

## **IDSN's ECOSOC Status – the longest pending NGO application**

The International Solidarity Network (IDSN) has since 2007 sought to be accredited as an NGO with the United Nations in order to be better able to monitor and influence the work in the UN on caste discrimination. The application was first considered at the Regular Session of the Committee on NGOs in January 2008. Since then, the application has been deferred at all following regular and resumed sessions of the Committee on NGOs, i.e. for over ten years.

During this period [IDSN has received 94 written questions, to which IDSN has always provided full, transparent and timely responses](#). During the process, no objections have been made to IDSN's application on technical or procedural grounds. All written questions have reportedly been posed by one member of the Committee, resulting in continuous deferral of the application by the Committee. Many of the questions contained similar content, or were responded to in the application or in previous replies.

### **Application deferral - challenges for the work of IDSN**

For IDSN's work, it remains a big challenge, that the organisation's application for ECOSOC accreditation has not yet been granted to ensure its free and effective association with the UN. Consultative status would provide for easy and direct access to various UN bodies, including the human rights mechanisms. Particularly, being able to attend and observe all proceedings of the Human Rights Council, submit written statements and make oral interventions to the Human Rights Council would streamline our work and greatly enable IDSN's engagement with the UN. The continued questioning of IDSN is unreasonable; it is furthermore very time and resource demanding for an NGO.

In October 2014, the Report of the UN Special Rapporteur on the exercise of the rights to freedom of peaceful assembly and of association in the context of multilateral institutions to be considered by the UN General Assembly, highlighted IDSN's application for accreditation as an NGO with the UN (ECOSOC) stating.

*“The case of the International Dalit Solidarity Network, an international NGO focusing on caste-based discrimination and other forms of discrimination based on work and descent, is particularly troubling: since 2008, the Network has received 64 written questions from the Committee, all raised by India. It is now the longest pending application before the Committee.” UN Special Rapporteur on the exercise of the rights to freedom of peaceful assembly and of association, Maina Kiai, 2014.*

On October 28 2014, in his presentation to the General Assembly, the Special Rapporteur criticised the arbitrary blocking IDSN from obtaining UN consultative status calling it “clearly unacceptable, wrong and unfair”.

Many States speaking at the General Assembly noted concern that the NGO committee, meant to ensure inclusion of civil society at the UN, is acting in a manner contrary to its purpose.

Norway specifically highlighted,

“The continued deferral for seven years of the International Dalit Solidarity Network’s application for accreditation as an NGO with the UN ... is in our view unacceptable and the situation should be rectified.” *Norway speaking at the UN General Assembly, 2014*

For more details of this debate please read the [IDSN news piece](#). The Special Rapporteur also raised the case of IDSN at a Human Rights Council Side-event “Transforming Global Governance”, organised by CIVICUS, on March 5 2015.

IDSN submitted input to the report in July 2014. Furthermore, IDSN submitted the [IDSN’s ECOSOC case to the Urgent Appeal Mechanism](#) as an individual case for due consideration by the SR on Peaceful Assembly and Association and the SR on Human Rights Defenders in October 2014. IDSN also submitted the case as letters of allegation to the SR on Peaceful Assembly and Association in 2012 and 2014.

Furthermore, on 23 March 2015, IDSN and fourteen other international and regional NGOs sent a joint [open letter](#) to US Secretary of State, Mr. John Kerry, urging the US to take leadership in supporting IDSN’s application for UN consultative status. Please read the [IDSN news piece](#). In 2015, ISHR published a [Practical Guide to the UN Committee on NGOs](#). The Guide was launched both in Geneva and New York where IDSN’s Executive Director spoke on the case. For the [Geneva launch](#), the Vice- President of the Human Rights Council gave a speech noting concerns from several stakeholders about the large number of deferrals and perceived lack of transparency in Committees decisions on consultative status of NGOs.

In 2017, a UN [side-event](#) was held in New York, where prominent speakers addressed the fact that the NGO committee was not fulfilling its mandate and was seen to block rather than foster the participation of NGOs in UN human rights fora. In that same year, the UN High Commissioner for Human Rights has presented his Annual Report to the UN Human Rights Council. The report features concern over the continuous deferral of applications for UN consultative status from civil society organisations and includes direct reference to IDSN’s application, which has been unjustly deferred by the UN NGO Committee for 10 years.

In 2018, The EU High Representative for Foreign Affairs, Federica Mogherini, has been asked by Member of the European Parliament, Jean Lambert, to outline any specific steps that the EU has taken to proactively support IDSN’s Consultative Status at the UN to date and what plans exist for future support.

“It is extremely troubling to learn that the International Dalit Solidarity Network (IDSN), an international NGO focusing on caste-based discrimination and other forms of discrimination based on work and descent, is now the longest pending application for UN Consultative Status accreditation. IDSN’s application has now been unjustly deferred by the UN NGO Committee for over 10 years. Only recently did the UN High Commissioner for Human Rights express concern

over this specific deferral in his Annual Report to the UN Human Rights Council,” said the High Representative.

On 22<sup>nd</sup> June 2018 in New York, IDSN and 257 other NGOs issued a statement for the meeting between the ECOSOC NGO Committee and accredited NGOs, raising concern over the “practices of the Committee that have inappropriately blocked the participation of some NGOs, in particular human rights NGOs, through procedural tactics including perpetual and repetitive questioning of applicants. In addition, we are deeply concerned by the Committee having acted in direct contradiction of the procedural rights of NGOs explicitly or implicitly required under resolution 1996/31 providing them with an opportunity to respond (as required under paragraph 56) to initiatives to close applications or withdraw accreditation.”

In September 2018, In his address to the Human Rights Council, the Assistant Secretary-General for Human Rights, Andrew Gilmour, raised concern over the “*repeated deferrals and apparent lack of transparency amounting to a de facto rejection on the granting of IDSN’s UN consultative status.*”

His comments came as part of his oral presentation to the Human Rights Council on 19 September 2018, covering the report of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights.

Mr. Gilmour also voiced disappointment that he had not seen improvement in the area of reprisals over the past year on a situation he had called, “frankly nothing short of abhorrent that, year after year, we are compelled to present cases to you, the UN membership, of intimidation and reprisals carried out against people whose crime – in the eyes of their respective Governments – was to cooperate with the UN institutions and mechanisms whose mandate of course derives from you, the UN membership.”

Specifically Mr. Gilmour commented:

“In light of this trend, the Secretary-General in the report called on “the Committee to apply the criteria for assessing organizations in a fair and transparent manner ... the repeated deferrals and apparent lack of transparency in decisions on consultative status by the NGO Committee has in some cases amounted to *de facto* rejections for human rights organizations, such as in the case of the International Dalit Solidarity Network (IDSN).”

In 2019 the Chair of the Coordination Committee of Special Procedures (CC) issue a letter to the Chair of the Committee on Non-Governmental Organizations detailing the problems encountered by legitimate Human Rights Organisations wishing to obtain UN ECOSOC status.

The letter states:

“Concerns raised by special procedures mandate holders, the Human Rights Council Advisory Committee, the Secretary-General, and the High Commissioner for Human Rights in various reports and communications remain. A large and growing number of NGO applications for consultative status continue to be perceived as arbitrarily deferred based on politically motivated

and repetitive questioning by Committee members, leading to an increasing backlog for the Committee and longer waiting times for NGOs. NGOs working to promote human rights, democracy and the rule of law are particularly affected by arbitrary deferrals, which, in some cases, amount to de facto rejections. Some of them face insurmountable obstacles that appear to be arbitrary in the accreditation process, including unjustified delays, lack of transparency in the process, or obstruction. Other concerns include the absence of factually-based explanations either for continued questioning and deferral of some applications or for accusations of links to terrorism, the fact that NGOs seem to be deprived of the opportunity to respond to allegations against it in some cases, and the absence of grievance mechanisms with regard to the recommendations issued by the Committee.

Some experts have expressed that the continued arbitrary deferral of certain applications for consultative status undermines and unduly interferes with human rights guaranteed under both conventional and customary international law, namely, the rights to freedom of assembly and of association<sup>6</sup> and the rights to freedom of information and expression.

In addition, some deferrals also appear to constitute reprisals against NGOs in response to their cooperation with the UN in the field of human rights. The use of NGO activities and criticism against Member States at the Human Rights Council as a ground for not granting consultative status, which is not a ground permitted under ECOSOC Resolution 1996/31, is disconcerting.”

Also in 2019 the International Service on Human Rights (ISHR) published a news piece on their website entitled [NGO Committee | Members must reject reprisals by saying ‘not in my name](#) stating that, ‘The 2019 sessions of the NGO Committee have seen undue questioning of human rights organisations leading to the continued deferral of their applications. Amongst them the International Dalit Solidarity Network, deferred in May for the 24th time. Such deferrals have been called a form of reprisal against NGOs. Members of the NGO Committee can stop this practice by refusing to allow further questions to be asked in their name.”

### **Exclusion and reprisals against Human Rights Defenders**

IDSN is concerned that the current working methods of the NGO Committee and in our case, the continued questioning, exclude IDSN from freely associating with UN organisations in contrast to the principles of non-discrimination, equality, participation, transparency and accountability, laid out in ECOSOC resolution 1996/31 and works against the criteria for NGO participation stipulated therein

This continued and deliberate obstruction of the granting of ECOSOC consultative status to IDSN, on no legitimate grounds whatsoever, amounts to exclusion and reprisal against a civil society organization hindering its legitimate work with the UN.

### **Links to more information**

[Download the IDSN ECOSOC Factsheet for a quick overview](#)

[Read the detailed note on IDSN’s ECOSOC application process](#) with a chronological overview of all questions

[More information about the report of the UN Special Rapporteur on the exercise of the rights to freedom of peaceful assembly and of association – in relation to IDSN’s case](#)

[Joint open letter to US Secretary of State, Mr. John Kerry from IDSN and fourteen other international and regional NGOs](#) urging the US to take leadership in supporting IDSN’s application for UN consultative status, March 23 2015

[US: Protect freedom of expression at UN for human rights organisation fighting caste-discrimination](#), ISHR news article March 25 2015

[The International Service for Human Rights](#) highlighted IDSN’s battle to obtain ECOSOC consultative status

[European Parliament Resolution on Caste-based Discrimination October 2013](#)

(P7\_TA(2013)0420)

The European Parliament stresses the need “to promote an enabling environment for civil society and human rights defenders working with people affected by caste discrimination in order to ensure their security and avoid any impediments to, or stigmatization or restriction of, their work; stresses that such an environment should include access to funding, cooperation with UN human rights bodies and Economic and Social Council (ECOSOC) accreditation.”

Read the [open letter](#) to the ECOSOC members sent by IDSN and other affected NGOs being blocked from gaining ECOSOC status