

Training segment: 10

Agenda item: 2.5.

Remedies: What can you ask for?

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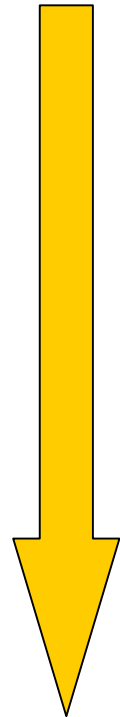


Ресурсно-аналітичний центр
"Суспільство і довкілля"

Resource & Analysis Center
"Society and Environment"



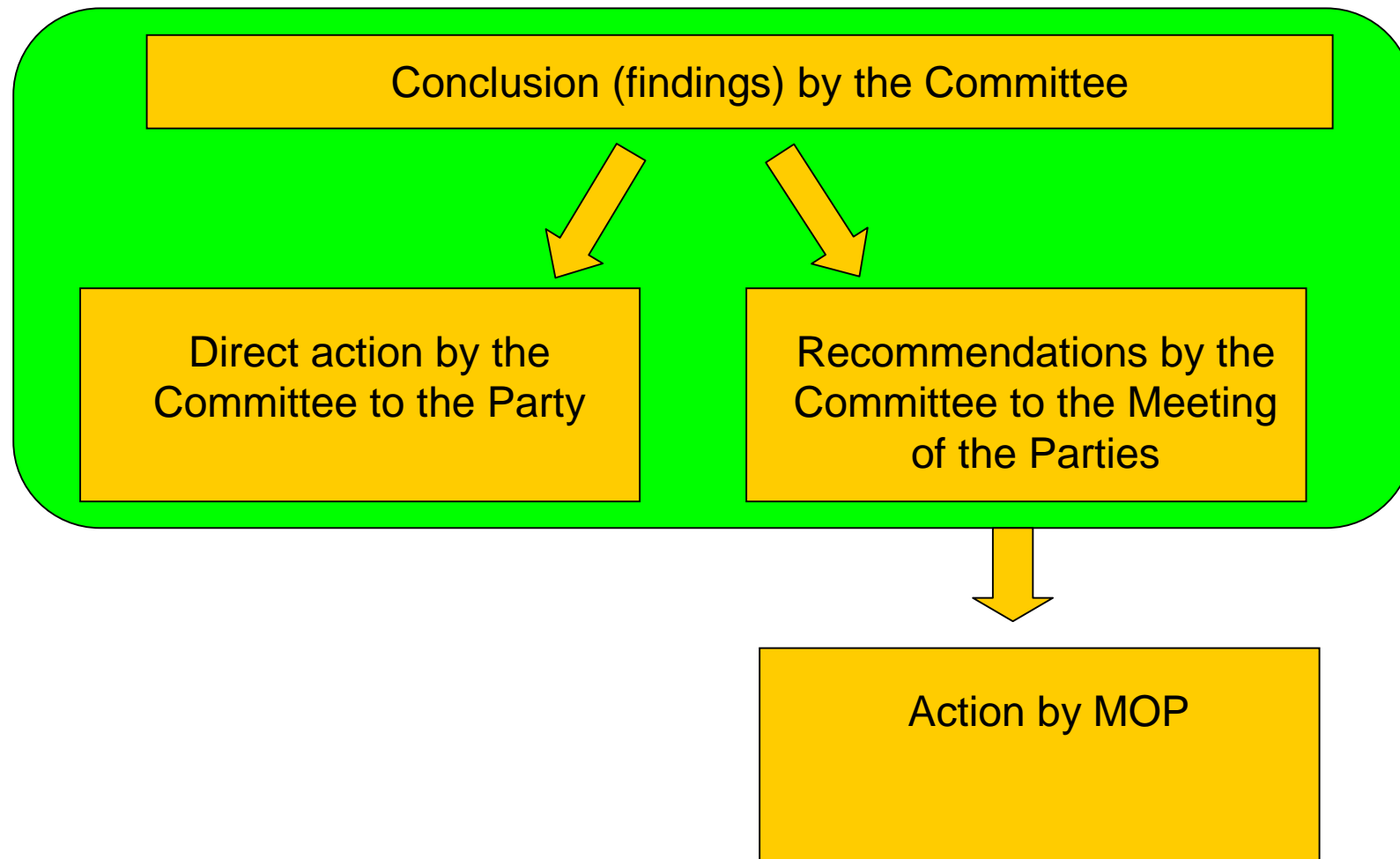
1. “Final” Measures



- a) Provide advice and facilitate assistance to individual Parties regarding the implementation of the Convention;
- b) Make recommendations to the Party concerned;
- c) Request the Party concerned to submit a strategy, including a time schedule, and to report on the implementation of this strategy;
- d) In cases of communications from the public, make recommendations to the Party concerned on specific measures to address the matter raised by the member of the public;
- e) Issue declarations of non-compliance;
- f) Issue cautions;
- g) Suspend the special rights and privileges accorded to the Party concerned under the Convention;
- h) Take such other non-confrontational, non-judicial and consultative measures as may be appropriate.




2. Who takes them?





2. Who takes them?

- a) Provide advice and facilitate assistance to individual Parties regarding the implementation of the Convention;
- b) Make recommendations to the Party concerned;
- c) Request the Party concerned to submit a strategy, including a time schedule, and to report on the implementation of this strategy;
- d) In cases of communications from the public, make recommendations to the Party concerned on specific measures to address the matter raised by the member of the public;
- e) Issue declarations of non-compliance;
- f) Issue cautions;
- g) Suspend the special rights and privileges accorded to the Party concerned under the Convention;
- h) Take such other non-confrontational, non-judicial and consultative measures as may be appropriate.




3. What influences the choice of measures?



“depending on the particular question ... and taking into account the cause, degree and frequency of the non-compliance”

I/7, p.37



3. What influences the choice of measures?



- Issue
- Cause
- Degree
- Frequency



4. What you should not ask for?

- Not a place to get a redress
- Not a place to challenge decisions by national courts
- Not a place to ask for interpretation of national laws



4. What you should not ask for?

- Non-confrontational (amicable)
- Non-judicial
- Consultative nature

- Article 15, AC



5. What you can get?

- Conclusion (findings) by the Committee on non-compliance (violation)
 - Gravity
 - Frequency
 - Cause
- Action (measure) in relation to a state





5. What you can get?

- The practice may change
- Basis for revision of a national decision
- Additional argument (expert statement) for national court procedures
- Political impact
- Encouragement, including to other NGOs