procedure in order for it to go into effect and that has not yet been the case. Accordingly, no individual complaints mechanism exists at this moment.

Relevance: Civil society organizations and lawyers can provide information to the Committee on the performance of State parties in reports during and around a State’s review and more generally on the issues before the Committee, including in response to [calls for submissions and consultation](#). Some civil society organizations also participate in advocacy-related actions to strengthen adherence of State parties to the Convention or to encourage countries that have not yet ratified the Convention to do so.

The MENA States that are signatories to the Convention are Morocco, Algeria, Libya, Egypt, Syria, and Turkey.

Specific to the MENA region and by way of example, following the start of the COVID-19 pandemic, the Committee published a [statement](#) urging governments to protect the rights of migrant workers who had been stranded or detained following the start of the pandemic. The statement in particular called attention to the situation of migrant workers in Saudi Arabia, Yemen, and Libya.

2. Committee on Economic Social and Cultural Rights

Description: The [“Committee on Economic, Social and Cultural Rights”](#) (CESCR) oversees implementation of the International Covenant on Economic, Social, and Cultural Rights ([ICESCR](#)). This includes a regular reporting process for State Parties and the issuing of general comments interpreting the Covenant.

The [Optional Protocol to the International Covenant on Economic, Social and Cultural Rights](#) also provides the Committee with competence to receive and consider individual complaints from individuals or groups of individuals claiming that their rights under the Covenant have been violated by State parties. A complaint must be submitted within one year of the exhaustion of domestic remedies. Under the Optional Protocol, the Committee has the competence to facilitate friendly settlements in complaints submitted to it at any time of the procedure and before a final decision on the merits has been reached.

Relevance: Civil society organizations and lawyers may submit information on the performance of State parties in response to calls for input and submissions. Around a State’s review, civil society organizations [may submit](#) parallel reports and participate in related meetings around the review. Additionally, civil society organizations and lawyers may provide support to individuals making an individual complaint through the complaint mechanism facilitated by the Optional Protocol.

All MENA countries, except Saudi Arabia, are State Parties to the Covenant. No MENA countries have signed onto the Optional Protocol. Specific to business-related activity, the Committee has issued [General Comment No. 24](#) on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities. It has

also previously issued substantive statements, [including one](#) on the obligations of States Parties regarding the corporate sector and economic, social, and cultural rights.

In addition to the aforementioned spotlighted treaty bodies, there are a number of other treaty bodies which may be relevant to business-related activities and accountability and which have individual complaints mechanisms that can be leveraged by civil society organizations and lawyers. More information is available [here](#).

Regional Mechanisms

1. European Committee of Social Rights

Description: The [European Committee of Social Rights](#) monitors States' compliance with the rights laid out in the [European Social Charter](#), which sets out social and economic rights for people within the jurisdiction of the members of the Council of Europe.

States report to the Committee regularly through a reporting procedure; civil society organizations with participative status within the Council of Europe can submit comments on these reports. A list of the member states of the Council of Europe is available [here](#).

The Committee also has a [collective complaints procedure](#), which was introduced by the Additional Protocol adopted in 1995. Only States that have accepted the Additional Protocol or have made a declaration in terms of Article D§2 of the Revised Charter are subject to this procedure. Through the complaints procedure, international organizations of employers and trade unions, international NGOs which have participative status with the Council of Europe, and national organizations of employers and trade unions in the country concerned can bring complaints against a State party believed to have failed to implement the Charter correctly.

Relevance: Civil society organizations that have participative status with the Council of Europe [can participate](#) in both the national reporting procedure and the collective complaints procedure of the European Committee of Social Rights.

The list of member states of the Council of Europe includes Turkey. On the corporate accountability side and by way of example, in December 2006, the Committee [found](#) in [Marangopoulos Foundation for Human Rights \(MFHR\) v. Greece](#) that Greece had violated several articles of the Charter in relation to environmental pollution resulting in part from Greece's oversight and partial ownership of several mines and plants.

2. African Commission on Human and Peoples' Rights

Description: The [African Commission on Human and Peoples' Rights](#) (ACHPR) promotes and protects human rights in the [Member States](#) of the African Union that have [ratified](#) the African Charter on Human and Peoples' Rights.

The ACHPR holds two ordinary sessions a year and may also hold extraordinary sessions upon the request of the Chairperson or a majority of Commissioners. During the biannual ordinary sessions, the ACHPR considers periodic reports submitted by States parties, as well as reports from members of the Commission and its [Special Mechanisms](#).

States undergo a regular reporting procedure regarding implementation of the Charter; and in turn, the ACHPR reviews [States' reports](#) and issues concluding observations. The ACHPR also issues [general comments](#) and other guidelines interpreting African human rights standards.

Separately, the ACHPR accepts [communications](#) from individuals, groups of individuals, NGOs, and States concerning alleged violations of the African Charter. The ACHPR's final decisions as a result of this communications procedure are called recommendations.

Relevance: Civil society organizations and lawyers can submit information to the ACHPR regarding the performance of States undergoing review through the regular reporting procedure; they can additionally provide information and engage with members of the ACHPR and its Special Mechanisms. A number of civil society organizations and lawyers also participate directly in the sessions of the ACHPR through physical attendance and engage in advocacy around the ACHPR's activities and to strengthen African human rights standards more generally.

Civil society organizations and lawyers can also submit communications regarding alleged violations through the individual complaints procedure, or support individuals who have faced violations and seek to participate in said-procedure.

The MENA States that [have ratified](#) the African Charter and are subject to the ACHPR's mandate include Western Sahara, Tunisia, Algeria, Libya, Egypt, and Sudan. A number of communications before the ACHPR have involved Egypt and Sudan and have been decided on the merits; decisions are accessible [here](#).

On the corporate accountability side, the ACHPR previously rebuked a privately-owned mining company in [Institute for Human Rights and Development and Others v Democratic Republic of Congo](#) for providing support to the Congolese army in repression committed against victims.

Intergovernmental Mechanisms

3. International Labor Organization

Description: The [International Labor Organization \(ILO\)](#) is a multi-stakeholder UN agency, which includes member States as well as governments, employers, and workers. The ILO is intended to set and improve labor standards worldwide and ensure workers rights.

In the event that a State Party is not respecting rights included in an ILO convention to which they are a party, trade unions and other employee or industry representatives can file a [Representation](#) with the [ILO Governing Body](#). The Governing Body will then put together a three person committee to investigate the case and develop a report with recommendations for the State. The report will be made publicly available. If a State does not comply with the recommendations of the report, the committee can take additional steps, including filing a complaint against the State.

Complaints result in the formation of a Commission of Inquiry to conduct a deeper investigation into the matter. [Complaints](#) can be filed against member States which may be violating an ILO convention to which they are a party. Complaints cannot be filed by individuals,

but only by other member States which are parties to the same convention, delegates to the ILO Conference (which include representatives of employers or trade unions), or the ILO Governing Body itself. If a State does not comply with the recommendations of the Commission of Inquiry, the ILO Governing Body may take additional steps to pressure the state to comply.

After the creation of the [Convention on Freedom of Association](#) and the [Convention on Collective Bargaining](#), the ILO developed the [Committee on Freedom of Association](#) (CFA) to supervise compliance with the rights enshrined in these two conventions, in particular for States that had not joined the conventions. The CFA reviews complaints regarding violations of freedom of association. Only employers, workers associations, and governments can file complaints; individuals cannot submit complaints. Once a complaint is filed, the CFA engages with the State in question to establish the facts. If the CFA finds sufficient evidence of a violation, it opens an investigation into the matter and develops a report which includes recommendations on steps the State should take to remedy this violation. States are expected to report on their implementation.

Relevance: Civil society organizations and lawyers can support individuals by facilitating connections with workers associations willing to take cases to the CFA or to file a representation to the ILO. In addition, civil society organizations and lawyers can play important complementary roles including through monitoring, documentation, and advocacy to strengthen the mechanisms at hand.

In a MENA-specific example, in 2014, a committee [was set up](#) to look into a representation that had been filed alleging non-observation by Qatar of the Discrimination Convention.

Pressure on Companies and Private Sector Actors

International Financial Institutions (IFIs) and Development Banks

1. World Bank

Description: If an individual or community believes that a project financed by the [World Bank](#) has or is likely to have an adverse effect on them, their community, or their environment, they can submit a complaint to the project-level grievance redress mechanism (GRM) set up by the borrowing government. The details of the complaints submission and review process for each project-level GRM differs from project to project and country to country.

If the issue cannot be resolved at the project-level GRM or if there is no project-level GRM, complaints can be made to the [Grievance Redress Service \(GRS\)](#). A [complaint](#) is admissible before the GRS when it relates to an active World Bank-financed project, when it alleges environmental or social harm caused or likely to be caused by the project, and when the complaint is submitted by one or more individuals (or their authorized representatives) who believe they are directly and adversely affected by a project. The GRS is applicable for projects financed by the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA). Generally, [the process](#) begins with the GRS receiving the complaint and determining eligibility, reviewing the information and assessing if more information is needed, and ultimately, offering a solution to rectify the issue. If the complainants agree with the proposed solution, the GRS continues to monitor implementation. The GRS reviews an average of 125 complaints annually.

Separately, affected individuals or communities can also submit a complaint to the [Inspection Panel](#), which is responsible for assessing allegations of harm and determining whether or not the World Bank followed its operational policies and procedures. In September 2020, a resolution establishing a new World Bank Accountability Mechanism (AM) was passed. The AM will house the Inspection Panel as well as a new Dispute Resolution Service. In response to complaints, which are called Requests for Inspection, the Inspection Panel has the authority to conduct independent investigations and to make related findings of harm. Communities have up to 15 months after the closure of projects to file complaints.

Complaints involving projects of the [International Finance Corporation \(IFC\)](#) and the [Multilateral Investment Guarantee Agency \(MIGA\)](#) can be made to the [Compliance Advisor Ombudsman \(CAO\)](#). Complaints submitted to the CAO can be handled through either the dispute resolution or compliance processes.

Relevance: Lawyers and civil society organizations can support affected individuals who are filing complaints before the various grievance mechanisms laid out above, including for example as authorized representatives of a victim before the GRS. Civil society can additionally play an important role in documenting and reporting on these mechanisms and their decision-

making in order to ensure accountability, as well as in conducting advocacy to strengthen their commitment to business accountability.

As of [January 2022](#), three complaints that the GRS was reviewing were related to projects taking place in the MENA region. These include projects relating to urban resilience, water, and agriculture.

One example of a complaint submitted to the Inspection Panel involved a project in [Egypt](#), which would result in covering a canal. Seventeen community members complained that part of the canal would remain uncovered and that this would result in health and safety risks to the community. After the Inspection Panel met with the Bank, the Egyptian government provided assurance that it would contribute to covering the remaining part of the canal and the case was closed, as the community members expressed their satisfaction. By contrast, the Inspection Panel declined to investigate a complaint that had been filed relating to a dam project in [Lebanon](#). Community members complained that the dam would have negative environmental and macroeconomic impacts. However, the Inspection Panel pointed to environmental risk assessments and macroeconomic analyses that were carried out that the Panel believed satisfied bank requirements. A complaint to the CAO was submitted in March 2020 regarding [Al-Rajef wind farm in Jordan](#), in which the complainant was concerned about lights and noise coming from the farm. CAO and the complainant engaged in a dispute resolution process. However, when the complainant was no longer in contact with the CAO, the case was transferred to compliance and is currently under appraisal.

2. European Bank for Reconstruction and Development

Description: Individuals and civil society organizations who believe they are personally and directly affected by a project financed by the [European Bank for Reconstruction and Development](#) (EBRD) can submit a Request for Review to the [Independent Project Accountability Mechanism](#) (IPAM). Requests for Review should involve environmental, social, or transparency issues concerning Bank projects which those submitting the request believe have caused, or likely caused, harm. In certain circumstances, IPAM may consider Requests for Review submitted by civil society organizations that are not personally and directly affected; IPAM will evaluate on a case-by-case basis and likely ask for additional information prior to proceeding.

IPAM has two ways through which it can address Requests for Review: problem-solving and compliance reviews. With problem-solving, IPAM facilitates dialogues between those submitting requests and clients of EBRD to resolve issues without assigning blame or fault, ultimately mediating to achieve a mutually satisfactory solution. IPAM continues to monitor implementation of the agreement until it is fully implemented. With compliance review, IPAM reviews the project's environmental and social performance across the Bank's policies; this is focused on the EBRD's compliance, not the client's compliance. If the EBRD is found to be non-compliant, IPAM will propose changes to the procedures to address non-compliance in this case and to prevent non-compliance in future cases.

Relevance: Civil society organizations that are personally and directly affected by an EBRD project can submit a Request for Review as described above. Those that are not personally and directly affected may be accepted and are evaluated on a case-by-case basis. Additionally, civil society organizations can play an important role in conducting advocacy with the EBRD to

encourage greater business accountability and in monitoring and reporting on EBRD-related actions.

There are EBRD projects around the world, including in the MENA region; thus, it is possible and likely that the EBRD mechanisms described here may be relevant to civil society organizations and lawyers in and from the region. [One example](#) from the region includes an ongoing case alleging “that the mining activities project under the Tumad Gold Mines Development Loan (49041) in Turkey are adversely impacting the livelihoods of the community as they can no longer depend on livestock breeding as the grazing lands have been taken by mine activities.”

3. European Investment Bank Group

Description: Anyone who is or feels affected by the activities of the [European Investment Bank \(EIB\) Group](#) can submit a complaint of maladministration to the [Complaints Mechanism \(CM\)](#). A variety of types of complaints can be made, including those involving the EIB Group’s failure to act in accordance with its policies, standards, or procedures or its violation of human rights; complaints may also involve economic or social impacts of the EIB Group’s activities. Allegations of fraud and corruption should be separately referred to [EIB Fraud Investigation](#); [project procurement complaints](#) are also submitted separately.

Complaints can be submitted by any individual, community group, organization, or business; individuals or groups of all nationalities and country origins; and representatives of an affected person or community. Complaints should be submitted within one year from when the alleged action, decision, or action could have been known to the complainant. Complaints may ask for an investigation or mediation. The EIB Group will implement mitigation actions and recommendations stipulated as a result of the process. If a complainant is unhappy with the results of the CM process, he or she can seek review before the [European Ombudsman](#).

Relevance: Civil society organizations that are or feel affected by the EIB Group can make a complaint; additionally, representatives of affected persons or communities, including lawyers, can make complaints on behalf of the affected persons or communities. Additionally, civil society organizations can play an important role in documentation, monitoring, and reporting on EIB Group activities and actions and participating in advocacy to strengthen policies that bring about greater business accountability.

[Several complaints](#) have been submitted involving cases in the MENA region relating to environmental and social impacts of projects, procurement related concerns, and EIB’s governance role; they include, for example, [a complaint](#) related to the Cairo Metro Line in Egypt involving allegations of safety of the building and issues of evictions and compensation.

4. African Development Bank Group

Description: People adversely affected by a project financed by the [African Development Bank Group \(AfDB\)](#) can submit a complaint to the [Independent Review Mechanism \(IRM\)](#), which is housed within the Compliance Review and Mediation Unit (BCRM). More specifically, any group of two or more people in the country or countries where the AfDB-financed project is located who believe that as a result of the AfDB’s violation, their rights or interests have been, or are likely to be, adversely affected in a direct and material way can submit a complaint. Alternatively, a qualified representative of the group may also submit the complaint. Certain

complaints are not within the mandate of this mechanism, including but not limited to fraud and corruption; procurement complaints by suppliers or bidders; matters before other judicial review or similar bodies; and alleged human rights violations other than those involving social and economic rights stemming from an action or omission by the Bank Group. The full list of exceptions is available [here](#). Most accepted complaints largely involve social and/or environmental impacts of AfDB-financed projects.

The IRM handles requests through compliance review ([investigation](#)) and problem-solving ([mediation](#)). If the Director of BCRM determines that the complaint involves a bona fide allegation of harm arising from an AfDB operation, he or she will proceed with the relevant next steps depending on the process selected.

Relevance: Groups, including civil society organizations, that are affected in a direct and material way can make a complaint in the manner described above. Additionally, if a civil society organization or lawyer are the qualified representative of an affected group, they can submit a complaint. Civil society organizations also play an important role in monitoring, documentation, and reporting of AfDB activities and actions and in conducting advocacy to ensure that policies bring about greater business accountability.

[One example of a case](#) before the IRM from the MENA region is related to the construction of a motorway in Morocco, which 12 farmers and six landowners complained was blocking access to water and had a negative impact on agriculture in the area. The BCRM facilitated a mediation between the complainants, the bank, and the company. As a result, the company took several steps to mitigate the harm the project had caused.

5. Global Environment Facility

Description: A person concerned about a Global Environment Facility (GEF) financed project or program may submit a complaint to a local or country-level dispute resolution system, a GEF Partner Agency, or the [GEF Conflict Resolution Commissioner](#). The Commissioner works with complainants, member countries, GEF agencies, and stakeholders to find effective responses and solutions; the work of the Commissioner is meant to complement the work of the independent accountability mechanisms of the individual GEF agencies.

If complaints are admissible, the Commissioner determines follow-up action, which can include facilitation of dialogue; seeking appropriate responsive action; mediation; independent fact-finding; or referral to the independence grievance mechanism of a responsible implementing agency.

Relevance: Civil society organizations and lawyers that are concerned about a GEF financed project or program can submit a complaint in the manner described above. Additionally, civil society plays an important role in documentation and reporting on the impact of GEF projects and programs, in raising awareness on relevant issues, and in participating in direct advocacy to enhance GEF policies to ensure greater business accountability.

By way of example from the MENA region, [a complaint](#) was raised with regards to the Libyan component of a global project in which a Libyan GEF Operational Focal Point (OFP) reported that funds allocated for the project had gone missing. Following 2018, the Libyan Environment General Authority (EGA) split, with various actors responsible for the project becoming based

in different, competing regions. As a result, the GEF stopped receiving reporting regarding the project from Libya. After unsuccessful negotiations to move responsibility for executing the Libya component of the project to a different entity, the project was dissolved and GEF and the UN Environment Programme (UNEP) took steps to retrieve what they could of the money that was delivered to Libya's EGA for the project.

The above-spotlighted IFIs and development banks are among some of the most relevant for violations affecting the MENA region. However, other IFIs and banks may be relevant to consider as well. Largely all IFIs have externally-focused, citizen-driven accountability mechanisms. A list is available [here](#).

Further, domestic development banks within individual States, export credit agencies, and private banks may all have grievance mechanisms through which affected persons may be able to seek recourse for harm resulting from financed programs, projects, and activities.

Sanctions

1. UN Sanctions

Description: Today, there are 14 active sanctions regimes established by the UN Security Council (UNSC). The most common sanctions in place are travel bans, asset freezes, and arms embargoes. For each sanctions regime, the Council establishes a designation criteria to govern which individuals and entities could be subject to sanctions. Some of the common designation criteria include threats to peace, security or stability, violations of human rights and international humanitarian law, and obstruction of humanitarian aid. Additional detail about the sanctions authority of the UNSC and the specifics of each sanction regime is available [here](#).

Relevance: While there is no formal submission process for interested parties to provide information around sanctions, some civil society organizations and lawyers do conduct advocacy with UN member States to inform the sanctions process, to push for the creation of new sanctions regimes, to recommend the sanctioning of particular individuals and entities, and to suggest de-listing.

Sanctions regimes relevant to the MENA region include those against members of ISIS; and individuals and entities “engaging in or providing support for acts that threatened the peace, security or stability of Yemen.”

2. US Sanctions

Description: The [Department of Treasury's Office of Foreign Assets Control \(OFAC\)](#) plays a primary role in administering and enforcing many U.S. sanctions programs; OFAC does so in conjunction with the Department of State and other agencies. Sanctions, which can include asset freezes and trade restrictions, are used by U.S. authorities to accomplish foreign policy and national security goals.

OFAC administers and enforces economic sanctions programs primarily against countries and groups of individuals. The vast majority of sanctions programs are country programs, though some are policy sanctions. The full list of economic sanctions programs is available [here](#). The

Specially Designated Nationals and Blocked Persons ([SDN List](#)) has a comprehensive list of individuals and entities sanctioned across all programs.

Relevance: Interested parties, including lawyers and civil society organizations, can engage with U.S. government officials to submit or share information around potential sanctions programs, to monitor enforcement, and to make recommendations on designations.

More recently, the U.S. government enacted the [Caesar Syrian Civilian Protection Act](#), which authorized sanctions against any individuals or entities which provide support to the Syrian government and senior Syrian officials, including support relating to oil and gas or reconstruction in Syria.

3. EU Sanctions

Description: EU sanctions, also called restrictive measures, are intended to bring about a change in policy or activity by targeting non-EU countries, as well as entities and individuals, responsible for malign behavior. The EU has 40 different sanctions regimes in place, some mandated by the UNSC and others adopted autonomously by the EU. The list of sanctions is available [here](#). Sanctions are applied to either implement UNSC Resolutions or to further the objectives of the [Common Foreign and Security Policy](#), primarily promoting international peace and security, preventing conflicts, supporting democracy, the rule of law and human rights, and defending the principles of international law.

Decisions on the adoption, renewal, or lifting of sanctions regimes are taken by the Council of the EU, on the basis of proposals from the High Representative of the Union for Foreign Affairs and Security Policy. The European Commission, together with the High Representative, give effect to these decisions into EU law through joint proposals for Council regulations, also adopted by the Council. In addition, the Commission plays a role in overseeing sanctions implementation by Member States. Sanctions can take the forms of arms embargoes, travel restrictions, asset freezes, and other economic measures.

Relevance: Interested parties, including lawyers and civil society organizations, can engage with EU officials to submit or share information around potential sanctions programs, to monitor enforcement, and to make recommendations on designations.

An example of an EU sanctions program relevant to the MENA region are the restrictive measures to address the [situation in Lebanon](#), announced in July 2021; they include travel bans and asset freezes.

4. Targeted Human Rights and/or Corruption Sanctions (Globally)

Description: In recent years, a number of countries have put into place sanctions regimes that are targeted and that are intended to bring about accountability for human rights abuses and/or corruption. In many contexts, these sanctions regimes are referred to as “Magnitsky” sanctions.

The U.S., for example, maintains a number of programs--most prominent of which is the [Global Magnitsky](#) sanctions regime; others include [7031\(c\) visa sanctions](#) and country-specific programs (referenced earlier) with specific human rights and anti-corruption prongs.

The [Global Human Rights Sanctions Regulations](#), allows the UK to freeze the assets of and impose travel bans on any individual or entity determined to have seriously violated an individual's right to life; right to not be subjected to torture or cruel, unusual, or degrading treatment; or right to be free from slavery, to not be held in servitude, or not be required to perform forced or compulsory labor.

The [Global Human Rights Sanctions Regime](#) enables the EU to target individuals, entities and bodies responsible for, involved in or associated with serious human rights violations and abuses worldwide. The High Representative of the European Union for Foreign Affairs and Security Policy and EU Member States can put forward proposals for listings. It is then up to the Council to decide on those listings. The sanctions consist of travel bans applying to individuals, and freezing of funds applying to both individuals and entities.

In addition to the above-spotlighted targeted human rights sanctions regimes, Canada has the [Justice for Victims of Corrupt Foreign Officials Act](#); Australia is considering a sanctions program and Lithuania, Estonia, and Latvia have programs as well. Interested stakeholders can be involved in sharing information with government officials, in monitoring enforcement, and in submitting cases for consideration.

Relevance: Civil society organizations and lawyers play a much more direct role in human rights sanctions regimes than political sanctions regimes. For example, in the United States, the law requires there to be opportunities for civil society organizations to be involved in the Global Magnitsky sanctions regime; interested stakeholders are encouraged to share information with government officials, to monitor enforcement, and to compile and submit cases for consideration.

Specific to the U.S. and UK sanctions programs, [Human Rights First](#) and [REDRESS](#) respectively facilitate civil society coalitions through which submission and advocacy support and coordination are made possible and which allow for coordinated application of the sanctions regime.

Relevant to the MENA region, sanctions have included but are not limited to the [UK's designation](#) of 20 Saudi nationals in relation to the death of journalist Jamal Khashoggi and the [United States' designation](#) of five Yemeni individuals for serious human rights abuses, specifically arbitrary detention and torture.

International Complaint Mechanisms

1. UN Special Procedures

Description: As described in the earlier section, in addition to engaging with States, the UN special procedures also engage directly with businesses and private sector actors. See above section for more detail.

2. Organization for Economic Cooperation and Development National Contact Points

Description: The [Organization for Economic Cooperation and Development](#) (OECD) Guidelines

for Multinational Enterprises ([OECD Guidelines](#)) are recommendations from governments to multinational enterprises on responsible business conduct. The Guidelines require all OECD member and adhering governments to establish a functioning National Contact Point (NCP), a government-supported office whose core duty is to advance the effectiveness of the OECD Guidelines. Among the duties of the NCP is the duty to serve as a grievance mechanism.

Adversely-impacted individuals, unions, and non-governmental organizations may submit cases to the NCP involving specific instances of alleged corporate breach of the Guidelines. NCPs can receive complaints that involve breaches of the OECD Guidelines occurring inside the NCP's country by multinational enterprises headquartered anywhere else in the world; or complaints that allege breaches of the OECD Guidelines occurring anywhere in the world, by a multinational enterprise headquartered in the NCP's country. The NCPs primarily seek to facilitate dialogue between relevant parties through mediation.

In the past, this process has been used to address adverse social and environmental impacts caused by corporate misconduct; it has also been used to raise awareness about the internationally-recognized standards that enterprises should be adhering to. However, as NCPs are run and managed nationally, each NCP's effectiveness depends on each government's NCP implementation. A list of NCPs is available [here](#).

Relevance: Civil society organizations and lawyers can submit cases to a relevant NCP. Additionally, civil society organizations can play an important role in documenting and monitoring OECD-related activities in any given country and in conducting effective advocacy to ensure that policies are improved and strengthened to bring about greater business accountability.

Specific to the MENA region, there are NCPs in Egypt, Morocco, Tunisia and Jordan.

Multi-Stakeholder Initiatives

1. UN Global Compact

Description: The [UN Global Compact](#) is a voluntary initiative for businesses and corporate actors worldwide to work along with civil society actors to develop and advance universal principles relating to human rights, labor, environment, and anti-corruption in their own activities and within the private sector generally. The UN Global Compact also includes and supports local networks for businesses.

Although the Global Compact requires participants to comply with the [Ten Principles of the UN Global Compact](#), it does not measure whether or not members are abiding by or working toward compliance with universal principles. However, the UN Global Compact Board oversees a set of [integrity measures](#) that require members to take certain steps to ensure progress on the Global Compact's principles. These include annual communications on their progress and use of the Global Compact logo. The integrity measures also include a dialogue facilitations process, which is intended to resolve "allegations of systematic or egregious abuse" of Global Compact principles.

In instances of systematic or egregious abuses by participating businesses in the UN Global Compact, the UN Global Compact can either act based on an allegation presented to them by

a third party, or the issue can be raised by the Global Compact Office itself. Information about this process is available in Arabic [here](#).

Businesses which fail to submit annual communications may be listed as “non-communicating” members on the UN Global Compact website. Additionally, those who misuse the Global Compact logo may be delisted as participants of the UN Global Compact. Civil society members of the UN Global Compact can support businesses in identifying how the ten principles can best be implemented.

Relevance: Civil society organizations and lawyers can raise instances of systematic or egregious abuses by participating businesses in the Global Compact. In addition, they can play an important role in reporting, monitoring, and documentation around the businesses involved in the Global Compact and in conducting direct advocacy to strengthen adherence and improve policies to bring about greater business accountability.

By way of example, in May 2019, the mining company Vale [withdrew](#) from the Global Compact following pressure from civil society, which had called upon the United Nations to delist the company due to the “bursting of the tailings dam in Brumadinho (MG) that...left approximately 245 people dead and dozens missing and homeless.”

Specific to the MENA region, there are [local networks](#) in Egypt, Jordan, UAE, Saudi Arabia, and Lebanon.

2. International Code of Conduct Association

Description: The [International Code of Conduct Association \(ICoCA\)](#) is a voluntary multi-stakeholder initiative intended to improve human rights and international humanitarian law standards within the private security industry. The ICoCA oversees the work of members and ensures that they respect the [International Code of Conduct for Private Security Service Providers \(the Code\)](#). The ICoCA monitors membership activity to ensure that members comply with the code and meet compliance indicators.

The ICoCA accepts [complaints](#) from any individual who has been harmed by a member or affiliated company or has reason to believe that a member or affiliated company violated or will violate the Code. All information within the complaint is confidential and the ICoCA will not take steps without the consent of the complainant. The complaint can result in identification of an adequate grievance mechanism, mediation, or the ICoCA can point the complainant to alternative mechanisms. More information about this process can be found [here](#). Even when a complaint is closed, the ICoCA may continue to monitor the performance of the company.

Relevance: Civil society organizations and lawyers can provide support to individuals who have been harmed by a member or affiliated company and would like to submit a complaint. Additionally, civil society organizations can play a role in improving the Code and engaging with the ICoCA to enhance adherence and strengthen business accountability.

[Membership includes](#) a number of actors operating in the MENA region, including 21 actors operating in Iraq, three in Lebanon, and four in Egypt.

3. The Voluntary Principles on Security and Human Rights

Description: The [Voluntary Principles on Security and Human Rights](#) is a voluntary multi-stakeholder initiative which promotes the implementation of principles for companies on how to respect human rights in conducting security operations. [The principles](#) provide guidance on risk assessments, the relationship between companies and public security and the relationship between companies and private security. Participants of the voluntary principles include businesses, states, and civil society organizations.

If one participant believes another participant is failing to implement the principles, they must first engage in good faith dialogue. If this fails, they can [bring a complaint](#) to the Steering Committee, which reviews the legitimacy of the information as well as assesses whether or not addressing the complaint will further the implementation of the voluntary principles. Upon the Steering Committee's review, the issue is submitted to the Secretariat within 60 days, which then facilitates consultations among participants who are interested and can provide additional information. The Secretariat then briefs participants about the matter in a Plenary session, where the Plenary decides if further action is appropriate to further the goals of the voluntary principles, after which participants decide on recommendations for moving forward. The Steering Committee, upon request from a party to the complaint, can review the status of implementation of recommendations.

Relevance: Civil society organizations that are participants of the voluntary principles can initiate good faith dialogue and later bring a complaint if another participant is failing to properly implement the principles. Additionally, civil society organizations can engage with the principles through reporting, documentation, and advocacy to strengthen adherence and promote growth in membership.

While no MENA governments are [currently participants](#) of the Voluntary Principles, those that are include governments with activities and engagement in the MENA region. The same is applicable for companies that are currently participants of the Voluntary Principles, which includes a number of global corporations which do have operations in the MENA region.

4. Ethical Trading Initiative

Description: The [Ethical Trading Initiative](#) is a multi-stakeholder alliance made up of businesses, unions, and civil society organizations dedicated to increasing respect for worker's rights worldwide. The initiative seeks to prevent exploitation of workers and discrimination in workplaces. The ETI expects member companies to abide by the [ETI Base Code of Labour Practice](#). The ETI defines best practices for employers and works to raise awareness among workers and relevant stakeholders about worker's rights. Membership is made up of companies which report regularly on efforts to improve workers rights and provide examples of results of their work.

ETI members can file complaints about violations of the ETI base code in the supply chain of an ETI member company. However, outside parties can bring information to support a complaint to an ETI member, including through trade unions. The complaint may also be expanded to include companies and actors in the supply chain if found to be relevant. Once a complaint is filed, ETI facilitates confidential communication between the parties, after which ETI supports the development of a remediation plan. After this, complaints may go to mediation. If

mediation is unsuccessful, ETI can recommend steps for each of the parties on how to proceed. More information on this can be found [here](#).

Relevance: Civil society organizations can become members of the ETI and then file complaints about violations of other members. Additionally, civil society organizations or lawyers that are not ETI members can submit information to support an already-existing complaint. In addition, civil society organizations can play an important role in strengthening the ETI and adherence to it through monitoring, reporting, and advocacy engagement.

In the MENA region, the ETI is, for example, [currently working](#) in Turkey around the employment of Syrian refugees, particularly on Turkish supply chains arising from the illegal employment of Syrian refugees.

Separately, ETI members include global companies with thousands of suppliers, international trade union bodies, specialized labor rights organizations, and development organizations; a number of the members have activities and/or branches and representation in the MENA region.